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Democracy and Human Rights in Haiti

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Introduction

As on so many prior occasions in its two hundred year history, the Republic of Haiti is once again beset by crisis. The elected president has been overthrown, and the country lacks even a functioning parliament. Armed bands on both sides of the political divide intimidate opponents. Murders of journalists and political activists have not been properly investigated. And foreign troops have returned to restore order.

The easy explanation is to attribute the crisis to an individual. President Jean-Bertrand Aristide did not live up to the expectations of most of the people who originally swept him into office in a December 1990 landslide – or, to use the Haitian Creole metaphor, *lavalas* (cleansing flood). Haiti's economy is in worse shape than ever before. Its Human Development Index is by far the lowest in the Americas. Corruption remains as entrenched as ever. And far from becoming a symbol of unity, like Nelson Mandela in South Africa, President Aristide became a symbol of partisan division.

Yet as this report demonstrates, Haiti's crisis is far more the product of a dysfunctional society than of the personal shortcomings of any individual. Overshadowing all of Haitian history has been the legacy of a particularly cruel form of slavery. Fearing revolt by a slave population that outnumbered French colonists by more than ten to one, planters maintained control by two means. One was the infliction of horrifying punishments. Contemporary accounts tell of slaves being crucified on planks, buried alive, thrown into boiling caldrons of cane syrup, or rolled down hillsides in barrels studded with spikes. The other was creation of a class of freed slaves of lighter skin color, who were used to keep the black slave population in submission under appalling conditions.

The successful slave revolt that established the second republic in the hemisphere got rid of the white colonists, leaving behind a highly unstable social structure that has persisted to the present. At the top of the social pyramid is a relatively small part of the population that is educated, prosperous, urban, and mostly lighter-skinned (mulatto). At the bottom is the vast majority of the population, which is black, mostly illiterate, economically destitute, and either rural or living in urban shantytowns.

Continuous and often violent conflict between those two groups has racked Haiti throughout its history, making sustained economic development all but impossible. Political power has alternated between black populists and representatives of mulatto elites. Since neither recognizes the legitimacy of the other, each side has resorted to force to try to hold on to power. Aristide's armed gangs are but contemporary counterparts of President Faustin Soulouque's *zinglins* and President Lysius Salomon's *volontaires*, similarly used to intimidate the Port-au-Prince elites during the 1800s.

Though the country's urban elites present themselves to foreigners as committed democrats, they are in fact very uncomfortable with the concept of universal suffrage. Given Haiti's demographics, the principle of "one person, one vote" is a recipe for black populism. Contrary to a common misperception, Aristide was not the first freely elected black populist. He was preceded by Dumarsais Estimé in 1946 and François ("Papa Doc") Duvalier in 1957. Though he came to power in a free election, Duvalier later made himself "president-for-life," building

one of the bloodiest dictatorships in Haitian history. Mulattos and their black allies, on the other hand, have not fared well in national elections. That history goes a long way toward explaining why the "democratic" forces arrayed against Aristide have for many years sought any excuse to avoid taking part in elections.

Another lesson from Haitian history is that no black populist president has ever been secure in office. Like Aristide in 1990, Estimé was overthrown by an army acting on behalf of the Port-au-Prince elites. It was to head off such a fate that Duvalier, who had been Estimé's minister of health, developed the *tonton macoutes* who terrorized opponents into submission. To date, Duvalier's terror has been matched only by the terror of the military "de facto" regime that overthrew Aristide with the blessing of much of the Port-au-Prince elites.

Haiti's great tragedy is that neither side has produced a Nelson Mandela or Martin Luther King, Jr., capable of reaching across the divide. That Aristide was once thought capable of the task has only increased the sense of disappointment.

But the forcible removal of Aristide before the end of his term is unlikely to bridge the divide. Like the overthrow of Estimé, it will further embitter the Haitian underclass, and inflame racial antagonisms. Moreover, as on almost three dozen prior occasions in Haitian history, it has already reinforced the message that the way to get change is by force rather than ballots.

There can be no lasting solution to the Haitian crisis that does not address its root causes. Those are the continuing tensions between mulattos and blacks, and the appalling neglect of the most basic needs of the country's impoverished majority. Unlike South Africa, Haiti is not blessed with the natural resources and wealth that could begin to address that task. That is one of many reasons for the failed promise of Aristide.

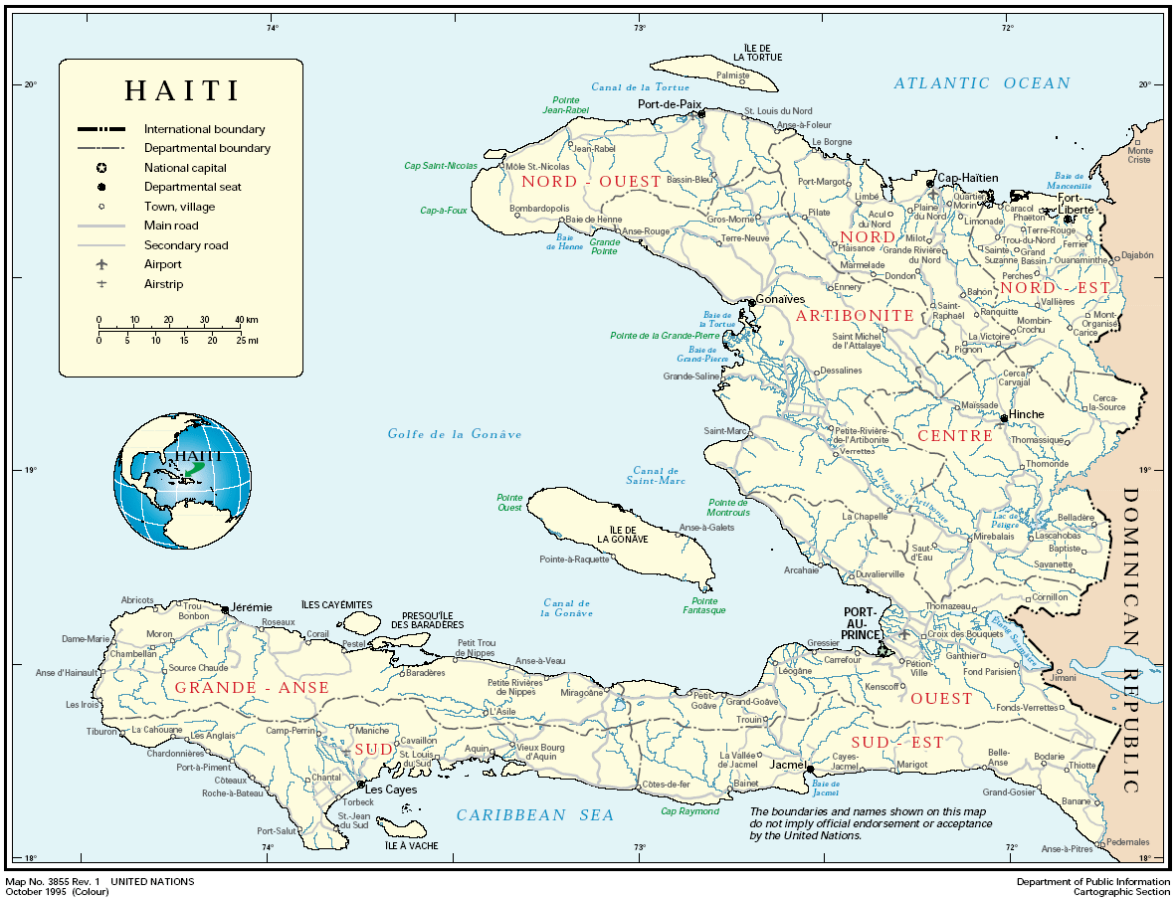
Without substantial aid from abroad, no Haitian leader will be capable of meeting the challenge. The joint UN/OAS mission that oversaw training and professionalization of the police in the late 1990s should be restored in order to assure the safety of all citizens. Internationally-supervised elections should be held for a new parliament. And the flow of economic aid from abroad must be restored, but this time with effective international supervision to prevent graft.

Among Haiti's desperate needs: an effective and nonpartisan criminal justice system; ensuring that every child goes to school; reversing the deforestation that is eroding away the country's soil; rebuilding roads that have become almost impassible; restoring dependable electricity service; and fostering the stability that is required to attract foreign investment.

President Aristide was right in emphasizing France's special obligation to Haiti. First, because of the particularly brutal nature of French slavery, with its legacy of a nation torn by class divisions along racial lines. And second, because the French bankrupted Haiti in the 1800s by requiring that a nation of former slaves pay 90 million gold francs to compensate former masters for their losses.

But the U.S. has a major stake in Haiti too, with a failed state at its doorstep. If nation-building makes sense in even more difficult circumstances such as Afghanistan, Iraq, and the Balkans, why not in nearby Haiti?

Haiti: Basic Facts



Map of Haiti (UN 1995)

Haiti is a republic about the size of Maryland. It occupies the western third of the island of Hispaniola, which it shares with the Dominican Republic. The name Haiti comes from the indigenous Taino-Arawak word *ayti*, meaning "mountainous." The name Hispaniola comes from the Spanish *Isla Española* – "Spanish Island" – reflecting the period of Spanish occupation that began with landfall by Christopher Columbus in 1492.[1]

The country has over eight million inhabitants.[2] The capital city – Port-au-Prince – is by far the largest urban area, with a population of about 1.8 million. That is more than fifteen times the population of the next largest city, Cap-Haïtien, which has about 116,000 inhabitants. Gonaïves is next, with 85,000, followed by Les Cayes with 50,000.[3]

Haiti has two official languages: Creole (*Kreyòl*), described as the language that unifies all Haitians, and French. Creole is spoken by virtually all Haitians; French by only about 10 percent of the population. Though both languages are official, almost all government documents and legal proceedings are in French. There are three reasons for this. Until recently there has been no generally accepted standardized way of writing Creole. French is also favored because it is a major international language, and because it is the language of the

elite. Fluency in French is a “more important criterion than skin color for membership in the Haitian elite,” according to a Library of Congress study. That severely limits economic, intellectual, and political opportunities for the vast majority of the population.[4]

Like the Republic of Haiti itself, the Haitian flag has its origins in the French Revolution. It was the French Revolution that triggered the slave revolt that led to independence. That is commemorated not only by adoption of “Liberty, Equality, Fraternity” as the national motto, but by incorporation of two of the three colored bands of the French republican flag in the Haitian flag. Originally, the red and blue bars were vertical, as in the French tricolor. The central white bar was removed, symbolizing elimination of the “white” part of society during the war of liberation. In 1820, the bars were rotated to a horizontal position. Then, in 1964, dictator François Duvalier rotated them back to a vertical position, and substituted a black bar for the blue bar, as part of his *noiriste* (black power) efforts to capitalize on racial tensions between majority blacks and minority mulattos. Following the overthrow of his son Jean-Claude Duvalier in 1986, the country returned to the horizontal blue-and-red flag, with the coat of arms in the center.[5]

Historical Background: Slavery's legacy – racial tension, chronic violence, poverty

A French colony built on slavery, race laws, and terror

Haiti was populated by Tainos (Arawaks, or Caribs) when Christopher Columbus made landfall on its northern coast in 1492. Finding the natives "peaceable" and "gentle," he concluded that they would make ideal servants:

> They bear no arms and are so completely defenseless and of no skill in arms, and very cowardly, so that a thousand would not face three; and so they are fit to be ordered about and made to work, to sew and do all else that may be needed.[6]

The Spaniards enslaved the Tainos, making them work on sugarcane plantations and in mines. Brutal treatment, and the spread of smallpox to a population that lacked resistance to the infection, soon decimated the native ranks. By 1508, a Spanish census counted 60,000. In 1514, the number had declined to 14,000. By 1533, there were only 600.[7] To replace the dwindling natives, the Spaniards, and later the French, brought in African slaves.

A century later, Hispaniola began undergoing a de facto partition between the two European powers. French buccaneers settled on the island of La Tortue (Tortuga) off the northern coast of what is now Haiti in 1630. By 1659, France assumed direct control of La Tortue, and began extending its settlements into what is now northern Haiti. In a 1697 peace treaty, Spain recognized French sovereignty over western Hispaniola. The French third of the island was known as Saint Domingue, the Spanish two-thirds as Santo Domingo (corresponding to the present-day Dominican Republic).[8]

The French began importing slaves in 1633. By 1681, there were more than 10,000; and by 1791, over half a million. Under Louis XIV's *code noir* ("black code") of 1685, masters could inflict corporal punishment (including whipping) on unruly slaves, but could not torture, mutilate, or kill them, nor could they have sex with their slaves. Slaves had a right to marry, to be tried for serious offenses, and to keep their families together. Significantly, masters could free their slaves (*affranchissement*), and the freed slaves (*affranchis*) had "the same rights, privileges and immunities of persons born free."[9]

For the most part, the code was ignored. Masters could not be stopped from having sex with their slaves. The children of such liaisons formed an intermediate race of mulattos (*mulâtres*). Naturally, masters were most likely to free their own children, so mulattos soon made up the bulk of the class of freed slaves. By 1790, there were 28,000 freed slaves, almost three-quarters the number of Europeans (40,000).[10]

The code was likewise ignored in inflicting arbitrary and torturous punishment on slaves. As the secretary to insurgent leader Henry Christophe would write years later:

> Have they not hung up men with heads downward, drowned them in sacks, crucified them on planks, buried them alive, crushed them with mortars? Have they not forced

> them to eat shit? And, after having flayed them with the lash, have they not cast them alive to be devoured by worms, or onto anthills, or lashed them to stakes in the swamp to be devoured by mosquitoes? Have they not thrown them into boiling caldrons of cane syrup? Have they not put men and women into barrels studded with spikes and rolled them down mountainsides into the abyss?[11]

It is significant that the violence and brutality that has characterized so much of Haitian history had its origins in the behavior of European planters fearful of slave revolts.

Until they gained the means to respond in kind, large numbers of slaves fled into the mountains. By the mid-18th century, there were thousands of fugitive slaves. Known as *marrons* ("maroons," French for a domesticated animal run wild), they formed their own fortified settlements, raiding plantations in the lowlands, and retreating when necessary to sanctuaries behind the Spanish border. *Marronage* kept alive African cultural traditions that would become the basis for *Vodou* (Voodoo) religious practices and the Creole language. It also showed that freedom was a viable option, and helped train leaders for an eventual slave insurrection.[12] The tradition has endured to the present as a common response to oppression. During the military government of the 1990s, for example, thousands of Haitians went *en marronage* (in hiding).[13]

To confront the threat posed by the *marrons*, the French formed the *Corps de Maréchaussée*, composed exclusively of freed slaves. The *Maréchaussée* was to hunt down fugitive slaves and suppress the *marrons*. In other words, free mulattos were required to do the dirty work to sustain the institution of slavery, by pursuing blacks who had escaped slavery. This had two effects. One was to foster racial enmity between blacks and mulattos that persists to this day. The other was to provide the mulattos with military skills that would prove dangerous to the white planters.[14]

The rift between whites and freed slaves grew out of European racism. The freed slaves wanted nothing better than to forget about their slave past, and assimilate into European culture. Many became wealthy, acquiring land and slaves of their own. Virtually all of them sought to speak French, wear European clothes, and become part of French society. But that was not to be. Beginning in 1734, whites were forbidden to marry freed slaves. Further laws barred freed slaves from the priesthood, law, medicine, pharmacy, schoolteaching, and public office. They could not eat with whites, or have European names, or wear swords and sabers, or gather together "on the pretext" of weddings, feasts, or dances. Upon reaching maturity, all males had to serve for three years in the *Maréchaussée*, under French officers. Freed slaves also were obligated to take part in the *corvée*, forced labor for the maintenance of highways.[15]

Revolution, slave insurrection, and racial warfare

This was a volatile mix, needing but a spark to set off a social explosion. That spark was provided by the French Revolution, with its Declaration of the Rights of Man and the Citizen, and its cry of *Liberté, Égalité, Fraternité*.

When colonial leaders sided with French deputies in their confrontation with the king, the grateful deputies recognized the principle of colonial representation. But when the colonists

tried to obtain representation based on the total populations of the colonies, the revolutionary leader Honoré Gabriel Victor Riqueti, Comte de Mirabeau, laid bare the contradiction between democracy and slavery:

> You claim representation proportionate to the number of the inhabitants. The free blacks are proprietors and taxpayers, and yet they have not been allowed to vote. And as for the slaves, either they are men or they are not; if the colonists consider them to be men, let them free them and make them electors and eligible for seats; if the contrary is the case, have we, in apportioning deputies according to the population of France, taken into consideration the number of our horses and our mules?[16]

On March 8, 1790, responding to petitions from the "free citizens of color" of Saint Domingue, the French National Assembly extended suffrage to "all persons aged 25, owning property, or failing property ownership, to taxpayers of ten years standing." Blocked in his efforts to obtain compliance in Saint Domingue, the mulatto Vincent Ogé led several hundred freed slaves in a revolt that was brutally suppressed in 1791. The authorities broke Ogé's arms, legs, and ribs, then attached him to a wheel to die a slow painful death. That ensured that mulattos would be at odds with whites in the ensuing conflict.[17]

Later that year, on August 22, 1791, a plantation headman and *Vodou oungan* (minister) named Boukman led a massive slave insurrection in northern Saint Domingue. Tens of thousands of slaves armed with pruning hooks, machetes, and torches rampaged through the plantations, setting them ablaze, and slaughtering whites and mulatto members of the *Maréchaussée*. Responding in kind to the tortures inflicted on slaves by their French masters, the rebels ripped the flesh out of their captives with red-hot pincers, and cooked them over slow fires. Boukman himself was captured, and, like Ogé, ended with his severed head impaled on a pike for all to see. But the insurrection itself could not be suppressed.[18]

On April 4, 1792, the French Jacobins made King Louis XVI promulgate a decree granting full and equal political rights to all freed slaves of Saint Domingue. The revolutionaries dispatched three commissioners and an army to enforce the decree. Taking charge was commissioner Léger-Felicité Sonthonax, a radical 29-year-old Jacobin. Using the decree to mobilize support among the mulattos, he reestablished order throughout most of the colony. But when faced with an unexpected challenge from royalist forces in 1793, he personally expanded the offer: any slave who took up arms for the Republic would be free. With thousands of black troops, Sonthonax retook Cap Français from the royalists. Then on August 29, 1793, Sonthonax, who had been sent only to enforce equality for the freed slaves, decreed an end to slavery, which he justified by reference to the Declaration of the Rights of Man and the Citizen: "The Republic desires liberty and equality among all men regardless of color: kings are content only amid slaves. The Republic adopts you among its children." Sonthonax thereby forced the hand of the National Convention in Paris, which on February 3, 1794 abolished slavery not just in Saint Domingue, but throughout the territory of the Republic.[19]

With France at war with its neighbors and its colony deeply divided, Britain and Spain moved to conquer Saint Domingue, assisted by black troops whom they armed to fight against a common enemy. But the French abolition of slavery caused a key black general to shift allegiance from Spain to France, since both Britain and Spain were reestablishing slavery on conquered land. François Dominique Toussaint Bréda was a former slave who had been

educated by a caring master. Beginning with Boukman's rebellion, he had emerged as a brilliant military and political leader, replacing the name Bréda with L'Ouverture, in allusion to "the opening" he was said to bring through his battlefield triumphs. In May 1794, after receiving word of the abolition of slavery by the National Convention, Toussaint sided with the French revolutionaries, restoring much of central Saint Domingue to the tricolor. After rescuing the imprisoned French governor from a mulatto general in Cap Français, Toussaint was made lieutenant governor of Saint Domingue, giving formal recognition to his growing power.[20]

Toussaint then consolidated his power. In 1796 he helped get the governor and Sonthonax elected as deputies to the new French legislature, thereby also clearing the way for his own ascendency. By 1797 he was the commanding general of the French armies. With Spain having already made peace with France, Toussaint secured the British withdrawal from Saint Domingue. And though the French Directory had sent another commissioner, Gabriel-Marie-Théodore-Joseph Hédouville, to reestablish its authority, Toussaint sent him packing in 1798. Before departing for France, Hédouville struck back by promoting the mulatto general André Rigaud to equal rank with Toussaint, making him independent governor of the south.[21] As he then reported to the Directory, the only hope of checking Toussaint L'Ouverture was "to create germs of division between them, to embitter the hate which exists between the mulattos and the blacks, and to oppose Rigaud to Toussaint."[22]

The outcome was civil war between Toussaint's blacks and Rigaud's mulattos. Hostilities began in June 1799, culminating with Toussaint's victory in August 1800. Toussaint then instructed one of his generals, Jean-Jacques Dessalines, to purge Rigaud's troops. Dessalines slaughtered some 300 prisoners in Léogane, and another 50 in Port Républicain (the revolutionary name for Port-au-Prince, since princes had gone out of political fashion), almost all of them officers. Toussaint then objected "I said to prune the tree, not to uproot it."[23]

Toussaint's remark has particular significance to recent Haitian history, because of the widespread use of the Creole term *dechoukaj* – literally "uprooting," – to describe violent actions taken by mobs against persons linked to the Duvalier and military dictatorships. Where Dessalines carried out an early form of *dechoukaj* against mulatto officers, Toussaint counseled greater restraint.

Having secured control of Saint Domingue, Toussaint set his sights on neighboring Santo Domingo. On January 21, 1800, the Spanish governor handed over the colony, and the island of Hispaniola was unified under his leadership.[24]

With his authority consolidated but the country in ruins, Toussaint instituted a system known as *fermage*. The state took possession of the plantations, leasing them to government officials and military officers. The former slaves were required to return to the plantations as cultivators, subject to strict discipline, and prohibited from leaving. They were entitled to a quarter of the revenue, in addition to room, board, and medical care. The rest was split between leaseholders and the government. Inspired by the French model of slavery and *code noir*, *fermage* set precedents that would long endure – an all-powerful chief of state; military control of the countryside; and the right of government officials to use their positions for personal enrichment.[25]

In 1801, Toussaint convened an assembly of hand-picked men to draft the island's first constitution. Promulgated in July, it named Toussaint governor-general-for-life, prefiguring Haiti's many presidents-for-life. Though it abolished not only slavery but formal racial distinctions, many former slaves feared that *fermage* would lead to restoration of slavery. Once again, plantations erupted in revolt. Toussaint used his army to suppress the revolts, then ordered many of the rebels executed. Toussaint's repression of the blacks, in part intended to protect whites and mulattos, cost him support with his political base, making him more vulnerable just as the revolutionary tide was turning in France.[26]

By this time Napoleon had seized power in France. Toussaint, at first mistakenly seeing Napoleon as a revolutionary strongman like himself, addressed a letter to him *Le premier des noirs au premier des blancs* ("The first of the blacks to the first of the whites"). Napoleon, who held strong racial prejudices, was not amused. After concluding peace with Britain, he sent his brother-in-law, Gen. Victor-Emmanuel Leclerc, at the head of more than 20,000 troops, to "annihilate the government of the blacks in St. Domingue" and reintroduce slavery. Arriving in early 1802, Napoleon's battle-hardened troops quickly gained the upper hand. Following a last-ditch defense at a British-built fort in the Artibonite, in which hundreds of French soldiers perished, the principal black leaders came to terms with the invaders. Toussaint retired to his plantation, only to be arrested in June and shipped to France, where he died in prison the following year.[27]

But there were still 140,000 muskets in the hands of the blacks, and yellow fever and malaria decimated the ranks of the French army. Napoleon signed a decree reestablishing slavery on May 20, and additional edicts stripped mulattos of the civil and political rights they had won. Leclerc, now down to 8,500 troops, did not try to enforce the new laws, but word of their application in nearby Guadeloupe reached Saint Domingue. As the hinterlands again rose in revolt, Leclerc reported to Napoleon's naval minister that "The blacks are persuaded...that we intend to enslave them....These people won't surrender...." In desperation, he relied on his black generals to maintain some semblance of order. "Dessalines is my butcher," he told Napoleon in September, as Dessalines cut the throats of 300 blacks and mulattos to avenge the murder of a few Frenchmen.[28]

By the end of the year, Leclerc himself had succumbed to malaria and yellow fever. He was succeeded by General Donatien-Marie-Joseph de Vimeur, Comte de Rochambeau, who sought to restore slavery and subdue the population through a return to terror. At Port Républicain (Port-au-Prince), for instance, he invited mulatto women to a grand ball. At midnight, he called a halt to the dancing and summoned the women into a neighboring apartment with black draperies and coffins. "You have just assisted at the funeral ceremonies of your husbands and brothers," he told them. French troops shot and drowned blacks and mulattos by the hundreds. They chained sixteen of Toussaint's generals to a rock where they died agonizing deaths over seventeen days. They drowned the wife and children of General Maurepas before his very eyes, then nailed epaulets into his naked shoulders. Maurepas had been the only black general never to have been a slave; he was literate, cultured, and humane.[29]

As the terror intensified, the revolt gained ground, and the principal black and mulatto leaders again rebelled. On May 18, 1803 at Arcahaie, blacks and mulattos united, brought together by

Napoleon's moves against them. They were led by Dessalines, who symbolically ripped the white center bar out of the French Republican flag to form the red-and-blue flag of the nascent state of Haiti. By the end of 1803, Dessalines had defeated the remaining French forces at Cap Français (today's Cap Haïtien), and the new country was a de facto reality.[30]

Independence, authoritarianism, and land reform

On January 1, 1804, Dessalines proclaimed independence in *Gonaïves*, formally naming the country Haïti. The final text of the declaration was written by Boisrond Tonnerre, who impressed Dessalines with his statement that "to draw up the Act of Independence, we need the skin of a white man for parchment, his skull for a writing desk, his blood for ink, and a bayonet for pen."[31]

Following Toussaint's example, Dessalines became governor-general-for-life. Then, over the next few months, he engaged in counter-terror, systematically slaughtering French men, women, and children by the thousands. Just as he had ripped the white out of the flag, he ripped the white out of the country's racial mix, leaving only blacks and mulattos. That also removed most of the repository of education and skill that would be needed to rebuild the country.[32]

In October 1804, emulating Napoleon, Dessalines had himself crowned as Emperor Jacques I. The following year, having, he said, "decided to recognize as borders only those traced by nature and the seas," and "to destroy even to the last vestiges the European idol," he invaded Spanish Santo Domingo with a large army, but was unable to seize the capital. He nevertheless laid waste to the country, killing and torturing inhabitants, slaughtering livestock, and burning buildings without discrimination. Thus began two centuries of fear, suspicion, and antipathy between the two countries that share the island of Hispaniola.[33]

In 1805, Dessalines proclaimed the country's first constitution, which entitled him to designate a successor, and changed the national colors to red and black. Prefiguring the *noirisme* of Duvalier, it declared that all Haitians were to be known as *noir* (black). That alienated mulattos. Dessalines also alienated blacks by binding them once again to the plantations as "cultivators," under army discipline. "Cultivators," he said, "can be controlled only by fear of punishment or death. I will lead them only by those means." Following a revolt by his generals, Dessalines was killed by his own troops in October 1806.[34]

With Dessalines out of the way, two of his generals vied for power – the mulatto Alexandre Pétion and the black Henry Christophe. Because neither was able to prevail in the ensuing civil war, the country was divided. Christophe ruled the north from Cap Haïtien, Pétion the south from Port-au-Prince. Both were autocratic, with Pétion having himself designated president-for-life, and Christophe having himself crowned as king, both with power to choose their successors.[35]

Though neither man had the brutality of Dessalines, there were major differences in the way they ruled. Christophe was a stern disciplinarian, who once again bound "cultivators" to the land, with military overseers to ensure efficiency. The milder-mannered Pétion, on the other hand, redistributed land, restoring the holdings of the freed slaves, and parceling out the

remaining plantations to his officers and soldiers (the latter receiving 9.45 acre plots). Release from compulsory labor appealed to the former slaves, but, for a couple of reasons, set the Haitian economy on the road to ruin. First, because the population had come to equate hard work with slavery, there was little motivation to produce for more than immediate needs. Thus Haiti switched from an export economy to a primarily subsistence economy, with little or no capital to invest in economic development. Second, because family plots would get subdivided with succeeding generations, until they were overworked and could not properly support a family. Underscoring the problem was the contrast between Christophe's prosperous kingdom of the north – flush with foreign exchange earnings from sugar – and Pétion's bankrupt Republic in the south. After Christophe suffered a paralyzing stroke in 1820 and then committed suicide to avoid capture and execution, his kingdom was reincorporated into the republic of the south, whose more popular agricultural regime spread to the north. When Jean-Pierre Boyer, another mulatto who had succeeded Pétion upon the latter's death in 1818, entered Cap Haïtien, he found £11 million in the treasury. Within three years, that surplus would vanish to cover the chronic deficits of the Republic.[36]

In 1821 Santo Domingo declared its independence from Spain and sought recognition from Haiti. Instead, President-for-Life Boyer invaded, and this time succeeded in unifying Hispaniola for 18 years. The takeover intensified the enmity caused by Dessalines' brutal invasion. Boyer insisted on applying the Haitian constitution of 1816, which still included Dessalines' provision that all citizens were to be known as *noirs* (blacks), and that whites could not own land. Yet Santo Domingo had a racial composition very different from Haiti: 40 percent white, 40 percent mulatto, and only 20 percent black. Moreover, its culture was more Spanish than French and African, and had never known slavery on the scale experienced in Haiti. The occupation further contributed to Dominican fear and distrust of Haitians.[37]

Another of Boyer's contributions was the *Code Rural*, a belated effort to restore discipline and motivation to rural Haiti. Enacted in 1826, it provided that all Haitians except elites and the army were cultivators, attached to the soil with a duty to cultivate it. The army would enforce it. Pétion's land reform, however, made the code anachronistic and unenforceable.[38] So its only real effect was to solidify military control of the countryside.

> Each department came under a general; each town had its *général de place*. With unquestioned powers of life, death, and larceny, these worthies ruled all they surveyed. And the only provisions of Boyer's code that stuck were those that codified rural Haiti – the whole country outside the gates of Port-au-Prince – into the governance of the army.[39]

Summarizing the legacy of Pétion and Boyer, the Heinls concluded:

> The plantations of Dessalines and Christophe had lapsed into a collection of truck gardens growing subsistence crops for a nation of peasant *noirs* with a static, village-based economy. Haiti had no need to develop a national market to unify or safeguard the traditional way of life. The sea provided highways to make up for the ruin of those built by the French. There was no requirement for a national economy or a nationwide transportation system. No economic, political, or social necessity was at work to challenge or modernize Haiti's primitive Africanized folkways. Power was now firmly vested in the elite and in the army, the one almost exclusively *mulâtre*, the other almost wholly *noir*. Each group was self-centered, self-serving, and self-perpetuating. Loyalties

were personalized, paid to men not institutions. That there could be a public interest overriding individual interests was inconceivable. Writing of the men of these times, Jean Price-Mars remarked: "They were all, such as they were, the products of slavery, whether they had been slaves themselves or were *affranchis*. They were all habituated to trickery, dissimulation, lying, and vengefulness."[40]

Mulatto elite rulers vie for power with black populists

With mulattos holding a virtual monopoly of the country's more lucrative civil positions, the almost all-black army became a primary avenue of social advancement for blacks. With guns in the hands of a large army (32,000 men in the mid-1820s) that served as a nationwide system of social control, and that was increasingly under black command, it was inevitable that black officers would rise to positions of political power. That is exactly what happened in 1847, when, after almost half a century of mulatto presidents, General Faustin Soulouque became president. Soulouque's position as head of the palace guard under President Jean-Baptiste Riché, who died in office, facilitated the succession.[41]

Soulouque was neither the first nor last to experience the precariousness of being a black president in a racially divided country, most of whose skilled and educated citizens were mulatto. To bolster his position, he organized a paramilitary force of lower-class partisans known as *zinglins*. After disclosure of mulatto plots against him, Soulouque dismissed his mulatto cabinet. When the Port-au-Prince elite protested, Soulouque's army and *zinglins* massacred hundreds of them. In 1849, Soulouque had himself crowned emperor. As a sign of his immersion in black culture, Soulouque was the first president to openly accept *Vodou*. But in 1859, after an ill-fated attempt to re-conquer the Dominican Republic, he was overthrown.[42]

His mulatto successor, Fabre Geffrard, likewise had himself named president-for-life. This recurring pattern of presidents-for-life reflected an attempt by Haitian rulers to rationalize incompatible principles. Monarchical rule seemed the only way to achieve relative stability in an extremely unequal society. Yet the nation was founded on democratic norms inherited from Republican France, norms designed by and for a powerful middle class that Haiti lacked.

Geffrard, however, tried a kinder, gentler model of authoritarian rule. He was honest and moderate. He invested in education, establishing high schools, founding a law school, and reorganizing the medical school. He won recognition of Haiti by the United States under President Abraham Lincoln. But he was forced out of office by plotters in 1867, arguably the victim of his own moderation, and of having trapped himself in the president-for-life formula that offered no graceful exit. His successor, Albert Salnave, likewise designated himself president-for-life, but was driven from office in 1869 and executed. But President Jean-Nicolas Nissage-Saget (1870-1874) set a precedent by becoming the first chief executive to leave office peacefully at the conclusion of his four-year term.[43]

1879 saw the return of a black to the presidency, in the person of Lysius Salomon. Salomon had served in Soulouque's cabinet, but was forced into a twenty-year exile by a succession of mulatto presidents. Installed in the presidency by the predominantly black army, he faced the hostility of the Port-au-Prince elite. Like Geffrard, he was a reformer. He sought French assistance to improve education and set up a national bank. He also brought Haiti into the

international postal system. But remembering what had happened to Soulouque, he also turned to the French to beef up his army, purchasing the first machineguns. When, in 1883, elite students from the medical and law schools assassinated the general in charge of Port-au-Prince, Salomon armed the *volontaires* ("volunteers," successors to the *zinglins*) and set them loose on the city. In the *semaine sanglante* ("bloody week"), they burned the town and massacred thousands of mulattos. Five years later, with his government bankrupt from the cost of suppressing revolts, Salomon was forced from office like his predecessor Soulouque.[44]

By the turn of the century, the U.S. was fast becoming the hegemonic power in the Western Hemisphere. Following the Spanish-American War, the U.S. acquired Puerto Rico and imposed the Platt Amendment on Cuba. In 1903, it supported a rebellion that separated Panama from Colombia, and led to construction of the Panama Canal. In his annual message to Congress in 1904, President Theodore Roosevelt characterized the U.S.' new role as follows:

> All that this country desires is to see the neighboring countries stable, orderly, and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power.[45]

Against this standard, developments in Haiti caused mounting anxiety. Even when events took a turn for the better, it was not for long. After becoming president in 1911, Cincinnatus Leconte paved streets, boosted pay for teachers, installed telephone lines, and shrunk the army. But he died in a palace explosion before the reforms could make much headway. In 1913, Michel Oreste became the nation's first civilian president, but was overthrown within a year.[46] More typical of the period was a quick succession of presidents who seized power by force of arms, only to be undermined by new revolts and chronic bankruptcy. In 1915, events took a serious turn for the worse when another black northern general, Vilbrun Guillaume Sam, seized power. A few months later, as he was himself being unseated, he ordered a macabre slaughter of 167 political prisoners, most from elite families. In response, a mob of relatives and friends of the victims entered the French legation where he had sought asylum, and butchered him as well, then paraded his body parts through the streets.[47]

U.S. occupation

The disorder led to the initial landing of U.S. Marines, initiating a 19-year occupation (1915-1934). The Marines disarmed Haitian soldiers, paid them off, and sent them home. The army was eventually dissolved, and replaced by the *Gendarmerie d'Haïti*, a police force trained and led by Marine officers. Renamed the *Garde d'Haïti* in 1928, it rid the country of private arsenals, ushering in a period of relative peace and stability. Using customs receipts, the U.S. also modernized the country – building roads, airports, telephone networks, hospitals, sewers,

and inoculating the population against contagious diseases. The economy prospered for the first time since independence.[48]

Despite significant improvement in physical conditions, the occupation became increasingly unpopular because of a failure to comprehend Haitian cultural, racial, and national sensitivities. Seeking educated, conservative leaders, the occupying authorities naturally gravitated toward Port-au-Prince's French-speaking mulatto elite. The U.S. all but dictated the election of mulatto Philippe Dartiguenave to the presidency, despite his lack of a domestic political base. The process was repeated with the election of mulattos Louis Borno (who used the *Garde d'Haïti* to suppress *Vodou*) in 1922, and Sténio Vincent in 1930. Worse yet, the mulatto presidents were made to accept humiliating constraints on national sovereignty, including U.S. control of customs revenues, and imposition of a U.S.-sponsored constitution in 1918 "at the point of bayonets borne by U.S. Marines," in the words of presidential candidate Warren Harding. When President Dartiguenave did not do what was expected of him, his paycheck was withheld until he became more cooperative.[49]

The American occupiers also brought with them the racist and segregationist attitudes then prevalent in the U.S., under which anyone with a recognizable trace of African blood was considered inferior. By subjecting mulattos to the same social indignities as blacks, they helped unite blacks and mulattos for the first time since the French occupation under Napoleon. Haitians of all complexions began resenting the white Americans whose machineguns protected a succession of servile mulattos in the presidential palace. Those discomforts grew when Marines revived the *corvée* in 1916 to build roads. The forced labor, ostensibly in lieu of taxes, evoked collective memories of slavery. Anxieties grew further when, in 1919, Marines in disguise killed Charlemagne Péralte, a black who had organized a revolt among the *Cacos* – black peasants in the interior who resented the *corvée*, elite mulatto domination of Haitian politics, and the American occupation.[50]

Marines withdraw, black-mulatto power struggle resumes

By the time the Marines withdrew in 1934, black resentment of whites and mulattos was surging. It was given an additional boost by the mass extermination of black Haitians in the neighboring Dominican Republic on orders from dictator Rafael Trujillo. In October 1937, the Dominican army and national police rounded up tens of thousands of Haitians, and systematically slaughtered them, not even sparing women and children. President Vincent's weak protests, and friendly relations with Trujillo, created an appearance of elite mulatto acquiescence in the slaughter of blacks. That contributed to support for the *noiriste* movement led by a group of black intellectuals, among them a medical doctor and avid student of Haitian history and ethnology named François Duvalier. The *noiristes* saw Haiti's roots in Africa, not France. That meant the blacks (*noirs*) – not the mixed-race mulattos (*mulâtres*) – were the more authentic bearers of Haitian culture. And it meant recognizing the importance of Creole and *Vodou* to Haitian identity.[51]

By providing an excuse for suspending the constitution and invoking martial law, the Second World War offered a temporary reprieve for the mulatto elite under President Elie Lescot. But within a year of the end of the war, student protests and a general strike led to the ouster of

Lescot by the army in 1946, and the election of the first black president since the U.S. occupation.[52]

Dumarsais Estimé rose to power on the slogan *un noir au pouvoir* ("a black in power" – a lot catchier with the French rhyme). Estimé was not only *noir* but *noiriste*, ready to take on the elites in order to benefit poor blacks. He more than doubled the minimum wage, and set up the country's first income tax. But his populism was often motivated more by sentiment than realism. In 1947 he declined to renew Standard Fruit's banana monopoly, instead nationalizing the banana industry, and parceling it out to concessionaires. These cut the prices paid to peasants, who in turn cut production. With no refrigerator ships to get the bananas to overseas markets, the bananas arrived spoiled. Within months, Haiti's banana industry was dead.[53]

Fatefully, Estimé appointed François Duvalier as minister of public health and labor. At the time, Duvalier was very popular in rural Haiti. Under the U.S. occupation, he had obtained a scholarship that enabled him to get a medical degree. Then in 1943, with the Second World War spurring renewed interest in Haiti due to the strategic importance of Caribbean shipping lanes, the U.S. hired Dr. Duvalier to run an inoculation campaign against yaws, an infectious and debilitating tropical disease. Duvalier's unflagging commitment won him lots of friends among rural blacks, and the affectionate nickname *Papa Doc*.[54]

Among Estimé's initiatives was the transformation of the *Garde d'Haïti* (Haitian Guard) into *Armée d'Haïti* (Haitian Army) in 1947. That was to have fateful consequences. Under Col. Paul Magloire, the army overthrew Estimé in 1950. François Duvalier, who went into hiding (*marronage*), became obsessed with what he saw as the army's betrayal of Estimé, and took steps to forestall a repetition after he came to power seven years later.[55]

Though black, Magloire got along well with the mulatto elite. At first, as so often the case in Haiti, he was genuinely popular. The economy also took a turn for the better, and he secured foreign loans to build the Péligre Dam on the Artibonite River, providing irrigation to the Artibonite region and electricity to Port-au-Prince. But after Hurricane Hazel inflicted severe damage on crops in 1954, his popularity waned. He was eased into Jamaican exile near the end of his term in December 1956.[56]

The Duvalier dictatorship

Campaigning with the support of Madame Estimé, the widow of Dumarsais Estimé, François Duvalier was elected president in 1957. By official count, he won 679,884 votes to Louis Déjoie's 266,992. Déjoie, a mulatto, won handily in Port-au-Prince. But the black Duvalier carried rural Haiti just as decisively.[57]

Like Estimé, Duvalier was not only *noir* but *noiriste*, this time with a vengeance. Twenty-three years earlier, he had described himself as having sprung "from that class of youth despised as misbegotten, rejected in mistrust and contempt simply because you emerge from the lower depths of the real Haiti." The real Haiti, to Duvalier, was black Haiti – African, Creole, *Vodou*.[58]

Duvalier forcefully Haitianized the Roman Catholic Church. That both Africanized a heretofore European church, and made it pliant to his will. In 1959 he began expelling troublesome foreign priests. In November 1960, Duvalier expelled Port-au-Prince Archbishop François Poirier. Two months later, he expelled Rémy Augustin, Poirier's replacement, and the country's sole native bishop, thereby showing that concern for his personal power trumped *noiriste* principle. The pope responded by excommunicating him. Duvalier then expelled the Bishop of Gonaïves, who had been repressing expressions of *Vodou* in his diocese. In 1964, Duvalier expelled the entire Jesuit order. Two years later, the Vatican agreed to terms under which Duvalier got to name bishops in return for an end to repression, and the pope withdrew his excommunication.[59]

Duvalier also changed the Haitian flag, returning to Dessalines' vertical black and red bars, with the black bar closest to the flagpole, signifying the primacy of blacks and their African heritage. He also personalized patriotism, with a huge illuminated sign in Port-au-Prince reading "I am the Haitian flag. One and indivisible. – Dr. F. Duvalier."[60]

To forestall the possibility of being ousted by the military like Estimé, Duvalier organized a formidable paramilitary force, inspired in part by President Faustin Soulouque's *zinglins*, and President Lysius Salomon's *volontaires*. Formally designated the Volunteers for National Security (*Volontaires de la Sécurité Nationale*, VSN), they were commonly known as *Tontons Macoutes*, Creole for "Uncle Knapsack," evoking a *Vodou* image of a bogeyman who takes away misbehaving children in a peasant's straw knapsack. In rural areas, their preferred dress was blue denim and red scarves, as the *Cacos* had worn. In urban areas they emulated Duvalier himself, who deliberately dressed in the style of *Vodou lwa* (spirit) *Bawon Samdi*, guardian of the cemetery, in black suits, hat, and sunglasses (see next section). The *Tontons Macoutes* were part of a conscious strategy to identify spiritual forces and nationalism with loyalty to Duvalier, and to instill fear in opponents.[61]

The *Macoute*s, whose numbers rose to well over a hundred thousand, dwarfed the army, which had only a few thousand soldiers. Membership was drawn primarily from the poor blacks who had given Duvalier his election victory in 1957. Women were as welcome as men. A woman – Rosalie Bousquet, better known as Madame Max Adolphe – became national commander of the *Macoute*s, and personally ran the political prison at Fort Dimanche.[62]

Where symbolism, numbers, and firepower did not suffice to intimidate adversaries, the *Macoute*s resorted to terror – wholesale political murder, brutal imprisonment that typically led to death, sadistic forms of torture, and mutilation of corpses. Tens of thousands perished in Duvalierist Haiti. Bodies of adversaries were deliberately left to decompose in full public view. Some prisoners were tortured in a special palace chamber, with Duvalier looking through a peephole. Duvalier routinely had the severed heads of victims brought to the palace for his inspection, in part to ensure that his grisly orders were carried out. The repression worked. Duvalier was to die a peaceful death in office as yet another president-for-life, after designating his son as heir. In keeping with his image, he was buried on *Bawon Samdi* Day.[63]

With Duvalier's death in 1971, power passed to his 19-year-old son Jean-Claude (Duvalier had the constitution amended to reduce the minimum age for the presidency to 18).[64] Lacking his father's obsession with power, the younger Duvalier initially tried to rule with a lighter

hand, and was at first popular.[65] Having been raised in luxury, gone to school with children of the affluent, and inherited a lighter skin color from his mother, Jean-Claude was also comfortable with the Port-au-Prince elite. He married Michèle Bennett, the mulatto daughter of a Port-au-Prince businessman.

That led to a change of image, and some relaxation of the Duvalierist repression. Tourism and foreign aid soared, for awhile creating the illusion of economic development.[66] Jean-Claude promised economic prosperity, labeling it *Jean-Claudisme* in typical Duvalier fashion.

But beneath the surface this was still a Duvalier regime. The apparatus of terror built around the *Tontons Macoutes* remained unchanged. Madame Max Adolphe continued to run the political prison in Fort Dimanche. The government continued to be run by Duvalierists.

Moreover, Duvalierist corruption reached new heights under Jean-Claude and First Lady Michèle. Accustomed to an opulent lifestyle, they made cabinet ministers divert public funds to their personal use. The new president-for-life drew $12 million a year from one source alone: taxes earmarked for his “discretionary fund.” Michèle routinely overspent her $100,000 a month allowance. Hundreds of millions of dollars that could have gone toward economic development were squandered in graft.[67]

The economy once again turned sour. Foreign aid dried up as the scale of corruption became known abroad. With the emergence of AIDS in the early 1980s, and the belief (since disproved) that the HIV virus had originated in Haiti, tourism dried up as well.[68] With the economy turning sour, Jean-Claude’s marriage to a high-spending mulatto undercut his support among rural blacks who had been the backbone of his father’s regime. So did his abandonment of his father’s *noiriste* ideology.

In a desperate attempt to shore up his sagging image, Jean-Claude struck a deal with the Vatican. In return for giving up the power to name bishops won by his father, he secured a promise of a papal visit. But when the pope arrived for a brief visit in 1983, he stunned his host with a nationally-broadcast statement in Creole that “things must change.” Following the pope’s cue, Bishop Willie Romélus of Jérémie began to publicly criticize the regime, as did Archbishop François Gayot of Cap-Haïtien.[69]

With his popularity eroding, Jean-Claude had to rely ever more heavily on the Duvalierist apparatus of terror to hold on to power. But it was too late. Inspired by Liberation Theology, radical priests in the *ti-legliz* (Creole for “little-church”) had been teaching parishioners that they had divinely-mandated human rights. Riots broke out, with hungry looters raiding food warehouses. Mobs attacked *Tontons Macoutes*. Having lost the support of the army, the elites, and the poor hungry masses, the Duvaliers fled into French exile in February 1986.[70]

Military government leads to Aristide’s populist “lavalas”

The departure of the Duvaliers set off a *lavalas* (Creole for “flash flood”) of celebration and retribution. Mobs again attacked the hated *Tontons Macoutes*, often burning them to death in flaming tires. The practice, known as “necklacing” in South Africa, came to be known as *Père Lebrun* in Haiti, after the country’s best known tire importer, whose television ads showed

him popping his head through a tire. Pressure mounted to eradicate every vestige of Duvalierism. Another Creole word – *dechoukaj*, literally "uprooting" – entered the political vocabulary.[71]

The new junta led by General Henri Namphy at first went with the flow. It restored the country's blue-and-red flag. It renamed all landmarks that had been named after the Duvaliers. It formally dissolved the *Tontons Macoutes*. But the junta also helped *Macoute* leaders reach exile abroad, and it soon began shooting protesters. *Macoute* rank-and-file continued to steal, rape, and kill with impunity, giving birth to a new Creole word for violent criminal – *zenglendo*, derived from *zinglins*, President Soulouque's paramilitary force that inspired François Duvalier in forming the *Macoute*s. Gérard Gourgue, the only junta member not tainted by Duvalierism, resigned, and the government dropped all pretense of being anything but military.[72]

In October 1986, the military organized an election for a constituent assembly to draft a new constitution. Denounced by the opposition as a sham, the election drew only a 6 percent turnout. But the assembly surprised everyone with a constitution that included significant guarantees of human rights, plus provision for an independent electoral council. It was also the first constitution written in Creole as well as French. When submitted to referendum in March 1987, turnout soared above 50 percent, and the new constitution was approved by 99 percent of voters.[73]

The ensuing presidential election caused tensions, with the military and Port-au-Prince elite fearing election of a populist, and most of the public fearing consolidation of military rule. In July, former *Macoute*s in Jean Rabel massacred more than 300 members of the leftist cooperative *Tet Ansamn* ("Heads Together"). In August, the Duvalier-tainted Diocese of Port-au-Prince tried to transfer the fiery priest Jean-Bertrand Aristide (ordained by Bishop Willy Romélus in 1982) to a different parish, but had to back down after public protests. On Election Day in November 1987, a gang of men armed with automatic weapons burst into a polling place and massacred all twenty persons inside. The election was suspended, leftist candidates dropped out, and when a new election was held in January 1988, only 5 percent of the electorate turned out. Leslie Manigat took office as president, but was overthrown by Gen. Namphy a mere four months later.[74]

Shortly thereafter, in September 1988, a large group of heavily-armed men entered the church of St. Jean Bosco where Jean-Bertrand Aristide was performing mass. They slaughtered a dozen parishioners, but Aristide managed to escape. A week later, Gen. Prosper Avril overthrew Gen. Namphy. But little changed. In October 1989, soldiers severely beat opposition leaders Louis Déjoie and Evans Paul after they tried to lead a march on the palace in support of democracy. After imposing a state of siege in a last desperate attempt to cling to power, Avril stepped down in March 1990, and was replaced by Supreme Court Justice Ertha Pascal-Trouillot.[75]

Pascal-Trouillot convened a new presidential election for December 1990. In October, Jean-Bertrand Aristide announced his candidacy on the ticket of the National Front for Change and Democracy (FNCD, *Front National pour le Changement et la Démocratie*), with a three-word slogan: "participation, transparency, justice." Within a week, voter registration doubled, and

the campaign adopted the imagery of *lavalas*, the flood that sweeps everything before it, giving birth to the movement that culminated with formation of the Lavalas Political Organization (OPL, *Organisation Politique Lavalas*). On December 5, just days before the election, a grenade attack on one of Aristide's rallies killed seven persons and wounded 53 more, barely missing the candidate himself. Yet turnout was high on election day, and Aristide won 67 percent of the vote, three times more than Marc Bazin, the economist favored by the Port-au-Prince elite. Again, a black populist was president of Haiti.[76]

Following his inauguration, Aristide visited the infamous Fort Dimanche, promising to turn it into a museum. He also acted to curb repression by the armed forces and police, but was faulted for seeming to sanction mob action by his supporters, including the use of *Père Lebrun* (lynchings with burning tires). Politically, he tacked heavily to the left, showing little interest in reaching accommodation with the opposition-controlled legislature. He appointed his close friend René Préval prime minister, but never submitted the appointment for approval by the legislators. He sent a youth group to Cuba. He retired six of eight generals. But in two of his most fateful decisions, he promoted the mulatto officer Raoul Cédras to chief of staff of the armed forces, then in July, to commander of the armed forces. On September 30, only seven months into Aristide's five-year term, Gen. Cédras led a military coup that sent the young president into exile in the United States.[77]

Another military junta and renewed terror under the "de factos," followed by restoration of democratic rule

A three-member military junta seized power, headed by Gen. Cédras. The other two members were Gen. Philippe Biamby and Maj. Michel François, chief of the militarized police of Port-au-Prince. They installed Supreme Court justice Joseph Nerette as figurehead president. Recognized only by the Vatican, the government came to be referred to as the "de factos." The United Nations Security Council condemned the coup, and the Organization of American States (OAS) voted an embargo against Haiti in October 1991.[78] The following year, hoping to put a better face on the regime, the junta made Marc Bazin (the Washington favorite who had briefly served as finance minister under Jean-Claude Duvalier and later lost the 1990 election to Aristide) prime minister.

But the junta's international image only deteriorated as it turned to violence to suppress resistance by Aristide's hordes of supporters. It organized a new terror network built around the *chefs de sections* (military section chiefs, corresponding to the country's administrative subdivisions), and their *attachés* (deputies selected by the section chiefs). Unlike the *Tontons Macoutes*, this network answered to the military, not to a personal political dynasty like that of the Duvaliers. In addition, the army developed close links with a paramilitary organization known by the acronym FRAPH (*Front pour l'Avancement et le Progrès d'Haïti*, Front for the Advancement and Progress of Haiti), which sounds like the Creole verb *frape*, "to hit or strike." FRAPH's leader – Emmanuel (Toto) Constant – was the son of Gen. Gérard Constant, who had commanded the armed forces under François Duvalier.[79]

According to international human rights organizations, the army, FRAPH, and *attachés* killed several thousand suspected Aristide supporters. Among their more prominent murder victims

were Justice Minister Guy Malary, and pro-Aristide businessmen Georges Izméry and his brother Antoine Izméry, a key Aristide financial backer. Rape was introduced as an additional method of repression against women.[80]

The OAS embargo did little to hurt the regime, which evaded it with help from President Joaquín Balaguer of the neighboring Dominican Republic, who shared the junta's dislike of Aristide. But it did hurt the poor, for whom prices of essential goods skyrocketed. The United Nations-supervised Governor's Island agreement of June 1993 proved just as ineffective in getting the military to stand aside and allow the return of Aristide. Particularly humiliating for the U.S. was the October 1993 about-face of the USS Harlan County, a troop ship that was ordered to abandon its mission after FRAPH goons staged a belligerent demonstration on the dock in Port-au-Prince.[81]

The combined effects of the terror and the embargo set off a major exodus of Haitians seeking to reach U.S. shores in small and often un-seaworthy boats. Unlike Cuban migrants who were welcomed to the U.S., the Haitians were placed in detention centers in the U.S. and at Guantanamo Naval Base in Cuba. The difference in treatment outraged African-Americans. Randall Robinson, a leader in the earlier successful mobilization against South African apartheid, went on a well-publicized hunger strike to demand action on Haiti. That got the attention of President Bill Clinton, for whom African-Americans constituted a key political constituency.[82]

Armed with a July 1994 UN Resolution giving the U.S. authority to intervene, President Clinton sent U.S. forces to Haiti in September. Aristide returned to Haiti in October, reassuming his constitutional office as president. The coup leaders were forced into exile. The army was first reduced in size, then abolished outright by President Aristide. A multinational force assumed responsibility for maintaining order, while foreign police trained the newly-organized Haitian National Police (*Police Nationale d'Haïti*, HNP). Aristide's new prime minister, Smarck Michel, resigned in October 1995, after the president declined to back privatization of state-owned enterprises. Michel was succeeded by foreign minister Claudette Werleigh. In December, Aristide's close friend René Préval was elected president with 88 percent of the vote, with a 28 percent voter turnout.[83]

Cultural Context

Haiti's home-grown religion: *Vodou*

Just as a basic knowledge of Haitian history is essential to understanding present-day social antagonisms, it is impossible to fully comprehend Haitian politics and culture without knowing something about the country's native religious tradition.

Vodou (derived from the African Fons word *Vodun*) is the primary religious influence on most Haitians. Because it is routinely misunderstood, misrepresented, and stigmatized by Haitian elites, and by many Christian churches and foreigners, it is important to try to understand *Vodou* as its practitioners do, rather than through the caricatures presented by detractors.

At its core, *Vodou* holds that every human being has a material body that is animated by a *gwo-bon-anj* (from French "big good angel") – an individual psyche that persists after the material body dies and decays.

> The gros-bon-ange is the metaphysical double of the physical being, and, since it does not exist in the world of matter, it is the immortal twin who survives the mortal man. It is these immortal twins, these gros-bon-anges who are les invisibles or les esprits [spirits, psyches].[84]

The *gwo-bon-anj* is considered to be the complete psyche of a person, not just the portion of the psyche commonly referred to as the conscience – the ability to distinguish right from wrong – which Haitians call *ti-bon-anj* ("little good angel").[85]

After death of the material body, the *gwo-bon-anj* can, over time, develop into a *lwa* (from Congo word for "spirits"), an archetypal form of psyche. The popular *lwa* Ezili Freda Daome (Erzulie in French), for instance, represents love, beauty, and luxury. Her symbol is the heart. She knows no want, in sharp contrast with the deprivation that is the common lot of most Haitians. The *lwa* Gede (Guedé), on the other hand, represents a reality far more familiar to Haitians: he is lord of the dead, guardian of the cemetery, and enjoys poking fun at codes of social behavior.[86]

Though often referred to as gods by outside observers, *lwas* are not worshipped as such. They are vaguely comparable to Roman Catholic saints, in that both were once human. But *lwas* do not have to be saintly. Like the human passions they reflect, they can just as easily be malevolent as beneficent. Yet the functional analogy with Catholic sainthood goes a long way toward explaining the relative compatibility of Catholicism with *Vodou*. Most practitioners of *Vodou* are at least nominally Roman Catholic, and many Haitian Catholics take part in *Vodou* rites.

There is no centralized church structure in *Vodou*, and no written body of doctrine. Each congregation, known as a *sosyete* (from French for "society"), is organized by a minister who is known either as *oungan* (if male) or *manbo* (if female). The minister's symbol of authority is a callabash rattle, known as *ason*. *Vodou* is inherently egalitarian, and nondiscriminatory in terms of sex, social status, or even, as we shall see, sexual orientation.[87]

The parish site is called an *ounfò*. It consists of the grounds, sacred trees (which are spared the otherwise common fate of being cut for charcoal or firewood), and at least one large room called a *peristil*, built around a central pole known as the *poto mitan*. Side rooms hold altars dedicated to *lwa* that have particular significance to the *oungan* or *manbo*. Assisting the latter in ceremonies are the *laplas* ("place-holder," or lieutenant in its root meaning), and the *andjennikon*, who serves as chorus leader. With the exception of the drummers, all other initiates are known as *ounsis*. Each *ounsi* makes a decision to become intimate for life with a particular *lwa*. Practitioners of *Vodou* are known as *sèvitè* ("servants" of the spirits).[88]

In a typical ceremony, parishioners gather around the central pole. *Lwa* are summoned by the sacred rattle, the *ason* (*asson*). Legba, *lwa* of the crossroads between the physical and spiritual worlds, always comes first. With each arrival heralded by the *laplas* and the drummers, a *lwa* descends the pole and "mounts" an individual, by analogy with mounting a horse. The *lwa* takes temporary possession of the material body of one of the parishioners, taking the place of its *gwo-bon-anj*, and allowing the *lwa* to communicate with the congregation. Interspersed with such mountings are elaborate patterns of African-style drumming, and periods of singing and dancing coordinated by the *andjennikon*.[89]

Vodou is intensely participatory. The minister delivers no sermon. The *lwas* are the chief protagonists, acting through the parishioners. Parishioners do not merely attend a *Vodou* rite; they necessarily take part in it. Everyone participates in the dances. But the decision to come to a *Vodou* rite is purely voluntary. No one is expected to attend rites at any *ounfò*, or to recognize the authority of a particular minister. That means *oungans* and *manbo*s must be sensitive to the needs and welfare of parishioners if they are to maintain a following.[90]

A major element of that service is healing. Often described as witch-doctors, *Vodou* ministers do in fact prescribe herbal remedies that have proven effective in dealing with minor ailments. But they also commonly refer parishioners to medical professionals for more serious illnesses, when such care is available. At the same time, they help the patient make peace with *lwas*, not so much as a form of magic but as a way to address the psychosomatic components of illness, which may often be more significant than the physical manifestations.[91]

The "Voodoo dolls" that symbolize much of the outside world's hostile view of *Vodou* are just as often used to direct healing energy to the afflicted as to provide a safety valve for such bottled-up emotions as anger and the desire for revenge. There is, however, a type of *Vodou* minister known as a *bòkò* (*bocor*), who "works with both hands," meaning powers of creation and destruction. Believed to have magical powers, these ministers, who represent but a small fraction of *Vodou* ministers, are often feared. They are the source of much of the outside world's stereotypes of *Vodou*. François Duvalier cultivated ties with the *bòkò* as a means of social control, to impress rural blacks with his connections to magical powers.[92]

Another widely misunderstood aspect of *Vodou* is ritual sacrifice. Because it is believed that *lwas* must be fed in order to sustain the psychic energy that keeps the universe energized, food offerings are a regular part of the rites. And since "flesh and blood are of the essence of life and vigor," animal offerings are considered to be ideal, and the best they can offer.[93] To a culture that purchases prepackaged "meat" in a supermarket, ritual sacrifice may seem barbaric. But it looks very different in Haitian context. Most Haitians are too poor to have

refrigerators. In order to eat meat, they have to keep live animals, which they slaughter just before they are eaten. So the slaughter of animals that occurs in a *Vodou* service is no different from the killing of domesticated animals that they do routinely to supply their children with scarce and desperately-needed protein.[94] Moreover, the sacrificed goats, pigs, and chicken are cooked and become offerings not only to the *lwa* but also to the hungry human participants. In a country where nutritious food is often hard to come by, such a feast can be a major attraction.[95]

Vodou also has a "hotter," more belligerent side. There are two principal pantheons of *lwas*, which differ not only in their cultural origins but in their psychic tones. The most prominent is the Rada pantheon, derived primarily from the cultural tradition of the African nations (such as Dahomey, now Benin) from which slaves were brought to Saint Domingue. Coming from what were then stable African kingdoms, the Rada tradition is more contented and soothing. At the other extreme is the Petwo (or Petro) pantheon, derived in large measure from a blending of African Congo and indigenous American (Taino-Arawak) traditions. The Petwo pantheon was developed by fugitive slaves who commingled with the Tainos, sharing an abiding hatred of the white man who had brought such misery to their peoples. As a response to severe racism and oppression, it is more angry, morbid, and violent in tone.[96]

> Petro was born out of this rage. It is not evil; it is the rage against the evil fate which the African suffered, the brutality of his displacement and his enslavement. It is the violence that rose out of that rage, to protest against it. It is the crack of the slave-whip sounding constantly, a never-to-be-forgotten ghost, in the Petro rites. It is the raging revolt of the slaves against the Napoleonic forces. And it is the delirium of their triumph. For it was the Petro cult, born in the hills, nurtured in secret, which gave both the moral force and the actual organization to the escaped slaves who plotted and trained, swooped down upon the plantations and led the rest of the slaves in the revolt that, by 1804, had made of Haiti the second free colony in the western hemisphere, following the United States.[97]

Thus Petwo *lwa* are "hotter" than their Rada counterparts. Take for example *Ogou*, the *lwa* of iron and thunderbolts who personifies the quest for power, whether military or political. In Rada, *Ogou Feray* is a chivalrous warrior (or perhaps a principled political leader in modern terms). His Petwo counterpart *Ogou Je Wouj* ("Ogou Red Eyes"), on the other hand, is a fierce, angry, bloodthirsty warrior (or perhaps partisan rabble-rouser).[98]

In Rada, *Ezili* takes the form of *Ezili Freda*, the spirit of love, and is popularly associated with the Virgin Mary. Her Petwo counterpart is *Ezili Dantò*. Unlike *Freda*, who lives in comfort and luxury, *Dantò* is a hard-working and fiercely protective mother. She is popularly associated with the Black Madonna. At the far end of the spectrum is *Ezili Je Wouj* ("Ezili Red Eyes"), an enraged woman who is angry and dangerous, a sort of patron saint of women who are jealous, or who have been raped or otherwise abused.[99]

Similarly, *Gede* in the Rada tradition is guardian of the cemetery, and thus of the past – of the history and heritage of the people. He is also the epitome of eroticism, personifying the compulsive drive to sustain life beyond one's own death through naked sexual impulse. This is symbolized through obscene sexual gestures and language, all of which are taken in good humor in the context of *Vodou* rites (and are widely misunderstood by outsiders as sanctioning sexual license). *Gede* is also very just. He will not let anyone enter the graveyard before

the appropriate time. He is therefore guardian of children, and last recourse of the gravely ill.[100]

Gede's Petwo-influenced counterpart is *Bawon Samdi* (aka *Baron Samedi*), who cuts a more sinister figure. *Bawon* comes from the French word *Baron*, but experts differ on the origin of the word *Samdi*. One version attributes it to the French word for Saturday, as the only full day Jesus spent in the grave, between burial on Good Friday and the resurrection on Easter Sunday. Another version sees a common linguistic origin with the word *zonbi* (zombie), derived from the Amerindian word *Zemi*. Either way, *Bawon Samdi* is a spookier *Gede*, capable of animating the dead as zombies, and dressing in a macabre black suit and hat with dark sunglasses and a cane.[101]

President-for-Life François Duvalier, exploiting his knowledge of Vodou, deliberately emulated *Bawon Samdi* in his customary mode of dress, and did likewise with his infamous paramilitary *Tontons Macoutes*, with the intention of terrorizing the public into submission. The red color of the scarves used by the *Tontons Macoutes* was the color of *Ogou*, *lwa* of thunderbolts and of military and political power.[102]

In 2003, President Jean-Bertrand Aristide extended official state recognition to Vodou, calling it "an essential part of national identity." A decree issued on April 4 entitled Vodou ministers and assembly halls to register with the Ministry of Religious Affairs. After taking an oath from the presiding judge of the local civil tribunal, Vodou ministers may now officiate at baptisms, marriages, and funerals.[103]

Vodou spokesperson Evrony Auguste welcomed the president's action, saying "this is good news for practitioners of Vodou, who have been marginalized for centuries." She described Aristide as a black Spartacus: "Like Toussaint l'Ouverture, President Aristide promotes equality for all Haitians." Vodou *oungan* Adnor Adely similarly said "We owe this to Aristide. He can be considered the president of voodoo," adding that "Voodoo has done everything for Haiti. It gave us our independence, while the imported religions held us by the throat." [104]

Economic Context

Haiti's economic plight

Haiti has by far the highest levels of human poverty and social deprivation in the Americas. For 2001, its Human Development Index (HDI), a combined measure of life expectancy, literacy, schooling, and income, stood at 0.467 (on a scale of 0 to 1). Haiti was the only country in the Americas to be listed in the "low" category of human development (under 0.5). By comparison, the next worst-off country in the hemisphere, Nicaragua, had an HDI of 0.643, more than 37 percent higher. Moreover Haiti's HDI is almost certainly inflated by its reliance on the official 2001 adult literacy rate of 50.8 percent. The real figure may be considerably lower.[105]

Haiti's Human Poverty Index (HPI-1, combining probability of survival to age 40, adult illiteracy, lack of access to safe water and health services, and percentage of children under five who are underweight) was 41.6 in 2001 (on a scale of 0 to 100, with higher scores designating greater poverty), 71 percent higher than Nicaragua, the next-worse-off country in the Americas.[106]

- 38% of the population did not have sustained access to an improved water source in 2000. That was 65% more than in El Salvador and Nicaragua, the next-worse cases in the hemisphere, where the proportion was 23%. In Costa Rica, the figure was 5%, in Uruguay 2%. In Cuba and Barbados it was 0%.[107]

- Only 28% of the population had access to improved sanitation in 2000. In Belize, the next-worse case in the Americas, the figure was 50%, almost twice as high. In Costa Rica, the figure was 93%, in Chile 96%, in Cuba 98%, in the USA, Barbados, and Canada 100%.[108]

- As of 1999, a staggering 12.9% of children were dying before reaching their fifth birthday. In Bolivia, the next-worse case in the hemisphere, the proportion was 8.3%, about one-third less. In Cuba and the USA, it was under 1%.[109]

- Only 19.4% of the relevant age group was attending primary school in 1997. In Guatemala, the next-worse case in the hemisphere, the equivalent figure was 73.8%, almost four times higher.[110]

- Some 6.1% of the population aged 15-49 were diagnosed with HIV/AIDS in 2001, by far the highest such percentage in the Americas. Haiti was followed in sequence by the Bahamas (3.5%), Guyana (2.7%), Trinidad and Tobago (2.5%), Dominican Republic (2.5%), Belize (2.0%), Honduras (1.6%), Panama (1.5%), Jamaica (1.22%), Barbados (1.2%), Suriname (1.2%), Guatemala (1.0%), with the USA at 0.61%. Other Western Hemisphere countries had significantly lower levels.[111]

- In 2002, Haiti was rated 137th of 142 countries in the Environmental Sustainability Index (ESI) developed for the World Economic Forum with the assistance of environmental

institutes at Columbia and Yale Universities. Only North Korea and Middle Eastern desert countries rated as low.[112]

According to the United Nations Development Programme, Haiti had a population growth rate of 1.9 percent between 1975 and 2001. With economic growth stagnant during that period, Gross Domestic Product (GDP) per capita shrank at an annual rate of -2.0 percent.[113]

The contraceptive prevalence rate in the period 1995-2000 was 28 percent, the lowest in the hemisphere. Guatemala, the next-lowest, had a rate of 38 percent. The US rate was 76 percent. By way of comparison with other Roman Catholic countries, Spain's rate was 81 percent and Mexico's, 67 percent.[114]

Population density in 2001 was 295 per square km, the third highest density in the hemisphere after Puerto Rico (433 per square km) and El Salvador (309 per square km). But almost two-thirds of the population was rural. In fact, Haiti's 2000 rural population density was 914 per square km of arable land, more than twice El Salvador's 445 per square km (Puerto Rico is a special case, heavily subsidized by the U.S.). With the rural population growing at an annual rate of 1.1 percent between 1980 and 2001, the strain on the land has kept getting worse.[115] Agricultural productivity declined by more than 30 percent between 1979-81 and 1996-98.[116]

An overly dense rural population has decimated Haiti's tropical rainforests, leaving behind a brown desert. The annual rate of deforestation in 1990-95 was 3.5 percent, again the highest in the Americas. El Salvador was next (3.3%), followed by Costa Rica (3.1%), Paraguay (2.6%), Nicaragua (2.5%), Honduras (2.3%), Panama (2.2%), and Guatemala (2.0%). By way of comparison, Brazil's rate of deforestation was 0.5 percent, and the U.S. was *reforesting* at the rate of 0.3 percent, and Ireland at the rate of 2.6 percent. By 2003, only one percent of Haiti's forests – which once covered three-quarters of the country – remained.[117]

Without trees to retain soil and moisture, rivers run brown, and rains wash off as destructive floods. As soils erode, agricultural productivity declines. Cereal yield fell from 1,009 kg per hectare in 1979-81 to 969 kg per hectare in 1996-98. In the neighboring Dominican Republic, the yield rose from 3,024 to 3,841 in the same period, so that productivity is now about four times as high as it is in Haiti.[118]

The main dam supplying Haiti with electricity is getting clogged by silt eroded from hillsides in its watershed. In an effort to counter erosion, workers were planting 6 million saplings a year in 1997 with U.S. aid. But at the same time Haitians were chopping down 30 million trees for firewood, timber, and to make room for crops. Underscoring the dimensions of the problem, about 160,000 Haitians make a living out of producing and selling charcoal, which is used for cooking. Traditional fuel use (basically firewood and charcoal) accounted for over 80 percent of total energy use in 1996, as compared with 60 percent in Guatemala.[119]

According to *Manbo* Evonie Auguste, of the Carrefour suburb of Port-au-Prince, "If the country adhered to voodoo principles, we wouldn't have the crisis we are now facing … For us, trees are living things that God put here to be respected. Nature is the place where the spirits live."[120]

Foreign assistance programs have sought to counter the damage by providing economic incentives for conservation, and by replacing charcoal with other fuels. In 1990, the U.S. Agency for International Development (USAID) launched a model coffee-growing project in the southern mountain village of Fond Jean-Noel. The project was designed to produce a valuable export crop while restoring forest land. Coffee needs to grow in the shade. With a gourmet bean (Haitian Bleu) that can fetch a good price in the U.S., growers have an economic incentive to preserve the trees that shade the coffee.[121]

In 2002 USAID replaced 47,000 wood stoves with oil-fired ones, and planted 600,000 trees in zones particularly prone to erosion. The foreign-funded Haitian Environmental Foundation has been working with bakeries, replacing wood-burning ovens with propane-fired ones.[122]

Severe damage to Haiti's natural resource base is not the only factor limiting prospects for economic development. Another is social. As observed by ethnologist Maya Deren in the 1940s, poor Haitians are loath to appear to be doing better than their neighbors:

> So rarely does an individual achieve some measure of economic gain that the concealment and disguise of such good fortune is the general practice. Coyote and La Merci, who had for many years been together as common-law man and wife, had long dreamed of being able to afford a regular marriage ceremony... I proposed to them that I should pay for such a ceremony, for the new suit and dress, and the reception, as a farewell gift. They were ecstatic. But several days later they approached me shyly, uncertain whether they could make themselves clear. There was nothing they would rather have, they said. But, on the other hand, after my departure, they would return to the country to live in their neighborhood, which, as I knew, was extremely poor. They were afraid, they said, that their neighbors would too much envy their good fortune. And they would overestimate it, thinking that any such advancement actually meant unlimited resources. Things would be stolen from them, because people would feel that they had ample funds to replace such articles. They would be plagued for loans of money, and their refusals would be greatly resented. Prices of food would be raised for them specifically, they insisted, because everyone would think they could afford it. They would become altogether suspect. And so, they said, they felt that, in the end, it would give them more trouble than pleasure. I asked them, then, whether I should use this money to set them up in a little business, to stock a little country store from which they could get started. This, they said, would have similar disadvantages... If the Haitian peasant has some good luck he permits himself only a minimal display, until he is in a position to move up a whole step in the economic scale.[123]

Only about 30 percent of Haiti's workforce is employed in the formal economy – the portion of the economy, both public and private, for which there are official records. That means about two out of three workers labor in the informal economy. It also means that the Constitutional guarantee of a pension benefits less than a third of the workforce. According to Leslie Voltaire, urban planning adviser to former President Préval and later cabinet member under President Aristide, "The informal economy is a survival system. It is a distribution of some wealth, but it is not a creation of wealth."[124]

According to the World Bank, average per capita income was $480 in 2001. When adjusted to reflect comparative purchasing power, however, the figure rose to $1,870.[125] Because of the highly skewed distribution of income, however, most Haitians make less than that. Wealth is

even more highly skewed. Six percent of the population controls two-thirds (66%) of the country's wealth.[126]

Workers in the formal sector do somewhat better, especially when their pensions are figured in. President Jean-Bertrand Aristide raised the daily minimum wage to 36 gourdes in 1995. Then in February 2003, he almost doubled the nominal minimum wage to 70 gourdes a day, equivalent to about $1.70 in late December 2003. With a six-day workweek and two weeks vacation that translated into a minimum annual income of $510, before adjusting for purchasing power, "an income above the national average but not sufficient to provide a decent standard of living for a worker and family." But because of the declining exchange rate of the gourde against the dollar, the dollar-equivalent wage is now well below the $2.15 reached at the time of Aristide's 1995 minimum wage hike, and even further below the $3.00 equivalent wage during the Duvalier dictatorship.[127]

Widespread misery has led to large-scale emigration. More than two million Haitians live abroad. An estimated half million live in New York City, and 380,000 in Miami. Other large populations reside in the Dominican Republic, Canada, France, and the Bahamas.[128]

One of the few positive signs for Haiti was the fact that remittances from the Haitian Diaspora contributed about $800 million to the economy in 2001, roughly one-fifth of Gross National Income.[129]

Another was the decision by the Caribbean Community (Caricom) to admit Haiti as its fifteenth full member on July 2, 2002. The accession more than doubled the population of Caricom, since Haiti's population of about 8 million exceeds the combined population (6.5 million) of the other fourteen members – Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Suriname, Saint Vincent and the Grenadines, and Trinidad and Tobago. All but the Bahamas participate in the Caribbean Common Market.[130]

A third ray of hope was the July 2003 decision by the Inter-American Bank to resume making loans to Haiti. $146 million will be made available over three to five years. It is to be earmarked for road, water, health, and education projects. Much of the funding will go directly to international contractors, minimizing the risk of losses to corruption.[131]

Corruption and narcotics trafficking

There are two further consequences of extreme poverty: widespread corruption, and participation in clandestine trade in products that are illegal but in great demand on the international market.

Every year, Transparency International publishes a Perceived Corruption Index (PCI) ranking countries on the basis of surveys taken among businesspersons, academic experts, and risk analysts. In 2003, Haiti scored an abysmal 1.5 on a scale of 0 to 10, the lowest score registered in the Americas (Paraguay came in at 1.6, Ecuador at 2.2). Worldwide, only two countries scored lower, but not by much: Nigeria (1.4) and Bangladesh (1.3). By way of reference, squeaky-clean Finland scored highest, at 9.7. In the Americas, Canada had the

highest rating (8.7), followed by the United States (7.5), Chile (7.4), Uruguay (5.5), and Cuba (4.6).[132] It is difficult to conceive of levels of corruption worse than those in Haiti.

One consequence of corruption is the reluctance of foreign donors and lenders to commit more funds to Haiti. In recent years they have withheld hundreds of millions of dollars in grants and loans. Former World Bank country director Orsalia Kalantzopoulos says that Haiti's record of performance was among the worst of the bank's recipients. In 2003, the United States and the European Union confined their aid to nongovernmental entities, with the U.S. donating about $70 million in 2003 to private organizations.[133]

Corruption pervades the government and police force. In 1999, more than 100 police were arrested for drug offenses, while 58 civilians were arrested for similar offenses, indicating the magnitude of the problem. A well-placed government or police official can earn as much as $100,000 a month, a temptation not easily resisted. Luxurious stone-walled mansions have sprung up in the suburbs of Port-au-Prince, with no explanation for where the money came from. According to former cabinet minister Camile LeBlanc, the money is as dangerous as the drugs: "The money finances the purchase of the guns that are destroying our society…As our people slide more deeply into this black hole, our civic and moral values will implode."[134]

Besides police corruption, there are other reasons why Haiti is particularly vulnerable to penetration by drug traffickers. One is its very long and sinuous coastline, which is left virtually unprotected by the country's tiny Coast Guard. Another is the relative weakness and inexperience of its police force. According to former Chief Pierre Denizé, "We have limited resources, limited training, limited intelligence and investigative capacity, and a very, very limited capacity to control a coast that, geographically, is just across the street from Colombia." Still another problem is the absence of an effective judicial system. Though dozens of Colombians have been arrested on drug trafficking charges, prosecution has been hampered by inadequate funding for the judiciary, by a shortage of judges, and by official corruption. According to former cabinet minister Robert Manuel, "when violators get arrested, they get released by an inefficient and corrupt judicial system."[135] Poorly-paid judges are not only easily tempted by bribes; they also face death threats if they don't cooperate.[136]

All of which has turned Haiti into a convenient way station for the delivery of South American cocaine to the United States. On March 7, 1997, a U.S. federal court indicted Joseph Michel François, one of the architects of the 1991 coup against President Aristide, on charges of helping smuggle 33 tons of Colombian cocaine into the U.S. François, a former lieutenant colonel in the Haitian Army, had been police chief of Port-au-Prince, and one of three military officers in the junta that ruled the country until the U.S. intervention in 1994. He fled to the Dominican Republic, taking the police force's pension fund with him. Then he moved on to Honduras, where he was arrested in 1997 and scheduled to be flown to Miami.[137] On July 22, 1997, however, the Honduran Supreme Court denied the U.S. extradition request.[138]

As police chief during the military regime, François was not only in charge of the uniformed police, but also of the plainclothed *attachés*, who terrorized the civilian population. A Haitian

court convicted him in absentia for his role in the 1993 assassination of a top Aristide aide, Antoine Izméry.

Though he only made $500 a month as police chief, François had a luxury home in a posh neighborhood. According to the indictment, he received kickbacks for anything of value entering Haiti's ports, including narcotics. The drug payoffs began in 1987, when Colombian traffickers paid him over $1 million, after which he built an airstrip on another officer's land, and installed a friend as chief of security at the international airport.[139]

The 1994 U.S. intervention overthrew the Haitian military junta, and, with U.S. forces playing a prominent role in policing the country, the volume of drugs passing through Haiti diminished sharply for a few years. But as first the U.S. and then UN forces withdrew, and as the domestic political stalemate contributed to economic stagnation, Haiti gradually reassumed its former role as a major transshipment area for drugs destined for the U.S. In 1996, about 5 or 6 percent of cocaine deliveries to the U.S. were estimated to be crossing Haiti. By 1998, the estimate had risen to about 10 percent, and in 1999, to about 14 percent, or about 67 tons.[140]

This was in spite of serious efforts to counter corruption and improve performance in the new civilian police force. U.S. officials praised Police Chief Pierre Denizé and Secretary of State for Security Robert Manuel, for their collaboration in fighting trafficking. In 1997, 21 policemen were arrested on drug-corruption charges. Another 100 were arrested in 1998.[141] In March 1998, Haitian authorities seized three quarters of a ton of cocaine at the Port-au-Prince airport.[142]

Amazingly, the upward trend in cocaine trafficking reversed itself in 2000. According to the Department of State,

> Cocaine flow through Haiti decreased from 13 percent to 8 percent of the total detected flow in 2000, but little of this is attributable to the efforts of the Haitian Government…The largest factor may be the difficulties traffickers experienced in moving drugs through Haiti because of poor infrastructure or the seizure of drugs by rival traffickers or other criminals. Air shipments dropped significantly in 2000, particularly after several aircraft crashed trying to land on makeshift runways.[143]

In January 2001, the Préval administration, with the approval of President-Elect Aristide, agreed to allow U.S. ships and aircraft to enter Haitian waters and airspace in pursuit of Colombian drug smugglers. U.S. officials are now authorized to board vessels to inspect cargo and documents.[144] That same month, the Haitian parliament passed a money laundering law. In August, the central bank issued regulations requiring the reporting of monetary transactions exceeding $10,000. Haiti also ratified the Inter-American Convention Against Corruption.[145]

Political instability and a collapsing formal economy during the second Aristide presidency fostered increased recourse to the underground economy, including drug trafficking. On January 31, 2003, for the second year in a row, the U.S. listed Haiti as a country that had "failed demonstrably" to take sufficient actions to combat drug trafficking. It cited weak democratic institutions, corrupt officials, and a fledgling police force.[146]

Two weeks later, on February 13, Evans Brillant, director of the Anti-Drug Trafficking Brigade of the Haitian National Police, was placed under arrest along with five other policemen under his command. The six were detained following an incident in which police officers allegedly placed roadblocks on Route 9 in Port-au-Prince, enabling a small Colombian plane to land and offload about a ton of cocaine. The cocaine disappeared and was not recovered. On the same day as the arrests, masked men wearing t-shirts and jackets with police insignia abducted two alleged drug kingpins from a busy street in the upscale Port-au-Prince suburb of Pétionville. Witnesses reported they took the two men – Hector Kitan and Herman Charles – to a private home, then executed them with automatic weapons.[147]

On January 31, 2003, the U.S. singled out Haiti – along with Myanmar (Burma) and Guatemala – for failing to take sufficient action to fight drug trafficking in the previous year. David Lee, chief of the special mission of the Organization of American States to Haiti, objected that "Haiti is not guilty of these charges." He complained that "The U.S. Coast Guard patrolling our waters sees boat people, but they never see boats transporting drugs."[148]

In July, Marc Grossman, U.S. Undersecretary of State for Political Affairs, told the U.S. Senate Foreign Relations Committee that an estimated nine percent of cocaine arriving in the United States comes by way of Haiti.[149] The estimate was in the same range as those of previous years.

Between June and October 2003, the Haitian government turned over four alleged drug traffickers to the United States for prosecution, including two high-profile cases.[150]

The first such case was the arrest in June of cocaine trafficker Beaudoin Ketant (aka Jacques Ketant). After nabbing Ketant at his luxurious hilltop mansion in the upscale Port-au-Prince suburb of Pétionville, the police immediately turned him over to U.S. Drug Enforcement Agency agents and deputy U.S. marshals, who spirited him to Miami for arraignment on drug trafficking charges. The incident that prompted the arrest was the beating of a teacher at the Union School, a private American academy run by Jesuits. Ketant had been summoned to a parent-teacher conference to discuss his son's pattern of misbehavior. Ketant arrived with a phalanx of bodyguards, who bloodied the teacher in a severe beating. The U.S. embassy complained to President Aristide, who immediately ordered the arrest.[151]

On August 28, Ketant pleaded guilty to federal charges, admitting he had smuggled at least thirty tons of cocaine into the U.S. from 1986 to 1997. According to the DEA, Ketant used "couriers" who entered by way of Miami, Fort Lauderdale, West Palm Beach, New York, and Chicago. His organization bribed customs agents at Miami International Airport and at John F. Kennedy International Airport. In 1996, DEA agents had confronted him on a street in New York City, but he fled after dropping almost twenty pounds of cocaine, and is believed to have returned to Haiti disguised as a woman.[152]

Hoping to receive a reduced sentence, Ketant offered to provide information implicating President Aristide in drug trafficking, and promised to turn over more than $15 million worth of mansions, luxury cars, businesses, cash, bank accounts, and rare paintings. But most of the assets, including $5 million in cash and some 200 valuable paintings, vanished after one of his five former wives looted his $8 million gated hilltop mansion in Vivi Michel in the company

of a Haitian police commander. The deal fell through, and on February 25, 2004, U.S. District Judge Federico A. Moreno sentenced Ketant to 27 years in prison, plus $30 million in fines and forfeitures.[153]

On October 16, Haitian police made another high-profile arrest. As they had done with Ketant, they immediately transferred Jean Eliobert Jasme into the custody of U.S. agents, who flew him to Florida to face federal charges of drug trafficking. Jasme is a prominent businessman commonly nicknamed “ED1” in Haiti. He owns the ED1 Construction Company. Jasme had previously been indicted in both Fort Lauderdale and New York on charges of importing more than a ton of cocaine into the United States, a figure reportedly reflecting actual seizures.[154]

Constitution and Structure of Government

Branches and units of government

The Constitution prohibits "personality cults," a reaction to the years of absolutist rule under the Duvaliers. Neither the image nor name of anyone still alive may appear on money, stamps, streets, or public buildings. Dual citizenship is expressly forbidden. Citizens are considered adults at age 18, with the right to vote.[155]

At the national level there is a threefold separation of powers, between legislative, executive, and judicial branches. The Legislature or Parliament (*Corps Législatif or Parlement*) consists of the Chamber of Deputies (*Chambre des Députés*) and the Senate (*Sénat*). When the two chambers sit together, they are known as the National Assembly (*Assemblée Nationale*).[156]

Depending on population, each municipality (*commune*) elects between one and three deputies. The entire Chamber is elected every four years, and deputies may seek reelection. The Senate consists of 27 members, with three senators from each of the nine Departments. They are elected to staggered six-year renewable terms, with one of the three seats up for election every two years. Deputies and senators alike are elected by "absolute majority," meaning more than half of all votes cast. Failure to attain an absolute majority in the first round requires a runoff election.

The National Assembly is empowered to declare war, ratify international treaties, approve the President's decision to suspend Constitutional guarantees, and to form the Permanent Electoral Council (*Conseil Electoral Permanent*). Ratified treaties are the highest law of the land, on a par with the Constitution.[157]

The Constitution may be amended by a two-thirds vote of the National Assembly.[158]

Bills may originate in either chamber, or from the Executive. A majority of members constitutes a quorum in both chambers. When bills passed by the two chambers do not match, they are referred to a conference committee to try to reconcile the differences, as in the U.S. Congress. The President may veto bills in whole or in part, but such vetoes may be overridden by a majority of the legislators present. The Legislature is the only authoritative interpreter of the laws it passes (though that would not include the Constitution itself). Any five legislators can initiate a questioning of the policies of either a particular department or the entire government. If such questioning results in a general vote of censure of the government, the President is obligated to appoint a new Prime Minister. If either chamber votes to censure any other minister, that minister must likewise be replaced.[159]

The President of the Republic is elected to a five-year term by an absolute majority of votes cast. Should such a majority not occur in the first round, a runoff election is held among the two candidates who received the most votes. The president is ineligible for reelection to a consecutive term, but may be reelected for one additional nonconsecutive term. Should the presidency become vacant, the president of the Supreme Court (*Cour de Cassation*) becomes acting president pending election of a new president.[160]

The president selects a prime minister (*Premier Ministre*) from among the members of the party that has a majority in Parliament. When there is no such majority, the nomination is made after consulting with the presidents of the two chambers. In either case, the nomination must be ratified by Parliament. With consent of the Senate, the president also appoints the chief of police, ambassadors, and the governing boards of autonomous organizations.[161]

The president is head of state, the prime minister, head of government. The prime minister appoints all other ministers with the approval of the president. He or she submits a plan of government to Parliament, subject to a vote of confidence by both chambers. In principle, civil service employees are hired according to "aptitude, merit and conduct," and can only be dismissed for cause after a hearing by the Court of Administrative Disputes.[162]

The judiciary consists of Courts of First Instance (*Tribunaux de Première Instance*), Courts of Appeals (*Cours d'Appel*), and the Supreme Court (*Cour de Cassation*). Ten Supreme Court judges are appointed to ten-year terms and cannot be removed during that time. Judges of the Courts of First Instance are appointed to seven-year terms. The Supreme Court is empowered to rule on the constitutionality of laws.[163]

In principle, a "fully independent" Permanent Electoral Council (*Conseil Électoral Permanent*) organizes and runs elections. It is made up of nine members, three each chosen by the Executive, the National Assembly, and the Supreme Court. Members serve for nine years, and may not be removed or reappointed. Terms are staggered, with three members elected every three years. Since the adoption of the Constitution, the country has had a series of Provisional Electoral Councils (*Conseil Électoral Provisoire*), and even if its members are nominally independent, they are by no means seen as neutral. Haiti has partial public financing of national electoral campaigns. Parties that win at least 10 percent of the national vote are reimbursed for part of their expenditures, in proportion to the number of votes won.[164]

The Superior Court of Auditors and Administrative Disputes (*Cour Supérieure des Comptes et du Contentieux Administratives*) is an independent financial and administrative court. Its ten members are chosen by the Senate, and serve ten-year terms during which they may not be removed.[165]

The State University of Haiti (*Université de l'Etat d'Haïti*) is likewise set up as an autonomous organization.[166] Most professors work part-time, are paid by the hour, and have little time to interact with students. The university is chronically short of books and equipment.[167] Nevertheless, according to the U.S. Department of State, the Government does not restrict academic freedom.[168]

The Conciliation Commission (*Commission de Conciliation*) seeks to resolve disputes between the two legislative chambers, and between the Legislature and the Executive. It consists of the president of the Supreme Court, the president of the Senate, the president of the Chamber of Deputies, the president and vice-president of the Permanent Electoral Commission, and two members appointed by the President of the Republic.[169]

The country is divided into nine administrative Departments (*Départements*), which are successively subdivided into *Arrondissements*, Municipalities (*Communes*), *Quartiers*, and

Sections Communales (see Appendix Two). The smallest unit of governance is the *Section Communale*. It is run by a council of three members elected for four-year terms. The Municipality (*Commune*) is likewise run by three officials elected to four-year terms, who constitute the Municipal Council (*Conseil Municipal*). They are advised by a Municipal Assembly (*Assemblée Municipal*) consisting of a representative from each *Section Communale*, to which they are accountable for their management of public funds. The Council president is known as the Mayor (*Maire*).[170]

Departments are the largest territorial units, and are run by a council of three officials elected by the Departmental Assembly, which is made up of one representative from each Municipal Assembly. The President of the Republic appoints a delegate (*délégué*) to coordinate the administration of each Department, and a vice delegate (*vice-délégué*) in each *Arrondissement.* Each of the Departmental Assemblies, in turn, elects a representative to the Interdepartmental Council (*Conseil Interdépartemental*), which advises the President and Council of Ministers on policies affecting the Departments.[171]

Constitutional vs. *actual* guarantees of human rights

The preamble to the Haitian Constitution of 1987 lists among its aims "to constitute a Haitian nation that is socially just, economically free, and politically independent." But it also aims "to guarantee inalienable and imprescriptible rights to life, liberty, and the pursuit of happiness," and "to implant democracy which implies ideological pluralism, political alternation, and the affirmation of the inviolable rights of the Haitian people." The national motto, inherited from the French Revolution, is "Liberty, Equality, Fraternity."[172]

The right to life is defined to include a right to health, and the death penalty is abolished for all crimes. Punishment for high treason is life imprisonment at hard labor without possibility of parole. [173]

In principle, all citizens have a right to decent housing, education, food, and social security. That right is in fact realized by only a small portion of the population. Most rural families have no access to public schools. In 2003 the Ministry of Education estimated primary school enrollment at 65 percent.[174]

On paper, there is a strong right to personal liberty. No one can be arrested or detained without a properly issued warrant, except when apprehended in the commission of a crime. Any detention must occur in the daytime, between 6 a.m. and 6 p.m., except in case of *in flagrante delito*. The person detained must be presented with a document explaining the legal reason for detention in both French and Creole, and must be advised of a right to legal counsel. Prisoners awaiting trial must be kept apart from those who have been convicted.[175]

Psychological or physical brutality during interrogation of detainees is forbidden. Detainees have the right to have either a lawyer or a witness of their choosing present during interrogation. They may not be held for more than 48 hours without the arrest being brought before a judge. Moreover, all government officials are directly responsible for violations of human rights, regardless of their stature.[176]

These rights are seldom observed in practice. Few Haitians have the means to hire an attorney, and the law does not require that the government provide legal representation in such cases. Also, according to the U.S. Department of State,

> Certain police jurisdictions routinely disregarded the 48-hour requirement to present detainees before a judge, and some detainees were held for years in pretrial detention … Police or other government officials often apprehended persons without warrants, or on warrants not issued by a duly authorized official. Moreover, arrests sometimes were made on charges such as sorcery or debt with no basis in law. The authorities frequently detained individuals on unspecified charges or pending investigation. The Government often resorted to arrest and detention on false charges or on the charge of "plotting against the security of the State," particularly in political or personal vendettas.[177]

The Constitution guarantees freedom of expression, including the right to practice journalism without censorship in time of peace. Reporting on the year 2003, the Department of State said

> Several times during the year, the Government publicly expressed support for free expression; however, there were several documented attacks on members of the press. Print and electronic media freely criticized the Government and opposition. However, in practice most media admitted to some form of self-censorship to avoid offending sponsors or the politically influential.[178]

The Constitution also guarantees freedom of conscience and religion, and freedom of assembly and association for peaceful purposes, including the organization of political parties that respect national sovereignty and democracy.[179] The government generally respects freedom of religion, according to the U.S. Department of State.[180] The right to freedom of assembly, however, is not always respected in practice:

> Although some organizations were able to exercise this right without hindrance throughout the year, numerous violations of this freedom frequently occurred in the capital as well as in the provinces. Authorities frequently failed to provide police protection for opposition parties, student groups, and women's groups conducting peaceful demonstrations. Authorities often transported pro-Aristide supporters, armed and unarmed, to announced opposition events and failed to arrest them for throwing rocks or bottles at the demonstrators and brutally beating them with clubs.[181]

Labor rights include the right of public and private employees to "a just wage, rest, annual paid vacation, and bonus." Discrimination based on sex, beliefs, opinions, and marital status is prohibited. Employees have a right to form labor unions, which are supposed to be apolitical, and which may strike subject to limits established by law.[182] The nine main labor federations encompass about 5 percent of the total labor force of about 2.8 million persons. They are independent of the government and political parties.[183]

There is a right to property, which entails a responsibility not to use it in a way that jeopardizes the general welfare. Expropriation for a valid public purpose may only occur with just compensation, and may not be for political reasons. Landholders are required to cultivate the soil and to protect it from erosion, subject to legal sanction. Shorelines, rivers and streams, and mineral deposits are public property.[184]

Primary education is free and compulsory.[185] "In practice," according to the US Department of State,

> in practice most rural families had no access to public schools. The costs of school fees, books, materials, and uniforms, even in public schools, were prohibitive for most families, and an estimated 90 percent of schools were private. Schools were dilapidated and understaffed. According to the Government, 40 percent of children never attend school; of those who do, less than 15 percent graduate from secondary school.[186]

Higher education is free. It is provided by the State University of Haiti (*Université d'Etat d'Haïti*).[187]

In principle, practices that are likely to upset ecological balance are strictly forbidden. To protect forest reserves and expand vegetative cover, "the State encourages the development of clean energy sources: solar, wind, and others." Furthermore, "no one may introduce into the country wastes or residues of any kind from foreign sources." In fact, the highest rate of deforestation in the Western Hemisphere (see section on Haiti's Economic Plight) is testimony to the almost complete lack of enforcement of these provisions.[188]

The Office of Citizen Protection (*Office de la Protection du Citoyen*) is an independent agency established by the Constitution to defend human rights. It is headed by an ombudsman, known as Protector of the Citizen (*Protecteur du Citoyen*).[189] Though the office's standing improved in 2002 with the appointment of respected human rights advocate Necker Dessables, its work has been hampered by a limited budget that allowed hiring only four investigators.[190]

Security forces: Haitian National Police

The 7,000-man Haitian Armed Forces (*Forces Armées d'Haïti*, FAd'H), which included the country's militarized police force (*Police Militaire*) were disbanded following the UN-sanctioned multinational intervention to restore the elected government of President Jean-Bertrand Aristide in September 1994. Security functions were first assumed by UN peacekeeping forces, then transferred to the new Haitian National Police (HNP, *Police Nationale d'Haïti*), formed with assistance from the UN in 1995.[191] By 1997, the HNP had grown to about 6,000 officers, with help from the United States and Canada. By the end of 2001, however, the number had dropped to somewhere between 3,000 and 3,500.[192]

The police operates under the Ministry of Justice, placing it under civilian control. The Commander in Chief of the Police Forces (*Commandant en Chef des Forces de Police*) is appointed by the President of the Republic with the concurrence of the Senate. The chief serves for three years, and may be reappointed.[193]

The Haitian National Police is divided into uniformed police and plainclothes judicial police. The uniformed police include a traffic division, an anti-gang unit (*Service Investigative Anti-Gang*, SIAG), local and departmental headquarters, and several specialized units. A Presidential Security Unit and a National Palace and Residential Guard protect the President of the Republic. Though nominally a part of the HNP, the Presidential Security Unit has its own budget and is independently administered. A 50-person U.S.-trained Intervention Force

serves as a special weapons and tactics (SWAT) team. An 81-member Coast Guard unit provides nominal vigilance of the country's 1,100-mile coastline. A crowd control unit, the Company for Intervention and Maintenance of Order (*Compagnie d'Intervention et de Maintien de l'Ordre*, CIMO) serves the Department of the West, including Port-au-Prince. Other crowd control units, the Departmental Units to Maintain Order (*Unités Départementales de Maintien d'Ordre*, UDMO) serve each of the remaining eight Departments, although CIMO is often called upon to reinforce these forces.[194]

The Judicial Police (*Direction Centrale de la Police Judiciaire*, DCPJ) investigates criminal activities and assists judges in investigations. The Anti-Drug Unit (*Brigade de Lutte contre le Trafic de Stupéfiants*, BLTS) collaborates with the Drug Enforcement Agency to combat drug trafficking. The French-trained Immediate Reaction Brigade (*Brigade de Recherche et Intervention*, BRI) is the operational arm of the Judicial Police. A Special Investigative Unit is assigned the task of investigating high-profile killings. A highly competent but unfortunately little-used Forensic Unit was trained and equipped by the United States and Canada. Autopsies are seldom performed, and even more seldom described in a written report.[195]

By 2003, two other kinds of police units had been formed. Special Brigades (*Brigades Spéciales*), small teams of regular police attached to some larger police stations around the country, provided protection for the stations, and filled in for SWAT teams until they could arrive on the scene. Members were armed with assault rifles and wore black T-shirts inscribed with the letters BS. With police forces severely understaffed, civilian auxiliaries (*attachés*) with special identification cards also began operating out of police stations in major urban areas, including Delmas 33, Carrefour, Cité Soleil, Port-au-Prince, Pétionville, Gonaïves, Cap-Haïtien, and Hinche. Though under the direct control of the chief commissioner (*commissaire*) of the police station (*commissariat*) to which they were assigned, they had no formal police training, and committed serious violations of human rights.[196]

The U.S. Department of State reported that during the year 2003,

> authorities did not maintain effective control of the security forces, and HNP officials at all levels were implicated in corruption and narcotics trafficking. Partisan political leaders increasingly exercised control over elements of the police and influenced it for personal or political gain. President Aristide filled many key HNP positions with political allies lacking experience, training, and credibility. Some parliamentarians, mayors, and members of local government councils (CASECs) exercised arrest authority without legal sanction … Police "attaches" became increasingly prevalent throughout the country and particularly in certain commissariats … HNP officials at all levels were implicated in corruption and narcotics trafficking. While some new cadets entered through a competitive selection process, the Government appointed more than half of the new recruits based on political and personal favoritism.[197]

Torture and other forms of physical mistreatment in detention continued to be a problem, according to the U.S. Department of State:

> Police officers used excessive and sometimes deadly force in making arrests or controlling demonstrations and were rarely punished for such acts. Torture and other forms of abuse were reported.

> Police mistreatment of suspects at the time of arrest and during detention remained common in all parts of the country. Beating with fists, sticks, belts, and "kalot marassa" – a severe boxing of the ears – were the most common form of abuse. Persons who reported such abuse often had visible injuries consistent with the alleged mistreatment.
>
> Mistreatment also took the form of withholding medical treatment from injured jail inmates.[198]

Records of dismissals show that poor performance, corruption, and human rights violations served as grounds for removal from the force until 2000. According to the police Inspector-General, 673 officers were dismissed between the HNP's creation in 1995 and October 1999. Of these, 407 were dismissed as a result of investigations by the Inspector-General. Probable human rights violations occurred in at least 130 cases, according to MICIVIH. The Office of the Inspector-General assigned two police officers to attend to human rights claims by NGOs and by the Office of Citizen Protection (*Office de la Protection du Citoyen*), the constitutionally mandated ombudsman.[199]

During President Aristide's second term, efforts to address human rights violations by the police slackened. Between January 2001 and December 2002, the Inspector-General requested removal of 88 officers charged with abuse. Yet many remained on the payroll as of December 2002. And wayward police officers were seldom brought to trial – police misconduct was generally dealt with only by firing.[200]

- On May 25, 2002, the HNP killed three youths who lived in the Port-au-Prince slum of Cité Soleil. As of the end of 2003, no investigation had been launched.[201]

- On March 27, 2003, an HNP bullet grazed 21-year-old Ginette Pierre in Petit-Goâve. When she fell to the ground, police drove their car in reverse, crushing her head and killing her. The government provided funds for the wake and funeral, but did not pursue any action against the police officers.[202]

- On October 14, 2003, officers beat and tortured Jonathan Louima, a homeless 16-year-old street child, at the Port-au-Prince Police Commissariat. They had dogs bite the youth all over his body. At year's end, no officers had been held responsible.[203]

Another problem confronting the police was the inadequacy and inefficiency of the judicial system, inherited essentially unchanged from previous regimes. According to Amnesty International,

> An effective response to violence and criminal activity is hampered by the weakness of the judiciary, itself a legacy of past regimes. Unlike the HNP, the justice system did not undergo a complete overhaul following the return to democracy. Consequently, improvements in efficiency and independence achieved by the HNP are to a certain extent hamstrung by the dysfunction still afflicting the justice system. Individuals arrested by the police are at times released through judicial corruption or inefficiency, increasing the temptation for police officers to 'take justice into their own hands' by killing suspects that they consider dangerous outright. Sources in Haiti also attribute frequent 'popular justice' killings of suspected criminals to lack of public faith in judicial process. Judicial officials, for their part, at times accuse the police of corruption or failing

> to fulfill their share of the work in investigating crimes. These differences between the two institutions continue to be detrimental to the overall respect for human rights available to Haitian citizens.[204]

Former police chief Pierre Denizé told the UN Special Rapporteur that "ineffective or non-existent follow-up by the judiciary of cases submitted by the police led to demoralization and an increase in human rights violations."[205]

With public confidence in the police and the judiciary hitting new lows, President Aristide appointed Jean-Claude Jean-Baptiste as Haiti's new national police chief on March 26, 2003. But the appointment was criticized both by the opposition and by human rights groups. Jean-Baptiste submitted his resignation on June 2, and was succeeded four days later by Jean-Robert Faveur, who had previously been the police chief of Haiti's southeast district. Two weeks later, Faveur resigned and fled to the United States, alleging the government made improper demands for promotions of favored personnel, and that his life was threatened when he refused to carry them out. President Aristide replaced him with civil court senior judge Jocelyne Pierre. [206]

In September 2003 the National Coalition for Haitian Rights denounced the increasing politicization of the HNP:

> Although significant attempts were made through mid-2000 to discipline police perpetrators of human violations, the results were mixed. From 1995 through 2000, over 1,100 police officers were dismissed and countless others were otherwise disciplined for misconduct. However, in May 2000 – following the resignation of then-Secretary of State for Public Security, Robert Manuel; the killing of Jean Lamy, who was slated to replace him; and the forcing out of then-Chief of Internal Affairs Luc Eucher Joseph – the dismissed officers were not only reinstated, but many were promoted to positions of higher authority. At a minimum, their reinstatement gave the appearance that authorities were turning a blind eye to human rights abuses, thus giving would-be perpetrators of these acts a free hand to act….
>
> The police force has subsequently become increasingly politicized … Today, an estimated 1/3 of the original police force of 5,000 has left its ranks – many out of disillusionment or in search of better opportunity – precious few as a result of discipline for misconduct, corruption or human rights abuses. The remaining numbers have been augmented over the past few years with new recruits – most of whom were hired without the benefit of the impartial open examination process that was used through the graduation of the 10th promotion in 1998.[207]

At the conclusion of a 12-day mission in early November 2003, a U.N.-appointed human rights expert said the Haitian National Police faced a "serious identity crisis." Louis Joinet said senior officials had quit the force "scandalized and disappointed" as "people are given unbelievable promotions outside of all legal criteria."[208]

A particularly egregious example was that of Municipal Commissioner (*Commissaire Municipal*) Neguippe Simon in Hinche, who shot and killed a woman who had inadvertently struck his vehicle with a rock thrown in a domestic dispute. Simon was arrested, but in

December, while awaiting trial, inexplicably released and promoted into the upper ranks of the HNP.[209]

Prisons

Following the overthrow of the military government, which ran the prison system as an extension of the armed forces, the Aristide administration created the National Penitentiary Administration (*Administration Pénitentiare Nationale*, APENA) in June 1995. Two years later, in April 1997, it was incorporated by presidential decree into the Haitian National Police, as the Direction of Penitentiary Administration (*Direction de l'Administration Pénitentiaire*, DAP).[210]

The prison population nearly tripled between 1995 and August 2000, from 1,500 to 4,219, in part because of inadequacies in the judicial system described further on. Yet the prison budget remained fixed at 1995 levels because of the economic crisis. Overcrowding has meant that juveniles are often mixed with adult prisoners.[211] In 2002, more than 4,100 prisoners were being held in a system designed to hold about 1,260. In 2003, the estimated population declined to 3,519, with a further reduction following President Aristide's December 31 decree granting full amnesty to common law criminals awaiting trial, and commuting the sentences off 66 other prisoners.[212]

Most adult male prisoners are held in the National Penitentiary (*Pénitencier National*) in Port-au-Prince, which held slightly over half the total prison population in November 2000.[213] Women and children are generally held in Fort National.[214] There is also a system of holding cells in police stations nationwide.

According to former Justice Minister Camille Leblanc, "Prison here is not sweet. We can only afford to feed our prisoners 1,300 calories per day, while someone needs 2,000 a day. When you get into jail here...you don't know how you're going to come out."[215]

A team from the International Committee of the Red Cross found that 18 percent of prisoners in the National Penitentiary were suffering from malnutrition.[216] Many prisons served only one meal a day, instead of the required two meals. Even where two meals were served, the food typically lacked the minimum nutrients set by international standards. In one month alone (November 2000), at least five prisoners died of malnutrition.[217]

These conditions sparked a prison riot on November 15, 2001. According to a report by the National Coalition for Haitian Rights, the riot originated after a prison guard beat to death a prisoner (Max Ambroise) who complained he was hungry. Parts of the prison were set ablaze. Prisoners reported that the CIMO police who restored order made them lie on the ground and stepped on them with their boots. The investigative team, composed of members of NCHR, the Platform of Haitian Human Rights Organizations (POHDH), and the Lawyers' Committee for Respect for Individual Liberties (CARLI), concluded that the riot had been caused by inhumane treatment that violated the internal regulations of the National Penitentiary, which call for a minimum of two balanced meals a day. They also noted a violation of the Constitutional requirement that persons who have merely been accused of crimes not be held with convicted criminals.[218]

Conditions are even worse in police holding cells. Michelle Karshan, a Haiti-based U.S. citizen who is founder and executive director of *Chans Altenativ* (Alternative Chance), an advocacy organization for criminal deportees, wrote the following description of police holding cells in August 2000:

> A cell approximately 10 ft by 11 ft typically holds 20 people... These holding cells have no toilets and no sinks. Usually those wishing to use a toilet must use a bag to defecate in or they urinate in a communal bucket which stays inside the cell... There is typically no fan available as most police stations have little or no electricity. My estimation is that these cells range in temperature from 80-105 degrees during the day. There is no light provided and in one place I visited the CDs [criminal deportees] are packed in an extremely hot cell which is dark at all times. The CDs are not provided any chairs, beds or mats to sleep on or sit on and are therefore sleeping altogether directly on cement floors... In some of the cells when it rains the cell is flooded and the CDs must get up from the cement floor and use their own clothes to mop up the floor. It is then impossible to sleep given the flooding conditions of the cells... While in these holding cells no food is provided to the CDs and they must depend on a family member to bring them food. Unfortunately, many of the CDs have no relatives in Haiti... While in these holding cells, the CDs are only provided access to tap water. The water is contaminated and is extremely high risk to everyone. Unless boiled for a period of 20 minutes, tap water can typically transmit typhoid fever, hepatitis, parasites, amoebas. The CDs have no possibility to boil water... CDs must wash their clothes (often without soap) and hang them in the cell to dry although there may be no ventilation in the cell. Problems of properly washing clothes contribute to fungus infections or parasite infestations which quickly become open and infected sores... There is no medical care for CDs held in police station holding cells. There are no doctors available to diagnose or treat sick CDs. There is no medicine available to treat CDs in holding cells.[219]

Though Karshan reported that the practice of holding criminal deportees in holding cells was discontinued in early 2001, the description of conditions in the cells continued to be valid.[220]

Because of the inability of the Haitian justice system to process cases in a timely manner, an estimated 78 percent of prison inmates were in pretrial detention in 2002. For female inmates the figure was 86 percent, and for minors, 95 percent.[221] MICIVIH uncovered some truly shocking cases. One man had been held in the National Penitentiary for several years awaiting trial for the theft of a portable tape recorder; another had been held just as long on suspicion of stealing a pair of pants.[222] On April 24, 2001, Prime Minister Jean-Marie Chérestal ordered the release of some 50 men who had spent more than two years in the National Penitentiary awaiting trial for minor crimes. Had they actually been tried and convicted, they would have likely served less time.[223] Between May and September 2002, Justice Minister Brown ordered the release of another 60 pretrial detainees. Many prisoners continue to be held despite valid orders for their release issued by judges.[224]

In its human rights report for 2003, the Department of State said

> Prison conditions remained poor. The Penitentiary Administration Management (DAP) made some progress in improving prison administration and warden training. Prisoners and detainees continued to suffer from a lack of basic hygiene, malnutrition, poor quality health care, and, in some facilities, 24-hour confinement. Most prisons periodically

> suffered from lack of water, especially in the provinces. The incidence of preventable diseases such as beriberi, AIDS, and tuberculosis increased. Some prisoners who were incarcerated for petty crimes were given amnesty and released by the Ministry of Justice during the year.[225]

Since March 24, 2000, some criminal deportees from other countries who have already served their sentences abroad have been kept in indefinite detention. Prosecutor August Brutus characterized these detentions as “preventive measures” to keep returning “bandits” from further contributing to the country’s high levels of crime.[226]

Politics from Restoration of Democratic Rule to Second Overthrow of Aristide

Lavalas splits in two

Gen. Henri Namphy once complained to the foreign press that "we have a hundred one-man parties" in Haiti.[227] With some allowance for hyperbole, that continues to be the case today. The first mass-based political party in Haitian history was the Lavalas Political Organization (*Organizasyon Politik Lavalas*, OPL), founded by President Jean-Bertrand Aristide in 1991. Following the 1991 military coup, OPL organized resistance to military rule. With the restoration of democracy, it became Aristide's means to ensure the succession to the presidency of his close associate and stand-in, René Préval.

By November 1996, however, OPL had split apart. Part of the reason was dissatisfaction with the hegemonic role played by Aristide. There were also differences over the role of state-owned enterprises. Under pressure from the international community, which was withholding millions of dollars in aid, Prime Minister Rosny Smarth proposed to privatize inefficient state enterprises. Aristide opposed the privatizations. In a radio address, he criticized international lending agencies and their Haitian backers, saying "it is a game of organizing their own business rules, which are good for those who have more and bad for those who have less...for them, it is them first, them next and them in the end."[228]

Underlying the dispute was a conflict over patronage. One of Aristide's primary bases of support was among unemployed youth and the destitute, and he wanted to be able to use state employment to their advantage. His opponents, on the other hand, were more concerned with doing whatever was necessary to free up suspended foreign aid, which was more beneficial to their constituencies. According to Robert Fatton, Jr.,

> both Lavalas and the opposition are prisoners of the politics of the belly, a form of governability based on the acquisition of personal wealth through the conquest of state offices. In a country where destitution is the norm, and private avenues to wealth are rare, politics becomes an entrepreneurial vocation, virtually the sole means of material and social advancement for those not born into wealth and privilege. Controlling the state turns into a zero-sum-game to monopolize the sinecures of political power. Not surprisingly this environment is conducive to political opportunism and fragmentation.[229]

Aristide's opponents in the OPL held a majority position within the party structure and its legislative delegation. So Aristide led his supporters, including a large number of legislators, out of the OPL, forming *Lafanmi Lavalas* (the Lavalas Family). Those who remained behind eventually renamed the OPL *Organisation du Peuple en Lutte* (Organization of the People in Struggle, keeping the same initials), and continued to support the prime minister. When *Lafanmi Lavalas* deputies tried to oust Prime Minister Rosny Smarth in a no-confidence vote, they were defeated 37-29, with six abstentions.[230]

President Préval himself played it both ways. To all outside appearances, he backed his prime minister. But Fred Joseph – Préval's finance minister, in charge of privatizations – was among

the founders of *Lafanmi Lavalas*, as were two other cabinet ministers. And Préval continued to socialize with the otherwise reclusive Aristide. To overcome OPL's numerical advantage in the legislature, *Lafanmi Lavalas* registered as a political party in January 1997, to run candidates in the April 1997 election.[231]

Nine Senate seats were at stake in the 6 April 1997 election. Most of the smaller opposition parties boycotted, leaving the field to the two Lavalas factions. Voter turnout was very low, at three percent. *Lafanmi Lavalas* won two of the Senate seats, but no one won a majority in the other seven races, and the mandatory runoffs were never held. OPL, holding a plurality in both houses of the legislature, declined to seat the two winners, or to participate in the runoffs. The Open the Gate Party (*Pati Louvri Barye*, PLB), a smaller Lavalas splinter party, also chose not to take part.[232] In June, Rosny Smarth resigned as prime minister, following months of strikes and protests organized by *Lafanmi Lavalas*.[233]

When the terms of incumbent OPL legislators expired, they voted to extend their own terms unilaterally and indefinitely, as a bargaining chip to get President Préval and *Lafanmi Lavalas* to accede to their demands. On January 11, 1999, Préval instead announced he would form a government by decree, saying "I have neither the authority to prolong their [the legislators'] terms nor to dissolve Parliament." In fact, the Constitution states that "In no case may the Chamber of Deputies or Senate be dissolved or adjourned, nor the mandate of their members extended." Préval appointed Jacques-Édouard Alexis, who had been education minister, prime minister. Though Alexis' appointment had previously been confirmed by both houses of the legislature, the OPL refused to swear him in unless he agreed to give it key cabinet positions.[234]

In July 1999, President Préval signed a law nullifying the April 1997 election. It provided for a new election for all 83 seats in the Chamber of Deputies and for 19 seats of the 27-seat Senate (the terms of nine senators had yet to expire, but one of the nine had been slain).[235]

New elections were finally held on May 21, 2000. The Organization of American States estimated turnout at 60 percent, with "a massive participation of party poll watchers and national observers." After polls closed, however, the OAS Electoral Observation Mission "confirmed that armed groups stole and burned ballot boxes in the departments of the Center, North, and Artibonite." Observers also noted such irregularities as missing, incomplete, and unsigned tally sheets, and loss of some ballots.[236]

Lafanmi Lavalas initially took 16 of 19 Senate seats, with one seat going to an independent, and two seats yet to be decided in a postponed local election. Those two seats later also went to *Lavalas*. That gave *Lafanmi Lavalas* 22 of 27 seats, enough for secure control of the Senate. Yet the method used to determine the outcome of the Senate races was flawed. *Lafanmi Lavalas* partisans on the electoral council decided to include only the four top vote-getters in determining whether the lead candidate had gotten an absolute majority of votes cast, rather than adhering to the Constitution, which requires that all votes cast be included.[237] The Constitution specifies that Senators are to be elected "by an absolute majority of votes...under the terms prescribed by the electoral law." The Electoral Law of July 1999 defines absolute majority to mean "50% + 1 of valid votes."[238]

According to the Organization of American States Electoral Observation Mission,

> The most grave irregularity observed by the OAS Mission was the calculation of percentages of votes obtained by the senate candidates. The Constitution and the electoral law of Haiti clearly stipulate that a senatorial candidate must receive an absolute majority of the valid votes cast. If not, the candidate must participate in a second round election.
>
> In late May, the Director of Operations of the Provisional Electoral Council issued preliminary results in which the absolute majority was based on a limited number of candidates (usually the first four candidates with the most votes), instead of the total number of valid votes. By these calculations, 19 senatorial races were decided in the first round, 18 of which went to the Lavalas Party. If the calculations for an absolute majority had been based on the total number of valid votes cast, 8 senatorial races would have had to go to a second round….
>
> ….The refusal of the CEP to modify the calculations, however, eventually led the Mission to conclude that the highest electoral authority of the country violated its own Constitution and electoral law. By excluding some 1.1 million votes for approximately 100 senatorial candidates who were not in the top four, the CEP precluded the possibility of an election which allowed all participants the same consideration.[239]

Two of the three opposition-appointed members of the Provisional Electoral Council resigned in protest. Then on June 16, Léon Manus, president of the Provisional Electoral Council, fled to the Dominican Republic and then the U.S., saying he feared for his life after refusing to validate the illegal counts.[240] President Préval appointed *Lavalas* sympathizers to replace the members of the Provisional Electoral Council who had resigned in protest.[241]

In the lower house, *Lafanmi Lavalas* won 26 of 83 seats in the first round.[242] By the conclusion of the second round, it had secured 72 of 82 seats, with one still unresolved.[243]

Two of the new *Lafanmi Lavalas* senators – Dany Toussaint and Medard Joseph – were listed by the U.S. State Department as having links to past political assassinations. By act of Congress, they are ineligible to obtain visas to visit the USA.[244]

Summarizing Haiti's state of affairs near the conclusion of President Préval's term, journalist Bob Shacochis wrote:

> Haiti had no jobs to give its sons and daughters. The government had proved incapable of either reforming or privatizing its corrupt monopolies, foreign investors had stayed away, foreign aid was frozen in escrow. Lavalas had divided like an amoeba, each cell at the other's throat. The bureaucracy was paralyzed with incompetence, elected officials were strangling on their own greed, and parliamentary elections had been dishonest. Electricity and water were still a lottery you would never win; roads remained impassable, and people were starving. The narcotraffickers were back in business, crime was ubiquitous, the elite families had hired private armies, and an epidemic of assassinations had been orchestrated by – depending on who was raking through the evidence – Aristide, the oligarchic families on the mountaintop, or the CIA. The president was a sullen drunk, and the ex-president, toasted by Anthony Lake at his wedding, had become a husband and a father, a family man who lived in a big house with a swimming pool, separated from the people by the high walls of silence.[245]

Politics from Restoration of Democratic Rule

On October 9, 2000, former president Jean-Bertrand Aristide filed papers with the Provisional Electoral Council to take part in the November 26 presidential election. He was accompanied by thousands of cheering supporters.[246] Also at stake in the election were nine senate seats.

The Provisional Electoral Council estimated voter turnout on November 26 at 68 percent.[247] Other estimates ranged from 5 to 20 percent.[248] Turnout was reported to be moderate to very heavy in the poorer neighborhoods that have traditionally supported Aristide, and negligible in wealthier neighborhoods. Most opposition parties boycotted the election. With few exceptions, international observers chose not to monitor it, protesting the government's failure to modify disputed electoral procedures following the May 2000 legislative elections.[249]

According to the Provisional Electoral Council, Aristide got a little over 2.6 million votes, representing 91.7 percent of ballots cast. Four little-known candidates split the remaining 8 percent, with about 2 percent apiece.[250] But John Compton, head of the Caribbean Community (Caricom) mission, the only international entity that observed the election, estimated voter turnout at 15-20 percent, well below the 60.5 percent reported by the Provisional Electoral Council.[251]

Following the election, Aristide sought conciliation with the opposition. At a news conference, he said "I will work to bring peace to everyone – whatever economic level – as long as you are Haitian." "To have a peaceful Haiti the opposition is indispensable," he added. "There is no way for a democratic country to pretend it is moving ahead with one party. This is part of our democratic faith."[252]

UN Secretary-General Kofi Annan seemed unimpressed with the rhetoric. Addressing the General Assembly, he proposed not to renew MICAH (the last in a series of UN missions in Haiti), after expiration of its mandate on February 6, 2001 because of political instability and failure to meet democratic norms. In a report released the week of the elections, Annan cited as a "disturbing element" of Haiti's political polarization, "the widely held perception among opponents of Family Lavalas – shared by many former supporters – that the party might establish a dictatorial and repressive regime" with Aristide's return to the presidency. "On the other hand," the report noted, "it is very evident that Mr. Aristide enjoys the loyalty of broad sections of the urban and rural poor."[253]

Following a late-December 2000 visit by a team of emissaries representing President Clinton, President-Elect Aristide agreed to a series of concessions that he submitted in writing in a letter to Clinton dated December 27. That letter pledged to hold runoff elections (or undertake other credible means to resolve the electoral crisis) for the ten disputed Senate seats where *Lafanmi Lavalas* candidates were declared elected despite not having won an absolute majority of votes cast, as required by the Constitution. It included a promise to seek to include members of the opposition in his government, and to consult with the opposition in reforming the Provisional Electoral Commission. It pledged to allow U.S. Coast Guard vessels to enter Haitian waters in hot pursuit of drug traffickers. Aristide also agreed to keep the Haitian National Police from being politicized, and to permit the Organization of American States to monitor human rights.[254]

Yet these concessions were made in the context of a near-total consolidation of power. Regardless of the outcome of runoff elections for the ten Senate seats, Aristide was assured of secure control of both houses of the legislature. He would also be able to appoint justices to the Supreme Court, gaining control of the third branch of government.

Opposition coalesces in Democratic Convergence

On January 3, 2001, about 800 members of the recently-formed Democratic Convergence (*Convergence Démocratique*, CD) gathered in Port-au-Prince to make plans for an alternative government. The CD, which first organized as the Convergence Group (*Groupe de Convergence*) immediately after the disputed May 21, 2000, parliamentary elections, included the Organization of the People in Struggle (OPL), Space for Dialogue (*Espace de Concertation*), *Mouvement Patriotique pour le Sauvetage National* (MPSN), *Mouvement Chrétien pour une Nouvelle Haïti* (MOCHRENHA), *Rassemblement des Démocrates Nationaux Progressistes* (RDNP), and *Parti Démocrate Haïtien* (PADEMH). Among the leaders were Gérard Pierre-Charles, Evans Paul, Serge Gilles, and Victor Benoit. The organizers said they did not recognize the legitimacy of the incoming Aristide administration.[255]

Instead they later announced what they called an "alternative government," with Gérard Gourgue as "provisional president." Gourgue, a longtime opponent of the Duvalier dictatorship, and an earlier ally of Aristide against the military government, stunned many Haitians by calling for the restoration of the armed forces, apparently hoping to mobilize support among former soldiers and officers.[256] According to Robert Fatton, Jr., such opportunism is typical of much of the Haitian opposition:

> *Fanmi Lavalas*, however, is not the only obstacle to the full democratization of Haiti; in fact the opposition as a whole is as responsible for the current predicament confronting the country. The opposition has consistently behaved opportunistically. Its different sectors have all changed allies and enemies without paying attention to ideology or principle, seeking little else than the crude conquest of power... Moreover, by calling for the return of the despised military chiefs in exile and the reconstitution of the dreaded Haitian army, Gérard Gourgue, CD's Provisional President exposed his desperate lack of popular support. Gourgue's speech was nothing but a veiled appeal for the mobilization of former military officers against the new Aristide administration.[257]

On February 8, Aristide was inaugurated to a second presidential term in front of thousands of supporters. But turnout was a fraction of what it was for his first inauguration in 1991, and not a single foreign head of state was in attendance. Across town, the Democratic Convergence staged a counter-inauguration of their "virtual president" Gérard Gourgue.[258]

President Aristide appointed economist Jean-Marie Chérestal as his prime minister. Chérestal, who was easily confirmed by the *Lafanmi Lavalas*-dominated legislature, appointed a cabinet that once again included Marc Bazin, Aristide's leading opponent in the 1990 election, as minister of planning and external cooperation.[259] The Democratic Convergence turned down offers to participate in the government, saying it was the product of fraudulent elections.[260]

On March 6, about a thousand former soldiers took part in a demonstration, chanting support for Gourgue and the Democratic Convergence and for the ouster of President Aristide. In May, they demonstrated again, waving the red-and-black flags of the Duvalier dictatorship. On both occasions they called for restoration of the army. For his part, Gourgue likewise called for restoration of the army.[261]

On March 19, Aristide supporters moved against Gourgue and the Democratic Convergence. They set up burning barricades in Port-au-Prince, shouted "Aristide or Death," and demanded the arrest of Gourgue. They then surrounded the headquarters of the Democratic Convergence, throwing rocks and trapping some 50 persons inside until the arrival of riot police almost 24 hours later. On March 21, Gourgue challenged Aristide to arrest him, saying "Arresting me would be the most beautiful gift Aristide could give me." After the Senate passed a resolution calling for his immediate arrest, he went into hiding on March 23, saying he feared for his life.[262]

In early May, former military dictator Prosper Avril, who had gone into exile in the U.S. after being forced from office in 1990, resurfaced at an event in which his right-wing CREDO (Coalition to Help Haiti Achieve Economic Development, Democracy and Respect for Law and Order) political party gave its support to Democratic Convergence. At his next public appearance at a Pétionville restaurant on May 26, heavily-armed police arrested him, and delivered him to the National Penitentiary. The arrest warrant charged him with having arrested, tortured and injured political activists Evans Paul, Marino Etienne, Jean-Auguste Mesyeux, Gérard Emile Brun, Serge Gilles and Fernand Gérard Laforest while he ran the country in 1989 and 1990. The charges closely paralleled those which had earlier led to a 1994 ruling by a U.S. federal court in Miami that Avril had "personal responsibility for a systematic pattern of egregious human rights abuses" while dictator, including the torture of the aforementioned political activists. The U.S. court awarded a judgment of $41 million against Avril, who then fled the country, presumably to Haiti, where he maintained a low profile until May 2001. Following Avril's arrest, CD leaders Gérard Gourgue and Evans Paul called for his immediate release.[263]

On June 5, 2001, President Aristide proposed to convene a new electoral council and hold elections before the end of the year to resolve the dispute over Senate seats stemming from the flawed May 2000 elections. Seven senators agreed to resign in preparation for the elections. The government released opposition politician Gabriel Fortune, a condition set by the Democratic Convergence as a condition for dialogue. Fortune had been arrested on May 21 following a shootout at a meeting of opposition politicians. The OAS accepted Aristide's proposal, which was the outcome of vigorous shuttle diplomacy by OAS Deputy Secretary-General Luigi Einaudi. But the Democratic Convergence did not, saying it had not been properly consulted. Einaudi said he hoped the Convergence would participate, but the process must move on regardless. "The central issue is not whether the Convergence is in it, but whether it's a good electoral council," he said.[264]

Also on June 5, Haitian authorities arrested Lucien Gervais and five other members of his United Forces for National Liberation, a minor opposition party. The police said they suspected Gervais was planning further bomb attacks similar to those that killed two children and wounded about 20 persons prior to the November 2000 presidential election.[265]

July and December 2001 attacks on police stations and national palace

On July 28, 2001, gunmen in military uniforms attacked police posts in the capital and three other towns, shouting "Long live the army!" Five police officers were killed, and another 14 wounded.[266] The attacks began with the 2 a.m. seizure of the National Police Academy in Port-au-Prince. Police Commissioner Jean Eddy Cantave was able to alert superiors by cellular telephone about an hour later, before being killed. Yet the assailants were able to leave the premises without any difficulty at around 7 a.m. About an hour later, a commando group (possibly the same one) arrived in Mirebalais, a town about halfway to the Dominican Republic, about 30 miles northeast of Port-au-Prince. The assailants attacked the police station, killing one of the two policemen (the other fled), and seizing weapons and ammunition. About an hour later, a commando group (again possibly the same one) seized the town of Belladère, located on the Dominican border about 25 miles east of Mirebalais. One of the commandos broadcast an appeal over a local radio station, inviting former soldiers to join them. At about 2 p.m. a helicopter circled overhead, but it was not until about 6 p.m. that helicopters delivered SWAT forces that retook possession of the town. Once again, the assailants fled without difficulty, presumably across the border.[267]

On August 8 the Dominican ambassador to Haiti confirmed that ten former Haitian soldiers had taken refuge in his country.[268] On October 24, the Dominican Republic, which does not have an extradition treaty with Haiti, granted temporary residency to eleven men wanted in connection with the July 28 attacks. Ten of the eleven said they were former members of the Haitian Armed Forces (FAd'H); the eleventh said he was a member of the opposition.[269]

The government reacted to the July 28 attacks with 41 arrests.[270] Caught in the dragnet were police officers and commanders, relatives of former soldiers (including the sister and brother-in-law of the only assailant killed in the attacks), local leaders and former candidates of the Democratic Convergence. Some were arrested without warrants. At least one – Sériphin Hébert, Coordinator of *Espace de Concertation* (a member organization of Democratic Convergence) in Hinche – was badly beaten. Among the police commanders arrested was Divisional Commissioner Mario Andrésol. In an implicit admission that most of the arrests were without legal justification, the government released 23 detained civilians, in early August.[271]

On August 7, a lower court judge ordered the release of Commissioner Andrésol. The government nevertheless continued to hold him pending an appeal. When a higher court judge likewise ordered his release in late August, Andrésol was able to return home. Andrésol's difficulties began with the inauguration of President Aristide. On the same day in March 2001 that Aristide installed Jean Nesly Lucien as chief of police, Lucien removed Andrésol from his position as chief inspector. A possible reason may have been that Andrésol had formerly served in the Haitian Armed Forces (FAd'H), rising to the rank of captain. One hypothesis about Andrésol's arrest is that Aristide could well suspect that the former army officer, having recently been demoted by the new president, might conspire with former military colleagues to overthrow the government. Another hypothesis, advanced by government opponents, is less charitable to Aristide. Andrésol stepped on a lot of powerful toes while he was chief police

investigator. He jailed Colombian drug traffickers. He exposed fellow police who were providing protection to traffickers. And his investigations into political assassinations may have discomfited some very powerful members of the ruling party. Whatever the reason, two judges found no legal basis for his detention.[272]

Before dawn on December 17, 2001, armed men wearing military uniforms attacked the National Palace in Port-au-Prince. Haitian authorities said there were 33 attackers. They shot to death two policemen on the scene, wounded six others and riddled palace walls and windows with bullet holes. One assailant identified as Chavre Millot was said to have been killed at the palace. Authorities said they found false Dominican documents on his body. As the attackers fled several hours after the initial assault, they shot to death two bystanders. Four commandos were reportedly killed while attempting to cross the border into the Dominican Republic, and another was said to have been captured, wounded, near the Dominican border. Authorities identified him as Pierre Richardson, saying he was a former soldier who had also taken part in the July 28 attack on the National Police Academy.[273]

In the immediate aftermath of the palace shootout, pro-Aristide crowds set up barricades of burning tires, and launched violent and sometimes deadly attacks on the homes and headquarters of the opposition. In Gonaïves, a crowd organized by an armed gang popularly known as the Cannibal Army burned the home of Democratic Convergence (CD, *Convergence Démocratique*) leader and evangelical Protestant minister Luc Mésadieu, killing two members of his opposition Christian Movement for a New Haiti (MOCHRENHA) at the scene and burning their bodies. In Port-au-Prince, a mob that gathered near the palace set ablaze two other "suspected collaborators." Other mobs torched the headquarters of Democratic Convergence and three of its constituent organizations (KONAKOM, KID, and ALAH). They also torched the homes of CD leaders Gérard Pierre-Charles and Victor Benoit. Pierre-Charles' wife Suzy Castor said some of the attackers "had walkie-talkies that they were using to listen to orders." She said that police called to the scene merely stood and watched.[274] Senator Yvon Neptune, interim president of *Lafanmi Lavalas*, defended the violent acts: "The Haitian people, when they are in danger, have the right to defend themselves, to protect themselves when there are terrorists, putschists."[275] Responding to pressure from the international community, the government eventually agreed to pay reparations to victims of the violence.[276]

The government characterized the events of December 17 as an attempted coup. Leaders of the opposition Democratic Convergence said it looked more like an elaborate charade intended to justify a violent crackdown on the opposition. Former Port-au-Prince mayor Evans Paul said that the notion of some 30 men attacking a palace guarded by hundreds of police was an "absurdity," all the more so because it is widely known that Aristide seldom spends the night there. In fact, Aristide was at his home in the suburb of Tabarre on the night of the attack.[277]

Yet Pierre Richardson, the wounded former soldier captured after the attack on the palace, told reporters he had participated in a "coup d'état." He said he had attended meetings in the Dominican capital of Santo Domingo with former Cap-Haïtien police chief Guy Philippe, and that Philippe had said they could count on backup support organized by former army colonel

Guy François. That support never materialized, he said. Richardson's allegation led to the arrest of François.[278]

On the day of the attack, Guy Philippe placed calls to news media denying involvement, and saying he was in the Dominican Republic. Yet Dominican officials said they had no record of his being in the country at the time of the attack. What is known for sure is that Philippe sought refuge in the Dominican Republic following the July attack on the National Police Academy in Port-au-Prince. He then moved to Ecuador, but for unexplained reasons returned to the Dominican Republic two weeks before the December 17 attack. The day after the attack he flew to Ecuador via Panama, but was denied entry at the airport in Quito. He then returned to the Dominican Republic on December 25, where an airport immigration inspector let him pass despite instructions to detain him and return him to his port of origin. The inspector was reported to have been fired, and on December 28, Dominican president Hipólito Mejía announced that Philippe had been located and placed under house arrest.[279]

Signs of declining public support, and growing resistance

Haiti remains an overwhelmingly rural country, and it is in the countryside that President Aristide developed his largest mass base of support. Thus the defection of the Papay Peasants Movement (*Mouvman Peyizan Papay*) and affiliated groups, which claim a membership of some 200,000, hinted at a change in the political winds. Once an ally of Aristide, Movement leader Chavannes Jean-Baptiste had by June 2002 become sharply critical: "Stolen elections, corruption, this will do nothing to help the people here, and we refuse to accept it … We have always fought against this and will continue to do so, and with our work today, it is obvious that Aristide considers ... the independent peasant movements a threat to be eliminated."[280]

Another group that once flocked to Aristide's movement was the student population. Yet thousands of students occupied the rectory of the State University of Haiti on November 15, 2002 to protest government interference in higher education. Joined by high school students and market women, they then marched on the National Palace, shouting "We don't want Lavalas!" Contributing to student disaffection with the government was a decision taken in July to postpone student elections and to dismiss the university vice chancellor. Agronomy student Jean David told a reporter that "while Aristide and Lavalas want to control everything, our country is dying."[281]

The northern city of Cap Haïtien has historically been a bellwether of mounting discontent. On November 17, 2002, more than ten thousand persons took part in a demonstration organized by the civic organization Citizen Initiative (*Initiative Citoyenne*). More than two thousand took to the streets again on February 8, 2003, calling for the resignation of President Aristide. Participants complained of sharp increases in the cost of living as inflation eroded the buying power of the national currency. Citizens' Initiative leader Frandley Denis Julien said "The people are discouraged, and we want to revive their hope in democracy." [282]

Citizen Initiative was the most prominent member of a northern anti-Aristide coalition known as the North District Front, which also included opposition parties. In December 2003, police arrested Front co-leader Eliscar Charles, head of the People's Struggle party, on charges of

organizing an illegal demonstration. In a separate incident, they also arrested Front co-leader Jackson Noel and ten others, charging them with shooting at a police vehicle.[283]

On January 20, 2003, 184 civic organizations, ranging from student unions to chambers of commerce, signed a joint declaration stating that President Jean-Bertrand Aristide had failed to create "conditions for citizens to exercise their political, social and economic rights," thereby "making it impossible to have elections that are free, transparent and credible." In particular, they said the government had done little to stop criminal gangs, and to arrest those who engage in political violence.[284]

The Group of 184 (*Groupe de 184*) is headed by U.S.-born businessman André ("Andy") Apaid, Jr. Its member organizations, which now exceed the original 184, include peasant, labor, and neighborhood associations spread throughout urban and rural Haiti. According to the National Commission for Haitian Rights, Apaid "has been the public voice behind the movement as well as its best salesperson. Mr. Apaid also has a strong anti-Aristide reputation, which greatly contributes to the perception of the group as an anti-Lavalas outfit."[285]

Most Protestant churches also turned against Aristide. Representing about three fifths of Haitian Protestants, the Protestant Federation of Haiti, led by Edouard Paultre, likewise sought the resignation of President Aristide.[286] One of many factors aggravating relationships with Protestants was Aristide's support of Vodou.

Still another opposition coalition, the Civil Society Initiative (*Initiative de la Société Civile*, ISC), consists of 20 organizations, including churches, two labor unions (including the largest teachers' union, the National Confederation of Haitian Teachers), and five chambers of commerce. It is headed by Rosny Desroches, a former minister of education. The European Union provided €773,000 to the ISC between December 2001 and December 2003 for a human rights/democracy project.[287]

These groups were so divided among themselves that when South African president Thabo Mbeki tried to meet with them during his January 2004 visit, he was forced to hold separate appointments.[288] Their single common goal was the demand that President Aristide leave office prior to the end of his term in 2006.

Meanwhile other groups began pursuing armed resistance to the government. Though the violent opposition seemed to mushroom out of nowhere in February 2004, it had been quietly organizing for several years. In July and December 2001, groups of heavily-armed men in camouflage army uniforms attacked police stations and the National Palace, shouting "Long live the army!" They were linked at the time to Guy Philippe, a former soldier and Cap Haïtien police chief who emerged as the leader of the February 2004 armed revolt. In 2002, a group led by ten former Haitian army soldiers (none of rank higher than sergeant) began operations along the Massacre River on the northeast border with the Dominican Republic. They repeatedly slipped across the border to avoid capture. Other small armed groups appeared in the Central Plateau.[289]

On May 6, 2003, over a dozen armed men attacked the Péligre hydroelectric dam in east-central Haiti near the Dominican border. They killed two security guards, set fire to the

control room, and fled in a stolen hospital vehicle. On the night of June 21, 2003, heavily armed men attacked the homes of prominent supporters of *Lafanmi Lavalas* in Lascahobas, Pernal and Lagroune. According to the minister of the interior, grenades were tossed into the homes, and victims tied up and tortured before being executed. Among those killed was Pierre Marais, a trader in Pernal. On July 25, 2003, unknown assailants ambushed a Ministry of the Interior vehicle in Ouasèk, near Pernal, after the occupants installed a communal council in the border town of Belladère. The attackers killed four civilian ministry employees – Wilfrid Thomas, Chériel Augustin, Jean Marie Dépeignes and Adrien Célestin – then reportedly mutilated and burnt their bodies.[290]

By September 2003, the National Coalition for Haitian Rights (NCHR) was observing that

> Despite their presence in both government and opposition circles, former members of the military have been especially active on the side of opposition groups. The government has allegedly linked many of them to various deadly armed attacks on police officers in the Central Plateau and other parts of the country.[291]

NCHR also cautioned that most Haitians remain unaligned with any of the competing organized groups on either side of the country's bitter political divide:

> Often forgotten in the context of political debates is the very large "silent" majority, which supports neither Lavalas nor the CD. This group constitutes a key sector of ordinary citizens of various socio-economic backgrounds. Many of them were supporters of Lavalas but have become disillusioned with the party's current orientation. Their silence is in part due to fear, but for many it is also because they see a lack of clear alternatives among the existing political parties and movements. Their disillusionment extends beyond politicians to the very "institutions of democracy" which have been incapable of staunching the manipulation, corruption and abuse of power they deem too rampant. They also see no apparent leader to take Jean-Bertrand Aristide's place in a meaningful way – only potentially more of the same. In addition, among those who do not embrace the ideology that demands President Aristide's ouster, some may only continue to be pro-Lavalas by default, given the alternatives.[292]

Opposition nevertheless unwilling to take part in elections

In a properly-functioning democracy, citizens are able to register dissatisfaction with their leadership through the ballot box. Even when a president's approval ratings tumble well before the end of his or her term of office, opponents typically have an opportunity to gain control of the legislature, thereby forcing changes in government policies. Yet despite clear signs of erosion of public support for Aristide, the OPL and Democratic Convergence blocked every effort to resolve Haiti's political impasse through new elections, preferring instead to insist on President Aristide's resignation.

The opposition had originally refused to take part in elections to protest the government's decision to declare victory for Lavalas Senate candidates in the May 2000 election on the basis of achieving an absolute majority among the four top candidates in each race, rather than an absolute majority of all votes cast, as stipulated by the constitution and the electoral law. There was never much doubt that the Lavalas candidates would have won the required

runoff elections. When the government offered to hold a new election for the disputed Senate seats, the opposition declined. By 2002, the reason given was the government's failure to control violence by armed gangs affiliated with *Lafanmi Lavalas*.[293]

According to the National Coalition for Haitian Rights,

> Currently, the CD's refusal to participate in a new CEP mostly rests on its demand for a climate of security as a *sine qua non* condition. Like their Lavalas counterparts, the CD has long appeared to pay only lip service to the notion of seeking a negotiated solution, so as not to appear intransigent before the OAS, to which it has given assurances of a desire to dialogue. Parallel to their stated commitment to negotiations, members of the CD have consistently demanded President Aristide's ouster as a prerequisite to progress on any other front. They have not proposed any alternative plan for national development, claiming that once Aristide is ousted, they will then have time to develop one. Unlike Lavalas, however, the CD has little popular support or a reliable base of their own. In addition, the coalition has become more fragmented over time, as parties opt to act independently or form new alliances.
>
> The CD's strongest allies are to be found in the U.S. Most notably, the International Republican Institute (IRI) has been a key backer. IRI support includes financial as well as logistical assistance and timely access to strategic international outlets for the CD to present its case and grievances against Lavalas. (*Figures on the amount of financial assistance provided by IRI to the CD are publicly unavailable*).
>
> Recent resurgence of opposition to President Aristide and his government notwithstanding, there is continued fragmentation within the CD and other opposition groups. Although there are approximately 200 political parties in Haiti, only 15 of them are members of the CD. Many of these are very small groups without much representation in the country, and others have left, such as former President Leslie Manigat's Union Patriotique.[294]

Following a February 2002 visit to Haiti, Eugenia Charles, the Caribbean Community (Caricom) representative to the OAS, expressed frustration with what she saw as opposition intransigence:

> We met with government officials, members of civil society and the Convergence. After listening to the members of the Convergence, I had to ask them why they called themselves "Convergence." They were not converging on anything. They were not agreeing on anything. They cannot get together to form a plan. No one in Convergence was talking about what the Haitian people themselves want. That bothered me. No one is asking, "What do the Haitian people want?" I must say that I was very pleased with the government's point of view. They were anxious to get this matter settled. They weren't trying to say, "We are the government so we are right." There was no feeling like that at all. Their position was: "How can we get this thing solved?" And they did in fact do things that showed that they were interested in getting things settled."[295]

The comments were noteworthy because of Dame Charles' conservative credentials. She attracted international notice in 1983 while serving as prime minister of Dominica, with a public endorsement of President Ronald Reagan's decision to invade the small island nation

of Grenada to remove a Marxist government. Dame Charles' observations presumably contributed to Caricom's decision to admit Haiti as its fifteenth full member on July 2, 2002.

Continuing efforts at negotiation in Haiti proved fruitless. Prime Minister Jean-Marie Cherestal submitted his resignation on January 21, 2002. President Aristide replaced him with Yvon Neptune, a senator from Haiti's Western Department, which includes Port-au-Prince. Following his inauguration on March 14, Neptune appointed Marc Bazin, who had run against Aristide in 1990, "minister of negotiation." Bazin's task was to resolve the two-year impasse between the government and opposition over elections. He was able to bring the two sides together only once, in June, at the residence of the papal nuncio. On September 20, 2002, he resigned in frustration.[296]

President Aristide said the opposition's refusal to address differences through elections was but the latest chapter in a longstanding conflict between lower-class blacks and upper-class mulattos, a conflict traditionally settled by force rather than ballots. "After 200 years of independence we still have some consequences from that past where we had 32 coups d'état," Aristide told the *New York Times* in December 2002. "It is not easy for all the political parties to forget about that bad way to behave, moving from one coup d'état to another." Earlier that month, in a speech delivered in Creole to residents of Les Cayes, Aristide told his mostly dark-skinned supporters, "You are peasants; you are poor. You are the same color I am. They don't like you. Your hair is kinky, same as mine. They don't like you. Your children are not children of big shots. They don't like you."[297]

Aristide argued that in a society with such a huge gap between a relatively small population that is educated and prosperous, and a much larger population that is mostly illiterate and impoverished, it is hard for the former to accept the right of the latter to an equal voice in shaping the destiny of the nation:

> In Haiti we still have political parties and citizens not ready to embrace democracy. Why do they refuse to go to elections? They fear that simple and important principle: one man, one vote. I think we are all equal. I think the peasant and the rich man are all equal.[298]

A siege mentality, and evolution of grassroots groups into armed gangs

With the ruling party increasingly obsessed with the possibility of another coup in the context of domestic hostility and international isolation, factions within the ruling Lavalas formed armed gangs. According to Merrill Smith of the U.S. Committee for Refugees,

> Perhaps the most disheartening political phenomenon in recent years has been the transformation of many *organizations populaires* (OPs), once the backbone of democratization in Haiti, into heavily armed, quasi political gangs affiliated with various factions of the ruling Lavalas Family party (*Fanmi Lavalas* or FL).[299]

Members of gangs that supported President Aristide were commonly known as *chimères*. The word is equivalent to "chimeras" in English, which the American Heritage Dictionary defines

as “monsters made up of grotesquely disparate parts.” In Haitian Creole it is commonly used to describe frustrated children in an angry mood.[300]

Some gang leaders remained in touch with top police officials and with the National Palace. One leader told journalist David Adams that he had been called to meet President Aristide on four occasions. He said Aristide urged the gangs to make peace. Two gang leaders told Adams they frequently receive calls from palace staff asking that they take part in pro-government demonstrations. Occasionally, they also received requests to attack opposition targets.[301]

A particularly notorious armed gang was the Popular Organization for the Development of Raboteau, more commonly known as the “Cannibal Army.” Raboteau is a lower-class neighborhood of Gonaïves, Haiti’s third largest city. The Cannibal Army originated as one of many “popular organizations” (*organizations populaires*) set up by *LaFamni Lavalas* as vehicles of community empowerment. According to Cannibal Army members, they were first armed in the year 2000 to provide protection to polling places for that year’s elections. In December 2001, following the armed attack on the National Palace, they were approached by messengers from Aristide asking for their support in putting down a coup d’état. They responded by torching the homes of opposition leaders, including the home of evangelical Protestant minister Luc Mésadieu in northern Gonaïves. The gang killed two members of Mésadieu’s opposition Christian Movement for a New Haiti (MOCHRENHA), burning their bodies.[302]

In response, foreign governments and international human rights organizations called for prosecution of vigilantes as a sign that the government was serious about the rule of law. In July 2002, police arrested Cannibal Army leader Amiot Métayer, 38, and charged him with having directed the violence in Gonaïves. On July 8, Métayer supporters responded by torching the Gonaïves customs house, demanding his release. Though the government did not release Métayer, it did transfer him from Port-au-Prince to the Gonaïves prison. There, on August 2, supporters rammed a hole in the prison wall with a stolen tractor. After freeing Métayer and 159 other inmates, members of the Cannibal Army burned down the city hall and courthouse, forcing the outnumbered police to flee as thousands of protestors took to the streets to demand the ouster of President Aristide. Soon thereafter, Métayer dropped his call for Aristide’s removal amid speculation that a private deal had been struck.[303]

The Cannibal Army again turned its violence on the opposition. On November 21, Radio Étincelle in Gonaïves suspended broadcasting after gang activists accused the station of “working for the opposition,” and threatened to burn it down. Four days later, assailants set fire to the studio, damaging a generator and other equipment.[304] In response to threats from the Cannibal Army, four journalists – Jeaniton Guerino and Gedeon Pesendien of Radio Etincelles, Jean-Robert Francois of Radio Métropole, and Henry Fleurimond of Radio Quiskeya – went into hiding, then fled to the Dominican Republic on February 14, 2003.[305]

Also in February, Investigating Judge Marcel Jean fled to the United States, after being threatened by “people from the National Palace” for refusing to clear Métayer. The following month, deputy prosecutor Henock Genelus fled to the Dominican Republic with his family. He said he had turned down a request from a representative of President Aristide to dismiss

charges against Métayer, and that he left "to escape being killed."[306] On May 15, government prosecutor Louizelme Joseph told Radio Métropole that the new judge assigned to Métayer's case had dropped all charges. From Florida exile, Investigating Judge Marcel Jean, who had previously been assigned the Métayer case, said "Someone can't kill people, burn their houses, and burn the courthouse and not be brought to justice … I think this raises serious questions about the future of the country. This country has no future if this is how justice will be treated."[307]

Concern about increased impunity had already led to the resignation of the minister of justice several months earlier, on September 29, 2002. "I arrived in this position with a plan of action, and I was not given the means to implement that plan," Jean Baptiste Brown told Radio Métropole, "I found myself unable to substantively address serious issues such as professionalization of the Haitian police and fighting against impunity."[308]

As shown by the following examples, politically-motivated gang violence was directed at both pro- and anti-government figures whose interests collided with those of particular gang leaders:

- On the night of June 23, 2002, a gunman broke into the home of Cleonord Souverain, a Lavalas Family regional coordinator in the border town of Belladère, 100 km from Port-au-Prince. Souverain was not present, but the assailant shot six relatives. Five died on the spot. A sixth person – a child – was rushed to a hospital in the Dominican Republic, where he died two days later. Residents of the town said the shooting could have been politically motivated, because conflicts had recently arisen within the party's local branch.[309]

- After midnight on December 6, 2002, arsonists tossed a firebomb into the headquarters of the Mobilization for National Development, an opposition party led by Hubert Deronceray. The building in downtown Port-au-Prince was gutted, but no one was inside at the time. Three days earlier, responding to an opposition-led strike, about 20 supporters of President Aristide had burst into the building, roughing up party members, and threatening to return to burn the building down.[310]

- On January 10, 2003, fifteen persons were injured in clashes between pro- and anti-government demonstrators in Port-au-Prince. Roughly equal numbers were wounded from both sides. Journalists who witnessed the confrontations reported that most of the violence was instigated by groups carrying photos of President Jean-Bertrand Aristide. The confrontations began after marchers organized by opposition parties and labor unions protested a sharp increase in the price of gasoline that went into effect on January 1. Pro-government groups responded by throwing rocks and bottles at the demonstrators, and by attacking them with clubs. Union leader Montes Joseph reported that police were present but made no effort to defend those who were attacked. The police did, however, detain Joseph and two other union members for six hours after finding fliers protesting high gasoline prices in their vehicle. Then on January 14, the government issued an arrest warrant for opposition leader Himmler Rebu. The warrant accused the former army colonel of having assaulted and shot pro-government demonstrators in the January 10 clashes. Pierre Espérance, director of the National Coalition for Haitian Rights (*Coalition Nationale pour les Droits des Haïtiens*), said "We want justice for the victims, but we

don't want it to be a pretext to persecute the political opposition … The warrant for Rebu's arrest is an example of political persecution." Rebu once commanded a battalion that tried to overthrow military dictator Lt. Gen. Prosper Avril in 1989. Following the failed coup attempt, Rebu briefly went into exile, returning after Avril was forced to step down a few months later.[311]

- On March 9, 2003, armed men disrupted a meeting being held by women's rights activist Carline Simon. The intruders, supporters of President Aristide, alleged that Simon was distributing money and weapons to overthrow the government. Police said they found automatic weapons in Simon's car, though witnesses said there had been no weapons either at the meeting or in the car. The police detained Simon and her husband for five days without filing charges, then released them. Haitian law specifies that unless charges are filed, suspects must be released within 48 hours.[312]

- On July 12, 2003, over a thousand Aristide supporters disrupted a demonstration by an association of 184 civil society groups that oppose Aristide. Several hundred of the groups' members, including representatives of business, labor, student, peasant, and human rights organizations, took part in a motorcade from the international airport to Cité Soleil, a Port-au-Prince seaside shantytown that is an Aristide stronghold. Their intention was to demand the government disarm partisan gangs, arrest those who engage in political violence, and take more steps to guarantee the security of journalists and members of the opposition. Pro-government counter-demonstrators threw rocks at passing vehicles, injuring four Haitian journalists. One was hospitalized with a head injury; another had two broken ribs. About a hundred anti-Aristide demonstrators eventually managed to hold their planned rally at a Roman Catholic meeting center. The government issued a statement affirming the opposition's rights to free speech and free assembly. Johnny Occilius, a former municipal employee in Cité Soleil, told Radio Kiskeya that Mayor Fritz Pierre had paid half a million gourdes (about $12,500) to two gang leaders to disrupt the gathering. He said police were given orders not to use tear gas. The mayor denied the charges, saying Occilius had been fired the previous November for falsifying documents. U.S. Ambassador Brian Dean Curran said the charges were consistent with other reports, and that Occilius had fled to the United States.[313]

- On November 14, 2003, more than eight thousand Aristide supporters attacked anti-Aristide demonstrators in Port-au-Prince with stones. At least two persons were injured before tear gas shot by riot police scattered the crowds.[314]

Gang attack on university sparks mass anti-government protests, resignations

On December 5, 2003, pro-Aristide gangs ransacked two colleges and injured dozens of students. University of Haiti Rector Pierre-Marie Paquiot had both of his legs broken with a metal bar, and had to be hospitalized and then flown to the U.S. for further treatment. The university deans condemned the attack, and asked President Aristide to resign. "What has happened is unacceptable," said university professor Frantz Varella, formerly Aristide's minister of public works: "These young people aren't politicians. They are the intellectual

elite of the future in revolt against the intolerable." On December 10, Education Minister Marie-Carmel Paule Austin resigned in protest against the attacks on the students.[315]

The attack on the university galvanized opposition to the government. Protest marches became almost daily occurrences, with significantly larger turnouts. On December 11, university students led tens of thousands of anti-Aristide demonstrators through Port-au-Prince. Joining the marchers was Theodore "Lolo" Beaubrun, lead singer of the popular Haitian roots band *Boukman Eksperyans*, who called for the president's resignation. At the National Palace, riot police fired tear gas canisters and warning shots from machine guns and handguns to disperse the demonstrators.[316] When protestors gathered again on December 12, they were intercepted by armed supporters of President Aristide, who blocked intersections with burning tires. Police did not try to clear the barricades.[317] A further attempt to organize a demonstration on December 17 was thwarted by police, who blocked roads and fired tear gas and warning shots.[318]

The mounting protests were accompanied by a spate of resignations. On December 18, Environment Minister Webster Pierre submitted his resignation, saying he wanted to regain his freedom of speech. The resignation came as gunmen appeared at the home of brother-in-law Theodore Beaubrun, who a week earlier had declared his opposition to Aristide. Tourism Minister Martine Deverson also resigned.[319] On December 20, Volvick Remy Joseph resigned from the Electoral Council, saying "I don't approve of the means utilized by the government to repress the legitimate demonstrations of almost every sector of Haitian society."[320]

On December 22, gunmen in a truck fired into a crowd of thousands of anti-Aristide demonstrators, killing one man. Riot police fired back at the gunmen.[321]

On December 28, police arrested opposition spokesman Eliscar Charles in Cap Haïtien. Charles was co-leader of the North District Front, a coalition of opposition parties and civil society groups in northern Haiti. Aristide supporters accused the Front of organizing illegal demonstrations to destabilize the government. Earlier in the month, police arrested another co-leader, Jackson Noel, accusing him and ten others of shooting at a police vehicle.[322]

On January 7, 2004, supporters of President Aristide again blocked the paths of opposition demonstrators with barricades of burning tires. An anti-government protestor was shot to death, and police shot to death an Aristide supporter after the latter shot into a crowd of protestors.[323] On January 18, gunmen hiding within a government-run television station fired on protestors, killing one and wounding several more. Police responded by flushing out and chasing the gunmen, arresting two of them to the applause of onlookers.[324]

Some anti-government protestors also began resorting to violence. On January 19, opposition sympathizers threw stones at two private schools – Collège Saint-Francois d'Assise and Collège Gérard Gourgue – that remained open despite calls to join in solidarity with the protests. Several students were hit. On the same day, fires were set in the entrances to three other schools, including the Collège Marie-Anne, run by the Sisters of Saint Anne.[325]

On January 21, about twenty thousand demonstrators marched in support of Aristide in Port-au-Prince.[326] On January 28, pro and anti-government demonstrators clashed in the streets of

Port-au-Prince. Police fired tear gas canisters to disperse the two groups, but one of the canisters struck and killed a demonstrator, bringing the death toll from the protests to over fifty since mid-September.[327]

Deep fissures emerge in "the Lavalas Family"

With the government and ruling party under mounting strain from domestic protests and strikes and international isolation, fissure lines that were once beneath the surface in *Lafamni Lavalas* broke into the open in the second half of 2003. Two of President Aristide's most notorious political allies dropped out of the "family." Senator Dany Toussaint – a key suspect in the assassination of radio journalist Jean Dominique – switched over to the opposition, and gang leader Amiot Métayer – who hade led armed attacks against both the opposition and the government – was brutally murdered.

Senator Dany Toussaint (Department of the West, including Port-au-Prince) began publicly distancing himself from Aristide in early September 2003. He and Senator Prince Sonson Pierre (Department of the Southwest, including Jacmel) broke with their *Lafamni Lavalas* colleagues by abstaining on votes for proposed constitutional amendments that would formally abolish the army and allow dual citizenship. Their abstentions left the proposals with 17 votes, one vote short of the 18 votes required for passage by the Senate. The Constitution requires a vote of two-thirds of the members of both legislative chambers, followed by a repeat vote after the next election.[328]

Toussaint's opposition to abolishing the army appeared to stem in part from his former position as a major in the Haitian Armed Forces (FAd'H). In response to a direct question about that connection, he replied that his Senate colleagues "have never treated me as a Senator, they have always treated me as a soldier... So I am not a scorpion. I am not going to sting myself." The abstentions on the proposal to permit dual citizenship may have been intended to bar Haitian citizenship for Mildred Trouillot, the U.S.-born attorney married to President Aristide. There had been speculation that Aristide, who was constitutionally ineligible for a third term, might try to cling to power by having his wife run to succeed him in 2006.[329]

On December 11, Senators Toussaint and Pierre took part in a demonstration in Port-au-Prince, demanding the resignation of Aristide. Toussaint announced his resignation from *Lafamni Lavalas*, denouncing Aristide's government as a "fascist Creole regime."[330] On January 16, 2004, barricades went up around the National Palace after Toussaint reportedly told a radio station that 150,000 to 200,000 marchers would "storm" the palace.[331]

On September 22, 2003, the body of Métayer, leader of the Popular Democratic Organization of Raboteau (commonly known as "The Cannibal Army"), was found on a side street of Gonaïves. He had been shot at close range, once in each eye, and once through the heart. Métayer had last been seen leaving his home in the company of a former government employee who was a frequent visitor to the Presidential Palace. Concluding that the assassination must have been ordered by President Aristide, Métayer supporters began blocking Gonaïves streets with burning tires, and with barricades put together from old car frames, boulders, and trash. Police responded by firing canisters of tear gas. Violent protests

continued for weeks. On October 2, police raiding a Gonaïves slum shot to death five persons and wounded nearly a dozen following an outbreak of gunfire. Witnesses said police fired indiscriminately; police said they returned fire when fired upon. On October 26, Cannibal Army members burned one of the mayor's vehicles and attacked the home of Ketlin Telemaque, the government's representative in Gonaïves. The following day, police and armed civilian supporters of Aristide burned ten homes in the Cannibal Army's Raboteau stronghold, killing a woman and a 15-day-old baby.[332]

Armed revolt breaks out

On February 5, 2004, the Cannibal Army, now re-baptized Gonaïves Resistance Front, seized control of Gonaïves. At least seven persons – including three police officers – were killed and twenty injured in gun battles before the police fled. Gang members set fire to the home and gasoline station of Mayor Stéphan Moïse, as well as the homes of other known Aristide supporters. They also torched the police station as officers fled, and released more than a hundred inmates from the city jail. Confiscated police weapons were distributed to rebel supporters. On the following day, thousands of demonstrators shouting "Aristide must go!" vowed to repel any attempt by the government to retake the city.[333]

The government attempted to regain control of the city on February 7, but was repulsed. A convoy of 150 heavily armed police officers arrived from Port-au-Prince. Thousands of residents stoned them as they passed, then surrounded them, cutting off escape routes with barricades of burning tires, auto carcasses, and boulders. Several police officers were killed; one was lynched; the bodies of others were dragged through the streets and mutilated.[334]

The leaders of the Gonaïves uprising were Buteur Métayer, brother of the deceased Cannibal Gang leader, spokesperson Wynter Etienne, and military leader Jean Pierre Baptiste (alias Jean Tatoune). Baptiste is a former member of the paramilitary organization FRAPH, who was convicted and imprisoned for his role in the 1994 Raboteau massacre of unarmed men, women and children in a seaside slum neighborhood of Gonaïves. He had previously been freed from jail by the Cannibal Army during the same jailbreak that freed Amiot Métayer. As the uprising spread beyond Gonaïves to other towns like St. Marc, Trou du Nord, St. Raphael, Dondon, and Grand-Goave, the insurgents variously renamed themselves Revolutionary Artibonite Resistance Front and National Liberation and Reconstruction Front.[335]

By February 8, gangs seized control of St. Marc, the main town on the road from Port-au-Prince to Gonaïves. They burned both the police station and courthouse. The mayor and other Aristide supporters fled, as did the police. Attackers also burned the police station in Trou du Nord. Over the next couple of days, police retook control of St. Marc, Grand-Goâve, and Dondon, and gangs loyal to Aristide blocked the approaches to Cap Haïtien.[336]

But by mid-February, a heavily-armed band of former members of the Haitian Armed Forces and an allied paramilitary organization joined the insurgents in Gonaïves, and vowed to take the rest of the country. This force called itself the National Liberation Front, and was led by Guy Philippe and Louis Jodel Chamblain.[337]

Chamblain was a former military death squad leader and coordinator of the paramilitary organization FRAPH (*Front pour l'Avancement et le Progrès d'Haïti*, Front for the Advancement and Progress of Haiti). On September 17, 1995, a Haitian court convicted him of taking part in the September 1993 assassination of Antoine Izméry, a Port-au-Prince businessman who favored restoring democratic rule under then-exiled President Jean-Bertrand Aristide. On November 16, 2000, another Haitian court convicted Chamblain of "voluntary, premeditated homicide" in connection with the April 1994 massacre of men, women, and children in the Gonaïves slum neighborhood of Raboteau.[338] Chamblain also had a role in the assassination of Justice Minister Guy Malary, who was machine-gunned to death with his bodyguard and driver in October 1993. According to a 1993 CIA Intelligence Memorandum obtained by the Center for Constitutional Rights through the Freedom of Information Act, "FRAPH members Jodel Chamblain, Emmanuel Constant, and Gabriel Douzable met with an unidentified military officer on the morning of 14 October to discuss plans to kill Malary."[339]

In mid-February 2004, Chamblain slipped over the Dominican border with a group of some twenty former members of the Haitian Armed Forces. On February 14 two Dominican soldiers were killed at the Dajabón border crossing near the Massacre River by unknown assailants who took their guns. The following day, Chamblain's forces seized the city of Hinche in the Department of the Center, about 20 miles from the Dominican border. Dressed in camouflage fatigues, body armor and riot gear, they looted and burned the police station, killed the district police chief and his bodyguard, and emptied the prison. Former army sergeant Jean Baptiste Joseph announced "The army is no longer demobilized. The army is mobilized."[340]

The reappearance of Guy Philippe alongside Chamblain and former Haitian soldiers lent renewed credibility to government claims that Philippe played a role in the July 2001 attack on the National Police Academy and December 2001 attack on the National Palace. Philippe is a former soldier who received military training in the United States and police training in Ecuador. Upon his return to Haiti he first provided security for President René Préval, then served as police chief in Cap Haïtien for a year, In November 2000 he and a half dozen other police officers were summoned for questioning about meetings in which they allegedly plotted to overthrow Préval. All of the officers, including Philippe, instead fled to the Dominican Republic. Haitian and U.S. sources allege that Philippe was involved in drug trafficking both while heading the police in Cap Haïtien and during his exile in the Dominican Republic. In 2003, Dominican authorities briefly detained Philippe for questioning about allegations that he had been meeting with former Haitian military leaders to plot a coup against the Haitian government.[341]

On February 22, rebels under the command of Chamblain and Philippe took control of Cap-Haïtien, the country's second largest city, with about half a million residents in its metropolitan area. Resistance was slight as about two hundred heavily-armed men in camouflage uniforms launched an attack on the airport. Seven armed Aristide supporters escaped by hijacking a Tropical Airways Dash-8 turboprop that was scheduled to depart for the Turks and Caicos Islands, and diverting it to Port-au-Prince instead. Other government supporters fled in motorboats. Within hours, the rebels had overrun the city, and the police had taken flight. After allowing residents to loot police stations, rebels set them ablaze. They also destroyed Radio Africa, owned by Nawoom Marcellus, a former *Lafanmi Lavalas*

parliament deputy, and Télé Konbit, a television station owned by Aristide adviser Jose Elysse. While most residents stayed home, thousands took to the streets to chant "Aristide must go!" and rejoice at the disappearance of pro-Aristide armed gangs. Others looted everything from food to hardware and furniture from shuttered warehouses.[342]

Populism and diplomacy fail to save Aristide presidency

Ever the populist, President Aristide sought to shore up sagging public support with a highly-publicized campaign for reparations by France for past wrongs inflicted on Haiti. In April 2003, on the two hundredth anniversary of the death in French captivity of Haitian liberator Toussaint l'Ouverture, the Haitian government demanded restitution from the French government for the 90 million gold francs extorted from President Jean-Pierre Boyer in 1825 as a condition for French recognition of Haitian independence. Adjusted for inflation, but without figuring in interest or compensation for the suffering imposed by slavery, the government claimed to be due about $21.7 billion. French President Jacques Chirac responded that Haiti's plight was more due to chronic government corruption than to the sums paid to France. That did not, however, dim the enthusiasm of *Lafanmi Lavalas* organizers, who plastered the demand for reparations on billboards, banners, and bumper stickers throughout the country.[343]

Aristide also sought to capitalize on the bicentennial of Haitian independence on January 1, 2004. Though unable to draw more than two foreign leaders, he succeeded in attracting a major prize, South African president Thabo Mbeki (the other leader was the Bahamian prime minister). The South African government contributed $1.5 million to help finance the celebration. Following an official celebration at the National Palace before a large and enthusiastic crowd, Aristide and Mbeki flew to Gonaïves to conclude festivities in the city where independence was originally proclaimed in 1804.[344]

In an effort to demonstrate continued public support and restore a measure of international legitimacy to his government, Aristide kept seeking parliamentary elections. In August 13, 2003, Alix Lamarque, president of Haiti's electoral council, said he hoped to proceed with elections in November in order to head off a political vacuum upon expiration of the terms of most legislators in January 2004. The opposition, unwilling to consent to elections that would implicitly allow Aristide to complete his term, declined to cooperate, citing concerns about security. Eliphaite St. Pierre, head of the Platform of Haitian Human Rights Organization, said "We stand by the same position that we took early this year when we said that a series of conditions must be met … The situation has gotten worse. There are areas of the country where the police have no control."[345] A day later, the U.S. embassy issued a statement saying elections would be "unacceptable" under present conditions, and would not be recognized by the United States. Government spokesperson Mario Dupuy protested, saying "Haiti is the only country in the world where the people in power are the ones calling for elections."[346]

With the government unable to hold elections, the terms of all 83 members of the Chamber of Deputies and of four senators expired on January 12, 2004. Added to the previous resignations of eight senators (seven resigned in a futile gesture to the opposition, and another stepped down to become prime minister), that left only fifteen seats filled in the 27-seat Senate. The country was thus without a functioning legislature. Though the new budget had

previously been approved, no laws could be passed and no loans ratified. President Aristide nevertheless insisted he would not govern by decree.[347]

On January 31, under pressure from the Caribbean Community (Caricom), President Aristide agreed to begin implementing a series of "confidence-building measures" over a four to six-week period. These included disarming armed gangs and publicly destroying illegal weapons, reforming the police, appointing a new prime minister, working with the OAS to formulate clear rules for demonstrations, and processing demonstrators who are arrested within 48 hours. In addition, all persons arbitrarily held in detention were to be released within a week. On the following day, Aristide rescinded restrictions his government had previously imposed on street protests. Tens of thousands of protestors then marched without incident nearly ten miles from a park in suburban Pétionville to the center of Port-au-Prince, protected by police.[348]

A majority of the opposition flatly turned down CARICOM's proposal for negotiations with Aristide. "We are willing to negotiate through which door he leaves the palace," said Democratic Convergence leader Evans Paul, "through the front door or the back door." Calling Aristide a "liar" who does not keep promises, he said "Aristide has zero credibility. If we negotiate with Aristide, we lose our credibility."[349]

Following the outbreak of armed revolt in northern Haiti in February, U.S. Secretary of State Colin Powell made a similar effort to broker a compromise between Aristide and his nonviolent opposition, with identical results. Powell's plan called for designation of a prime minister acceptable to the opposition, while allowing President Aristide to remain in office with much diminished powers for the remainder of his term. The new prime minister would oversee preparations for parliamentary elections later in 2004. The proposal was readily accepted by President Aristide, but categorically rejected by the opposition on February 24, even after Powell said the U.S. could not accept a government that came to power through violence. Opposition spokesperson Micha Gaillard said "The international community has an illusion it can turn Jean-Bertrand Aristide into the Queen of England and give the real power to the prime minister and Parliament." "That's utopia," he continued, "even if they strapped his hands to the throne, we know he would create a parallel government, a parallel police force with his gangs."[350]

On Wednesday, February 25, the French government withdrew support from Aristide. While privately advising Aristide "to step down," Foreign Minister Dominique de Villepin publicly stated "[t]he regime has reached an impasse and has already shaken off constitutional legality." He proposed creation of a United Nations-backed international police force to restore order in "support of a government of national unity."[351]

The following day, U.S. Secretary of State Colin Powell signaled a parallel shift in U.S. policy, saying "I hope President Aristide will examine his position carefully and judgments will be made as to what is best for the people of Haiti at this most difficult time." Other U.S. officials made analogies to the resignations of the presidents of Bolivia and Georgia as they faced civil unrest. President Aristide responded on the Cable News Network, saying "We need now to respect the constitutional order, and I will leave the palace on Feb. 7, 2006, which is good for our democracy."[352]

The White House further ratcheted up the pressure on Saturday, issuing a statement saying "The long-simmering crisis is largely of Mr. Aristide's doing," and "his own actions have called into question his fitness to remain in office. We urge him to examine his position carefully, to accept responsibility, and to act in the best interests of the people of Haiti."[353]

Shortly after dawn on Sunday, February 29, a Boeing 757 sent by the U.S. government flew Aristide, his wife, and security agents out of Port-au-Prince. The destination, initially unknown to Aristide, was the Central African Republic. Aristide left behind a signed letter of resignation in the care of the U.S. embassy, but vanished without making any broadcast announcement to the nation that had repeatedly heard him say he would not step down.[354]

Supreme Court president Boniface Alexandre was hurriedly sworn in as interim president. Then, acting on a request from Boniface and the French and U.S. ambassadors to the United Nations, the U.N. Security Council held an emergency session on Sunday night. The Council voted 15-0 to approve the immediate dispatch of a multinational force to Haiti, to be replaced by a U.N. peacekeeping force in the spring.[355]

But upon arrival in the Central African Republic, Aristide made statements disputing U.S. government accounts of the circumstances behind his sudden resignation and departure. In an interview on CNN, he said he saw U.S. troops "surround the airport, the palace, my house….They used pressure to push me out. That's why I call it again and again a coup d'état, a modern way to have a modern kidnapping." Secretary of State Colin Powell called the allegations "baseless, absurd." The U.S. government said it had advised Aristide that it could not guarantee his safety as rebel forces closed in on the capital, and that he had until dawn on Sunday to accept an offer of safe passage to another country provided he submit a letter of resignation. It said Aristide had voluntarily accepted the offer.[356]

Aristide's statements led to concern among many foreign heads of state and diplomats that the Haitian president had been improperly pressured out of office, and that the U.N. Security Council might have in effect sanctioned a coup. "Aristide was a democratically elected president who responded positively to a political solution that the opposition rejected," said Algerian ambassador to the U.N. Abdallah Baali. "But the pressure was not put on the opposition. It was put on him. Today we wonder if we had reliable information, and enough time to make the right decision."[357]

On March 3, leaders of the Caribbean Community (CARICOM) decided not to participate in the multinational security force, choosing to limit their assistance to humanitarian aid. The organization called for an independent investigation into the circumstances behind President Aristide's departure. "Several of us were in touch with [Aristide] … until very late Saturday night," said Jamaican Prime Minister and CARICOM head P.J. Patterson. "Nothing that was said to us indicated that the president was contemplating a resignation." Referring to the Security Council, which had earlier rejected a CARICOM appeal for an international force to be sent to Haiti, he added that "We could not fail to observe that what was impossible on Thursday could be accomplished in an emergency meeting on Sunday. We are disappointed in the extreme at the failure to act."[358]

Violence and Impunity

Political violence

Individuals on both sides of Haiti's sharply polarized political divide were targets of violence during the Préval and Aristide presidencies, albeit at levels well below those of the Duvalier and "de facto" regimes. Political killings or assassination attempts were directed at prominent government supporters as well as members of the opposition. Those who engaged in political violence were seldom arrested, and even more seldom convicted.

A case in point was the October 8, 1999, murder of former army colonel Jean Lamy. Just a day earlier, Robert Manuel had resigned as secretary of state for public security, the cabinet position that oversees the police. Manuel, who had been hounded for weeks by rock-throwing demonstrators organized by *Lafanmi Lavalas*, left the next day for exile in Guatemala. Lamy, a close associate of President René Préval and former president Jean-Bertrand Aristide, was expected to replace Manuel. But in the evening of the day after the resignation of Manuel, Lamy received a telephone call while at home watching a soccer game. The caller asked to meet immediately. Lamy then drove to Lalue Street, a major artery in Port-au-Prince, where he was shot several times in the head. Police Commissioner Mario Andrésol, who investigated the murder, said that Lamy's prompt response to the caller's request suggested it was someone important. Days later, Andrésol was himself the target of an assassination attempt, as five bullets were fired into his car in an ambush by three gunmen in a white sport utility vehicle and other gunmen on foot.[359]

Though the Lamy assassination remained unsolved as of December 2003, circumstantial evidence raised questions about the role of a rival former army officer, also with close ties to Aristide: Dany Toussaint. Toussaint served as a major in the Haitian Armed Forces, but remained loyal to Aristide during the 1991 coup. Aristide repaid the favor by naming him interim police chief in 1995 after U.S. forces reinstated the constitutional government. But when René Préval became president in 1996, he replaced Toussaint, who then set up a private security business in Port-au-Prince, while building a grassroots following in *Lafanmi Lavalas*. Like President Aristide, Toussaint has a proven ability to mobilize *Lafanmi Lavalas* mobs known as *chimères* (chimeras) to achieve personal objectives. The fact that he was among the party leaders calling for the resignation of Robert Manuel supports speculation that he was also behind the mob agitation directed at Manuel. What is certain is that Toussaint accused Robert Manuel of the murder of Lamy. That accusation was denounced by another prominent *Lafanmi Lavalas* member, popular radio journalist Jean Leopold Dominique, in an October 19 editorial on Radio Haiti Inter. In the broadcast, Dominique said there was a power struggle underway in the police, and that Toussaint was trying to take over key posts. Dominique criticized Toussaint's "ambitions."[360]

Toussaint supporters surrounded Dominique's radio station, causing Dominique to respond that "[i]f Dany Toussaint takes other actions against me or against the radio station, and if I survive, I will denounce him, shut the door and go into exile with my wife and children."[361]

Less than six months later, on April 3, 2000, two gunmen shot Dominique several times in the head and neck as he arrived at Radio Haiti Inter, the station he had founded in the early 1960s as an alternative to the Duvalier regime's government-controlled media. Radio Haiti Inter was the first station to broadcast in Creole, the language of most Haitians. Conflicts with the Duvaliers forced him into exile in 1980. He returned after the overthrow of Jean-Claude Duvalier in 1986, but was again driven into exile following the military overthrow of President Aristide in 1991. Again he returned to Haiti in 1994 with Aristide, following the U.S. intervention. Dominique was a staunch ally of both Aristide and Préval, but was particularly close to Préval.[362] President Préval posthumously awarded Dominique the National Medal of Honor and Merit, Haiti's highest honor, and declared a rare national funeral, with three days of mourning.[363]

Judge Claudy Gassant was assigned to investigate the case. After interviewing dozens of witnesses and suspects, Gassant noted that several of the suspects had ties to Dany Toussaint. Toussaint, by then a senator, shielded himself from questioning by relying on parliamentary immunity. His *Lafanmi Lavalas* colleagues, with absolute control of the Senate, declined to strip Toussaint of his immunity. Senate president Yvon Neptune said that "an insignificant little judge" could not summon a senator.[364]

Instead, it was Judge Gassant who soon found himself in the hot seat. Following numerous death threats, he fled in June 2001 to Miami, where he had already sent his wife and young son. Gassant returned to Haiti in July after international pressure brought assurances from Haitian officials that he would be protected. However, he continued to receive threatening phone calls, he was sleeping in a different place every night, and was accompanied by two bodyguards with automatic rifles.[365]

Gassant's investigation was further obstructed by the unexplained deaths of key suspects and by the police's failure to execute arrest warrants. The license plate number of one of the vehicles used in the assassination of Jean Dominique led investigators to Jean Wilner Lalanne, a former soldier and close associate of Toussaint who was a known operator in a car theft ring. Lalanne was detained in June 2000, and wounded in the buttocks when he tried to escape. Fearing he would be killed to keep him from talking, Lalanne declined medical attention for two weeks. He then died unexpectedly after undergoing a routine operation in a private clinic. Contradictory explanations have been given for the cause of death, contributing to reports that he died from poisoning. The attending physician abruptly departed for New York, after calling Judge Gassant.[366] Lalanne's body disappeared from the morgue of a public hospital before a second autopsy could be performed. Another suspect, Panel Renelus, was arrested November 8, 2000, in the border town of Malpasse as he was trying to flee to the Dominican Republic. He was transferred to the police substation in Léogâne, where he was turned over to a mob and lynched the following day, an act witnessed by Judge Gassant.[367]

Gassant named Toussaint and his bodyguard Frank Joseph as accomplices in the murder. But then, fearing for his safety, Gassant again fled the country, and the investigation was handed over to Judge Bernard Saint-Vil. In March 2003, an indictment was issued, naming six men who had been jailed for more than two years on suspicion of having carried out the murder. Saint-Vil said he did not find enough evidence to charge Toussaint. The report hinted that

Toussaint had tried to redirect suspicion for the assassination to rivals within the ruling party.[368]

Another unsolved high-profile assassination was that of Jean-Yvon Toussaint, a senator of the opposition Organization of the People in Struggle (*Organisation du Peuple en Lutte*, OPL). At about 8 a.m. on February 29, 1999, Toussaint was shot dead in front of his home in suburban Delmas. The killing occurred in the context of a dispute for control of the Senate. Toussaint was one of only nine senators whose terms had not expired. His death reduced the number of OPL senators to three, one less than the number of *Lafanmi Lavalas* senators (the ninth senator was an independent). By his death, *Lafanmi Lavalas* gained control of the Senate.[369]

Though most instances of political violence, including mob violence and assassination attempts, seemed to be linked to elements of *Lafanmi Lavalas* and associated popular organizations, there were also instances of political violence that appear to emanate from the opposition.

One such example was the attempted assassination of the sister of President René Préval. On January 12, 1999, one day after President René Préval announced his decision to rule by decree in response to the crisis over control of the Senate, gunmen on a motorcycle shot his sister, Marie-Claude Calvin, as she was being driven through the Bois Vern section of Port-au-Prince. She was shot in the neck, chest, and leg, but survived. Her driver was killed.[370]

Other examples of violence by opponents of the government included the election-related bombings described in the following section, and the attacks on police stations, the National Police Academy, and the National Palace described earlier on.

Electoral violence

All of Haiti's recent elections have been accompanied by violence. As is true of political violence more generally, the victims have been both pro-government and anti-government. Some government supporters engaged in mob violence against perceived enemies of presidents Préval and Aristide. The police often stood by as mobs harassed the opposition, and they detained opposition politicians on questionable grounds. Some opponents of the government, on the other hand, resorted to anonymous bombings.

- **Preceding the April 6, 1997, parliamentary elections.** Several people were killed, including police officers, the security chief for the Ministry of Justice, a well-known businessman, and the chauffeur of a senator (who was wounded).[371]

- **Around the May 21, 2000, parliamentary elections.** On March 17, opposition candidate Laurence Jocelyn Lassegue, was shot and injured while campaigning for a senate seat. On March 20, two men shot and injured Marcel Fils, an opposition party coordinator, in downtown Port-au-Prince. On March 27, unknown persons killed pro-government Popular Organization (OP) member Jean Samedi in the La Saline area of Port-au-Prince. On March 28, Légitime Annis, a local opposition party coordinator, and his wife were murdered at their home in Petit-Goave. On March 29, Ferdinand Dorvil, campaign

manager for an opposition Senate candidate from Grand Rivière du Nord, was dragged from his home, shot, and killed. On April 4, Merilus Deus, an opposition senatorial candidate in Savanette, was murdered.[372] On April 8, following funeral services for radio journalist Jean Dominique, a slain ally of President Préval, about a hundred angry protesters burned the headquarters of an opposition coalition, Space for Dialogue (*Espace de Concertation*). Police at the scene did not intervene, and made no arrests.[373] On April 10, Merilus Deus, opposition candidate in Savanette, was murdered, and his daughter was injured.[374] On May 17, a grenade was lobbed at the headquarters of the Provisional Electoral Council (CEP) from a passing car on Delmas, a busy street in Port-au-Prince. The grenade injured several bystanders, but did only minor damage to the entrance of the building. The timing seemed aimed at discouraging participation in the election.[375] On May 12, 2000, Branor Simon, the campaign coordinator for a local opposition candidate in Grand'Anse department, was shot and killed. On May 21, two election-related deaths were reported in Croix de Bouquets, a suburb of Port-au-Prince, where a candidate and policeman exchanged fire in an altercation.[376] On May 22, *Lafanmi Lavalas* partisans attacked the headquarters of a small party, Rally of Patriotic Citizens (*Rassemblement des Citoyens Patriotes*, RCP) in downtown Port-au-Prince. They killed one man and seriously injured another. Police neither intervened nor made arrests. On July 2, supporters of an independent mayoral candidate in Ile-à-Vache killed two *Lafanmi Lavalas* supporters, claiming their candidate had been cheated of victory. Police charged a former mayor of having organized the violence. In Anse-d'Hainault, supporters of a mayoral candidate who narrowly lost to the *Lafanmi Lavalas* candidate burned homes and ransacked a community radio station, wounding a dozen people.[377]

- **Just before the November 26, 2000, presidential election.** On November 22, a bomb killed Clairvil Robinson, 14, in downtown Port-au-Prince. Six other pipe bombs went off that day, two on the road to the international airport, three in the suburb of Pétionville, injuring 14 persons.[378] The following day, two bombs exploded in the suburb of Carrefour. One of the bombs killed a 7-year-old girl on her way to school. Two other persons were injured. A third bomb was defused outside the Organization of American States offices in upscale Pétionville. Aristide supporters burned tires to protest the bombings.[379] Prime Minister Jacques Edouard Alexis said the bombings were part of a campaign of terror intended to keep people away from the polls.[380]

Groups at Risk

Political party leaders, candidates, and activists

Leaders and activists of political parties and movements have been subject to risks ranging from threats to physical harm and even assassination. During the Aristide administration, most, but by no means all, of the persons at risk were opposition leaders or members, or persons assisting them (such as defense lawyers or family members). Subsequent to the departure of Aristide, the primary burden of risk can be expected to fall on supporters of the former president.

Violence directed against party leaders and activists has been heavily correlated with election campaigns and their aftermath, but not limited to such periods. For further examples, and analysis of the political context, see sections on Political Violence and Electoral Violence. There were no reports of political prisoners in 2003 according to the U.S. Department of State.[381]

- In April 1999, three former OPL deputies sought refuge in the home of the Chilean ambassador, then fled the country. All had received threats. One of the three, Vionette Wilner Raphael, reported that his home had been sprayed with bullets and that his official car had been set on fire.[382]

- In late March 2001, Mayor Willot Joseph of Maissade and Mayor Joseph Dongot of Hinche severely beat two local judges who were investigating their role in the incarceration and beating of seven opposition members the preceding year. Following the July 28 attacks on police stations, Dongot and other local officials and police illegally arrested seven persons. In the course of the arrests, police shot to death Wilner Jean-Louis, a member of the Democratic Convergence and former member of the army. In December, President Aristide removed Longot from office.[383]

- On May 26, 2001, attorney Yves Jean set out from the south coast town of Les Cayes to file an appeal in Port-au-Prince on behalf of his client, opposition deputy Gabriel Fortune. Accompanying Jean was the politician's brother, Moise Fortune, a law student. Jean was killed in a car accident. Fortune, who went into a coma but later revived, said he had driven about 55 miles when he realized that they were being followed by a sport utility vehicle. They tried to ditch the vehicle by turning off into a town. But when they resumed their trip, he said they were again followed by the same white vehicle. Fortune said he kept on driving, but lost control of the car when he heard what sounded like a gunshot.[384]

- On January 6, 2002, Chamber of Deputies member Jocelyn Saint Louis shot to death Mayor Sernand Severe in the Commune de Saint-Raphaël in the Department of the North. The murder followed the fatal shooting of Deputy Saint Louis's nephew during a violent confrontation between supporters of the mayor and family and bodyguards of the legislator. On February 5, the legislature removed Saint Louis' immunity from prosecution. At year's end, Saint Louis remained in pretrial detention. In May 2003, Saint Louis was released after a hearing before the Court of Appeals.[385]

- On February 10, 2002, unknown assailants murdered Marc André Dirogène, a *Lafanmi Lavalas* representative for Gonaïves in the Chamber of Deputies. Dirogène had written to then-Prime Minister Cherestal complaining of corruption at the Gonaïves port and customs office. Cherestal was reported to have sent a copy to the office in question, where the brother of local strongman Amiot Métayer held a post.[386]

- On November 28, 2002, *Lafanmi Lavalas* Justice of the Peace Christophe Lozama of Belladère in the Department of the Center was shot to death in a clash with opposition demonstrators in Kenp, near Lascahobas. On December 10, armed men broke into the jail in Lacahobas, fatally shooting four persons, and freeing four prisoners, including two opposition members arrested for the murder of Lozama.[387]

- On February 2, 2003, in a climate of escalating political tension in Petit-Goâve, department of the West, an unidentified hooded assailant shot to death Micky Fleurilus, member of a popular organization affiliated with *Lafanmi Lavalas*. Attackers also set fire to the home of *Lafanmi Lavalas* organizer Samuel Polo, causing injuries that led to his death several weeks later. In reprisal, *Lafanmi Lavalas* sympathizers burned the homes of two opposition supporters, blocked roads, and carried out illegal searches of vehicles.[388]

- On the night of June 21, 2003, heavily armed men attacked the homes of prominent supporters of *Lafanmi Lavalas* in Lascahobas, Pernal and Lagroune. According to minister of the interior, grenades were tossed into the homes, and victims tied up and tortured before being executed. Among those killed was Pierre Marais, a trader in Pernal.[389]

- On July 14, 2003, police arrested four members of the opposition party Patriotic Assembly for National Revival (*Regroupement Patriotique pour le Renouveau National*, REPAREN). Judith Roy, Jeantel Joseph, Chavanne Joseph, and Adeler Reveau were charged with illegal possession of weapons and with planning to attack government officials. Police had searched Roy's home on May 8, the day after the attack on the Péligre dam, and claimed to have found weapons and plans for attacks on the Presidential Palace and on the home of President Aristide. Roy said her party was pledged to nonviolence, and that the weapons and plans had been planted. The four detainees said they were beaten with iron bars while in custody. Human rights activists who visited them in jail reported seeing bruises consistent with the allegations. The case was under review by an investigating judge. At year's end, Roy remained in custody at the Pétionville police station.[390]

Radio journalists, radio stations and their owners

In August 2003, the Committee to Protect Journalists listed Haiti as one of the three most dangerous countries in the hemisphere for journalists, second only to Colombia, and tied with Cuba. It noted the murder of radio journalists Jean Dominique and Brignol Lindor, and the flight of almost 30 more into exile in less than three years.[391]

Low levels of literacy and extremely high rates of poverty mean that only a small percentage of the population reads newspapers or magazines. Because of the elite nature of literacy in Haiti, the print media are almost exclusively in French, not Creole.

The two principal daily newspapers are *L'Union* and *Le Nouvelliste*, with a combined circulation under 20,000. *L'Union* is run by the government; *Le Nouvelliste* is frequently critical of government policies. There are also three weekly news publications, which are distributed both in Haiti and among immigrant communities in the USA. *Haïti-Observateur*, founded in Manhattan in 1971 by Raymond Joseph, is staunchly right-wing. *Haïti Progrès*, founded in Brooklyn in 1983 by Benjamin Dupuy, who also heads the National Popular Assembly, is left-wing, with ties to *Lafanmi Lavalas*. *Haïti En Marche*, founded in 1986 in Miami, is center-left. A full-color English-language weekly, *The Haitian Times*, was started in 1999, with former *New York Times* reporter Garry Pierre-Pierre as publisher and *Miami Herald* correspondent Yves Colon as editor.[392]

Because the country has only five television sets per thousand inhabitants, radio is the news medium that reaches by far the largest number of Haitians.[393] As a true mass medium, it is typically broadcast in Creole. There are over 250 radio stations in Haiti, with more than 40 in Port-au-Prince alone. Until it closed down in 2003, *Radio Haïti Inter* was Haiti's oldest station, founded in 1935, and purchased by Jean Dominique in 1968. It was Dominique who pioneered the use of Creole, vastly expanding listenership. The two church-sponsored stations – the Catholic *Radio Soleil* and the Protestant *Radio Lumière* – followed suit. A 1988 survey found that almost two out of three Haitians relied on one of those three stations as their primary source of news.[394]

Radio is thus by far the most important medium for the dissemination of news. That has turned it into a high-stakes battleground for appeals to the hearts and minds of Haitians by both sides in the country's sharply divided body politic. According to the Committee to Protect Journalists,

> Many stations are partisan and broadcast reports that serve the interests of either the government or its opponents, namely opposition parties and the private sector. Government officials tend to criticize private radio stations when their coverage does not support Aristide's ruling Fanmi Lavalas party or the president.
>
> While private radio stations openly criticize Aristide's administration – and the state often cites such criticism to counter allegations of a pending dictatorship – they often fail to apply the same critical eye to civic organizations, opposition parties, and the private sector, whose paid advertisements help keep them afloat. Some journalists accept bribes and have been known to drop stories in exchange for money.[395]

When partisanship upstages professionalism, much of what is presented as news is in fact little more than unsubstantiated hearsay. That undermines the credibility of radio journalism both in Haiti and abroad. It means that foreigners who seek to objectively document conditions in Haiti must be very cautious about using or citing radio broadcasts. Within Haiti, the effect is even more pernicious, as it contributes to an atmosphere of cynicism and suspicion, casting doubt even on accurate reporting. When it becomes difficult to separate truth from hearsay and outright fabrication, it is easier for extremists to denounce radio journalists as agents of the other camp, making them potential targets of violence. Some of those most at risk are truly objective journalists whose reports offend powerful persons or groups, particularly among the pro-government popular organizations. According to the Committee to Protect Journalists,

> These popular organizations – informally called *chimères* (chimera) after the fire-breathing mythological creature – tend to comprise Aristide supporters, some of whom have even admitted to being on the state payroll. Popular organizations appear to be the most visible and viable obstacles for journalists, threatening and harassing members of the media at street demonstrations and accusing them of "working for the opposition."[396]

The following examples illustrate the extent of the dangers faced by radio journalists in Haiti, and the failure of the government to take effective measures to protect them, or to bring those who persecute them to justice:

- On April 3, 2000, two gunmen shot to death Jean Dominique, Haiti's leading radio journalist. He was shot several times in the head and neck. His security guard was also killed. Dominique purchased *Radio Haïti Inter* in the 1960s as an alternative to the Duvalier regime's government-controlled media. It became the first station to broadcast in Creole, the language of most Haitians. Ongoing conflicts with the Duvaliers forced him into exile in 1980. He returned following the overthrow of Jean-Claude Duvalier in 1986, but was again driven into exile following the military overthrow of President Aristide in 1991. He returned to Haiti in 1994 with Aristide, following the U.S. intervention. A friend of both Aristide and President René Préval, Dominique was a staunch government supporter.[397] President Préval posthumously awarded Dominique the National Medal of Honor and Merit, Haiti's highest honor, and declared a rare national funeral, with three days of mourning.[398]

- In April 2000, Daly Valet, a journalist from *Radio Vision 2000* (which opposes the government) went into hiding and then fled the country after receiving death threats. In June, armed and hooded men painted slogans on the wall of the station and threatened employees.[399]

- On June 9, 10, and 11, 2001, the information director of *Signal FM* radio station in Port-au-Prince received death threats after criticizing the behavior of *Lafanmi Lavalas* senators on the air.[400]

- On June 20, 2001, two armed men who claimed to be policemen forced Fritson Orius, another *Radio Haïti Inter* broadcaster, from his car. According to Orius, the men accused him of driving a car that had belonged to the slain station owner, Jean Dominique. The Haitian National Police (HNP) denied any of its officers had been involved.[401]

- On December 3, 2001, a mob dragged Brignol Lindor, news director for *Radio Eco 2000*, out of his car, then stoned him and hacked him to death with a machete in Petit-Goâve. During the previous week Lindor had received death threats after inviting opposition supporters on his show, and was subsequently identified by Dube Bony, deputy mayor of Petit-Goâve and a member of the ruling *Lafanmi Lavalas* party, as someone who should be met with "zero tolerance." He was killed by members of Asleep in the Woods (*Domi nan Bois*), a pro-government popular organization, who admitted what they had done in an interview with Guy Delva, secretary-general of the Association of Haitian Journalists. Fearing for their lives, Lindor's father, two brothers, and four sisters fled to France in April 2001. As of the end of 2002, ten members of the group had been indicted. But only

two had been arrested, and no trial date had been set. At the end of 2003, only one remained in prison awaiting trial.[402]

- After completing the 10 pm news on the night of July 15, 2002, Israel Jacky Cantave, 28, headed home from Radio Caraïbes station with a cousin, Frantz Ambroise. Two vehicles bearing armed and masked men intercepted their car near Cantave's home in Delmas, a Port-au-Prince suburb. Heavily armed and masked men forced Cantave and Ambroise into a car at gunpoint. The men bound, gagged, and blindfolded Cantave and his cousin, and drove them to a house. There they interrogated, kicked, and beat Cantave, and made him listen to a radio broadcast of his mother pleading for her son's life. Cantave, who had been investigating criminal gangs loyal to President Jean-Bertrand Aristide, said "[T]he kidnappers accused me of speaking too frankly on sensitive subjects. They said I was working to destroy the country." The two men were released bound, bruised, and almost naked on a roadside the following evening.[403]

- At about 5:30 pm on December 25, 2002, soon after Michèle Montas returned to her home in the Port-au-Prince suburb of Pétionville, two heavily armed gunmen appeared at the gate. Security guards shut the gate, but the assailants opened fire, killing one of the guards, Maxim Séide.[404] Two months later, on February 21, 2003, Montas announced that the radio station she runs, Radio Haiti Inter, was going off the air. Montas, wife of slain radio station founder Jean Dominique, said she had made the decision in the face of continuing threats to station employees, and the failure of the government to solve the murders of her husband and two other station employees, including the bodyguard killed on Christmas day.[405] Montas fled to New York City. "We've had at least five people die in this case," Montas told the *New York Times*. "One suspect was lynched, another disappeared. The judge is in exile in Miami." She said "It was unthinkable that this would happen under Lavalas, a party Jean worked to put in power…We thought things would change for participation and transparency. In fact, nothing has changed and impunity reigns. In fact, it is reinforced by the apparent inability of the president to control the violence."[406]

- On February 4, 2003, assailants fired two shots into the stomach of Reverend Manes Blanc, director of Radio Shekina in Saint-Marc, after accusing him of being too vocal in his opposition to *Lafamni Lavalas*. Blanc survived the shooting. No one was charged with the crime.[407]

- On February 15, 2003, arsonists torched a car at the home of Jean Numa Goudou, a political correspondent for Radio Métropole. The radio station suspended news broadcasts for a day to protest government inaction, and Goudou went into hiding.[408]

- On February 18, 2003, a pro-government mob attacked the home of Petit-Goave radio host Montigene Sincere. The assailants came from a funeral procession for Petit-Goave resident Mickey Flerius, who was murdered earlier in the month by an opposition party gang, according to the ruling Lavalas party. Warned by a telephone call, Sincere hid behind his house. The mob did no damage to his cinder-block home, but sacked three rooms, burning furniture, equipment, and archives. Sincere hosts the nightly Haiti Focus radio program broadcast both in Port-au-Prince and New York. He is also a correspondent

for the Voice of America, and member of an opposition political party, the National Movement for Development. His son David, 24, a correspondent for Miami station Radio Piman Bouk, was briefly detained by police and then released.[409]

- On November 25, 2003, two intruders scaled a wall to the home of Jean-Robert Lalane in Cap Haïtien, wounding him in the shoulder. Lalane owned the opposition radio station Radio Maxima, whose staff had previously received death threats, and whose broadcast antenna had been damaged in another attack. In December, police raided Radio Maxima, and shut it down after claiming to have found weapons on the roof.[410]

- On January 13, 2004, persons armed with sledgehammers demolished the broadcast antennas of at least seven radio stations and one television station, forcing them off the air. The stations affected were Radio Galaxie, Radio Kiskeya, Radio Mélodie, Radio Magique-Stéreo, Radio Plus, Radio Signal-F.M, and Radio and Television Ti-Moun. The latter two are owned by President Aristide's Foundation for Democracy. Radio Kiskeya co-owner Marvel Dandin blamed Aristide supporters for the attacks, saying they must have damaged the pro-Aristide stations by mistake. On January 15, 2004, unknown individuals attacked the pro-government stations Radio Pyramide and Radio America. Three days later, intruders set fire to two anti-government stations.[411]

Human rights advocates

Domestic and international human rights groups operate without government restrictions. Nevertheless, threats and intimidation from unknown sources have been fairly common.[412] According to Amnesty International, "Though the situation for human rights defenders does not approach the severity of the coup years, they continue to face serious obstacles and dangers."[413]

- On March 8, 1999, gunmen shot Pierre Espérance, country director of the National Coalition for Haitian Rights (NCHR), who also serves as treasurer of the Platform of Haitian Human Rights Organizations (POHDH). The attack, which occurred from a passing car as Espérance was driving near his office in Port-au-Prince, followed telephone threats. Espérance was wounded in the shoulder and knee.[414]

- In February and April 1999, several human rights organizations – Platform of Haitian Human Rights Organizations, the Karl Levesque Cultural Institute (ICKL), Human Rights Fund II, and National Coalition of Haitian Rights – received anonymous leaflets threatening them and their employees.[415]

- In 2000, the National Coalition of Haitian Rights, the Platform of Haitian Human Rights Organizations, the Human Rights Fund, and the Ecumenical Center for Human Rights all reported receiving anonymous threats.[416]

- On September 6, 2000, men wearing police uniforms abducted, tortured and killed Amos Jeannot, an employee of Fonkoze, a local nongovernmental organization concerned with promoting development at the grassroots level.[417]

- In October 2001, Pierre Espérance and Vilès Alizar of the National Coalition for Haitian Rights, and Serge Bordenave and Jean Simon Saint-Huber of the Platform of Haitian Human Rights Organizations, reported receiving death threats after they denounced human rights violations by the police.[418]

- In March 2002, two unidentified men shot Patrick Mérisier, a National Coalition for Haitian Rights field monitor in southern Haiti, in the chest and left arm as he waited to be served in a Port-au-Prince restaurant. Two months earlier he had received leaflets at his home warning that he would be killed if he did not cease his human rights monitoring. Mérisier went into hiding. As of December, no official investigation of the shooting had been initiated.[419]

- In September 2002, police auxiliaries (*attachés*) arrested Rosemond Jean, head of a movement demanding the return of investments made in a government-supported cooperative venture that turned out to be a scam. They entered his home without a warrant, beat him, and accused him of possessing illegal firearms. No weapons were ever found. Under pressure from the international community, authorities cleared Jean of all charges and released him on March 31, 2003, after almost six months' imprisonment in the National Penitentiary.[420]

Women

Mistreatment of women appears to be endemic in Haitian society. In a 1999 survey conducted by the UN Children's Fund, 37 percent of women reported either being victims of sexual violence or knowing women who were. Another 33 percent said they were victims of other types of sexual abuse. The Minister of Social Affairs and Labor, herself a woman, estimated that the reality was worse than what was reported, and that something like 90 percent of Haitian women were victims of violence.[421]

A 1996 study of 1,705 women undertaken by the Haitian Center for Feminist Research and Advocacy (*Centre Haïtien de Recherches et d'Actions pour la Promotion Féminine*, CHREPROF) found that in 36 per cent of cases, violence against women was perpetrated by their partners. In 38 percent of cases, violence was directed at girls aged 10-18. Significantly, violence was independent of education levels, religious beliefs, or economic or marital status. Eighty percent of the men surveyed for the study said that they thought violence against women was strictly the concern of the family, and that it was justified where women showed disrespect for, or disobeyed, their partners. The study also found that two out of three women (66 percent) never reported acts of violence out of fear of reprisal, societal prejudice, and the absence of effective legal mechanisms.[422] Another factor is financial dependence on their abusers.[423]

According to the UN Special Rapporteur on violence against women, violations of the rights of women are so widespread and deeply rooted as to be structural:

> Most of the Special Rapporteur's interlocutors characterized Haiti as an inherently and structurally violent society, in which violence against women manifests itself in all its forms. Others noted that Haitian society does not believe that there is a culture of

> violence against women in particular but that the general violence affecting women was a result of a culture of repression of those who are vulnerable or inferior. (Women have only recently ceased to be considered as legal minors in Haiti.) In a dire economic situation, with over 80 per cent of the population living in extreme poverty, the violence only increases, resulting in a whole population without human rights. The Minister of Justice himself expressed the view that violations of human rights of women in Haiti are not only incidental but structural.[424]

Though women are no longer treated as minors under the law, discrimination continues to be legally sanctioned. A husband may legally murder his wife or his wife's partner should he surprise them in an act of adultery within his home. Yet a woman who returns home to find her husband in bed with another woman has no such right.[425] Laws on adultery and divorce are similarly discriminatory, placing the burden of proof on the woman. Though rape is recognized as a crime under Article 229 of the Haitian Penal Code, marital rape is not, and other forms of rape are not considered to be serious enough to warrant a trial by jury. Moreover, rape is classified as an offense against morals (*atteintes aux bonnes moeurs*). Thus the courts have considered the rape of a woman who is not a virgin to be a less serious offense than the rape of a virgin, and rapists can escape prosecution by marrying their victims. Sexual harassment is not generally considered a form of violence against women. Haiti also has no family code.[426]

On February 14, 2003, civil society groups succeeded in obtaining the release from prison of 18-year-old Natacha Jean Jacques. She had been imprisoned three years earlier for murdering the man who was raping her. While serving time in Fort National, she was again raped, this time by prison medical assistant Ilus Denasty. When she became pregnant, the publicity caused enough of a stir to get her released. Authorities issued a warrant for the arrest of Denasty, but he had not been apprehended at year's end.[427]

Haiti ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1981, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) in 1996. But it has failed to live up to its obligations under those treaties. Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, for instance, requires the submission of periodic reports, the first of which was due in 1982, and every four years thereafter. Two decades later, Haiti has yet to submit its first report.[428] However, the Ministry for the Status of Women, established in 1994, has collaborated with women's organizations in translating into Creole, and distributing, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.[429]

As of June 1999, only about 7 percent of the police officers in the HNP were women, although a record number of female officers graduated from the National Police Academy in Spring 2003.[430] At the end of 2003, three of 81 members of the Chamber of Deputies (3.7%) were women, as were six of 27 senators (22%), and five of 16 government ministers (31%).[431]

In the assembly sector of the economy, which is oriented to foreign export, the vast majority of employees are female, but almost all supervisors are male. Women report that some employers and supervisors sexually harass them with impunity.[432]

One of the few areas in which women have traditionally been treated as equals is within the ceremonial traditions of *Vodou*. According to *manbo* Racine Sans Bout,

> Some branches of the Afro-Caribbean religious diaspora, for example *Santería*, practice virulent discrimination against women, but in *Vodou* there is no such sexist bias. All ranks of initiation, and all ceremonial roles, are equally open to men and women. While sexism in Haitian culture is still strongly evident, women attain power and respect through participation in *Vodou*. Mambos in particular are highly respected, and are addressed as "Maman" [Mother].[433]

Yet outside of ceremonial life, a primary concern is ensuring high fertility. That has consequences much less favorable to women. Absent social security, children offer the poor their best prospect of being taken care of in old age. Hence childlessness carries a much heavier stigma than in the USA. Moreover, women, not men, are considered to be responsible for infertility. In the eyes of most poor Haitians, it is therefore acceptable for the male partner in a childless union to have sex with other women in the hope of fathering a child. There is in fact no institution of marriage within *Vodou* (marriages are performed either within Christian churches, or by civil law), and no moral injunction against premarital and extramarital sex. These attitudes toward sex and fertility contribute to a relative tolerance of polygamy, and of men forcing themselves sexually on women.[434]

Children

The often precarious situation of children in Haiti is reflected in a Creole proverb: *Timoun pa chen, granmoun pa bondyè* – "children aren't dogs, adults aren't gods." Though Haiti ratified the Convention on the Rights of the Child following the restoration of democratic rule in December 1994, many Haitian children continue to suffer from serious abuse and neglect. Despite a constitutional guarantee of free and compulsory education, there aren't enough public schools to accommodate all of the country's children. Laws continue to discriminate against illegitimate children, who can be denied admittance to public schools. Girls who are raped by their teachers and become pregnant are frequently expelled from school, in a double violation of their human rights.[435]

Many rural families place their children in a form of involuntary servitude called *restavèk*, a Creole term derived from the French "rester avec," meaning "to stay with." Being desperately poor, they arrange to have their children "stay with" more prosperous urban families, where they get food and lodging but must work at no pay. About four in five *restavèks* say they have been beaten.[436] It is estimated that there are more than a quarter of a million *restavèks*, at least 75 percent of whom are girls. Frequently, these girls are sexually molested by the male head of household, and become pregnant. By law, the minimum employment age is 15, but an exception is made for domestic service, where the minimum is 12. Even so, a 1998 UNICEF study found that more than one in five *restavèks* are between 4 and 10 years old. When *restavèks* turn 15, the law requires they be paid "not less than one half the amount payable to a hired servant" to perform similar work, in addition to room and board. For that reason, most are sent away before they reach 15. Sadly, many of these children end up on the street.[437]

Madeleine Vilma is a case in point. At the age of nine, her parents sent her to the slums of Port-au-Prince to become a *restavèk*. When she broke a heel on her shoe, the women who had bought her beat her with sandals, then singed her chest and arms with current from a frayed electrical cord. "They wanted to mark me so that I would remember." Madeleine has been homeless on the streets of Port-au-Prince ever since.[438]

In the context of widespread poverty, there is little public interest in the plight of street children. On the contrary, they are viewed as nuisances. Further contributing to the low public opinion of street children is their growing involvement in gangs. As many gangs switch from petty crime to drug dealing, guns are becoming more common. That is landing more and more juveniles in overcrowded prisons. Though Haitian law forbids incarceration of children under 16, determining the age of a detainee is not easy in a country that lacks a reliable system of personal identification. Moreover, there have been no ready alternatives to incarceration for young violent offenders.[439]

In May 1999, the government created a children's court (*tribunal pour mineur*s) in Port-au-Prince. While an important precedent, it does not address the needs of children elsewhere in the country, since courts in other areas have difficulty arranging transport to Port-au-Prince.[440]

In May 2003, first lady Mildred Aristide published a book documenting the *restavèk* phenomenon in Haiti, setting forth steps the government should take to combat it. In June, the government passed a law banning trafficking in women and children.[441]

According to the Department of State,

> The Government acknowledged the problem of internal trafficking and took steps to address it, despite severe resource constraints. The Government devoted the bulk of its entire social welfare budget to combating trafficking of children. Since its establishment in 2000, the hotline for child abuse victims received over 720 calls leading to action on 158 cases, either through initiation of criminal action against an abusive adult or removal of the child from an abusive situation. Eighty-three percent of the children involved in these cases were in domestic service, many were under the age of 12, and many reported abuses such as beatings, rape, and malnutrition. In August, IBESR hired four additional monitors to rescue children believed to be working in forced labor situations. Government officials placed rescued victims in shelters and in the care of local NGOs, such as Foyer Maurice Sixto, a children's shelter located in Port-au-Prince.[442]

Homosexuals

Haiti has no laws prohibiting sexual activity between members of the same sex.[443] Nevertheless, expressions of homosexuality are not generally accepted by society outside of certain religious rites such as Carnival and *Vodou*. Haitian Creole reflects common attitudes towards homosexuals. *Masisi* (or *macici*, by one old spelling) for example, is a pejorative term for "male homosexual" comparable to "faggot" in English. According to Haitian Guy Antoine, "*masisi* is the worst insult leveled at a fellow Haitian."[444] It is also noteworthy that Haiti, a country of eight million, has no gay or lesbian organization.

There are nonetheless significant variations in attitudes, based in large measure on religious conviction. Evangelical Protestant denominations, citing scriptural passages they interpret as prohibiting homosexuality, tend to be least tolerant, often excluding openly homosexual men and women from their congregations.

The Roman Catholic Church has a somewhat more nuanced approach, condemning homosexual practices, but generally tolerating the presence of homosexuals in religious ceremonies, and calling on the faithful not to mistreat them. The new Catholic Catechism (1997) states:

> Basing itself on Sacred Scripture, which presents homosexual acts as acts of grave depravity, tradition has always declared that "homosexual acts are intrinsically disordered." They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved.[445]

Recognizing that "the number of men and women who have deep-seated homosexual tendencies is not negligible," it specifies that "they must be accepted with respect, compassion, and sensitivity," avoiding "every sign of unjust discrimination." Yet it mandates that "homosexual persons are called to chastity."[446] Openly homosexual persons are in all cases barred from the clergy.

Vodou has a substantially different perspective on homosexuality than any of the major Christian churches, according to *manbo* (*Vodou* minister) Racine Sans Bout:

> In *Vodou*, homosexuals are not barred from any religious activity. They may participate in religious services, and even become initiates and clergy people. It is true that there is some stigma associated with homosexuality in Haiti, but it does not take the form of the virulent hatred evident in Jamaica, for example, where homosexual individuals may be the victims of mob killings. Especially among the poorer classes, where lack of living space and privacy makes sexual orientation obvious, the feeling is rather that Mother Nature has somehow played a sort of "practical joke" on the person.[447]

A major reason for the toleration that occurs within *Vodou* ceremonies is the centrality of spirit possession. Though *Vodou* has a supreme god known as *Bondyé* (from the French *Bon Dieu*, "good or beneficent god") or *Gran Mèt* (from French *Grand Maître*, "great master"), that god is seen as often distant and detached from human concerns. A series of intermediaries, or spirits, known as *lwas*, are more readily accessible.[448] Since any participant may be "mounted" (meaning "possessed") by any *lwa*, there are plenty of opportunities to be possessed by a *lwa* of the opposite sex. According to Gerdès Fleurant, "most *lwa* do not discriminate when it comes to communication with the community: It does not matter if the body is that of a man or of a woman."[449] That entitles individuals (whether homosexual or not) to behave in ways that violate customary gender roles, including cross-dressing. Openly gay or lesbian homosexuals are therefore much more visible in *Vodou* ceremonies than in other religious ceremonies, or even society at large. A similar permissiveness applies to the annual Carnival, in which participants wear masks and costumes anyway.[450]

"Voodoo is the only environment in which Haitian gays feel accepted and free to talk about issues," says Laurence Magloire, who in 2002 co-directed a documentary film on *Vodou* and its acceptance of sexual diversity. The film – *Of Men and Gods* (*Des hommes et dieux*) – profiled gay male practitioners of *Vodou*, including two *oungans* (male ministers).[451]

On the other hand, behavior that is approved within sacred rites is generally not accepted outside those rites. For example, the cult of fertility described earlier in the section on women means that homosexuals, male and female alike, are widely expected to produce children.

Two recent historical factors have contributed to prejudice against homosexuals. The first was the role played by some gays and lesbians during the Duvalier dictatorship. François Duvalier deliberately elevated gays and lesbians to positions of power. Seeking individuals who could offer him unconditional loyalty, Duvalier recognized that poor Creole-speaking blacks, *Vodou oungans* and *manbos*, and – even more so – homosexuals, were less likely to betray him, because no other political figure would be likely to offer them such stature, and because they would become vulnerable to retribution without his protection.

A case in point was *oungan* Zacharie Delva, an effeminate homosexual who made a living from a roadside snack cart in Gonaïves. Duvalier made Delva the second most powerful man in Haiti. Delva then prevailed on Duvalier to expel the Roman Catholic bishop of Gonaïves, Jean Robert, who had been persecuting practitioners of *Vodou*. Duvalier also chose Sanette Balmir, a lesbian, to command the *Macoute*s in Jérémie, near the tip of the southern peninsula. Balmir, a convicted thief, had felt publicly humiliated by having to perform convict labor in black-and-white prison garb on the streets of Jérémie. As *Macoute* comandant, she targeted relatively prosperous mulattos with extreme savagery in the massacres known as the Vespers of Jérémie.[452]

The advent of the HIV/AIDS epidemic in the 1980s further hardened attitudes toward homosexuality. According to a 1991 cover story in *The Advocate*,

> SIDA, as AIDS is termed in French, has virtually erased homosexuality from Haitian culture. A virulent strain of homophobia has replaced it instead, along with denial on the part of families where AIDS has struck.[453]

In 1982, President-for-Life Jean-Claude Duvalier responded to the AIDS crisis by closing down Port-au-Prince's gay bars and hotels, most of which served foreign visitors, and by expelling homosexual U.S. diplomats.[454]

Criminal deportees

Criminal deportees from the United States have faced indefinite imprisonment in Haiti under conditions that can be harsh and occasionally life-threatening. Reporting on the year 2001, the U.S. Department of State said:

> Since March 2000, criminal deportees who already have served sentences outside the country are kept in "preventive detention," with no fixed timetable for their eventual release. According to police officials, the deportees are held in order to prevent an increase in insecurity and to convince them that they would not want to risk committing

> crime because of prison conditions. The average period of preventive detention for these persons has decreased to approximately 1 month, compared to several months in 2000.[455]

According to Michelle Karshan, Director of Alternative Chance (*Chans Altenatif*), an advocacy group for the rights of criminal deportees,

> Criminal deportees are released from the National Penitentiary after a close family member presents proof of identification as well as proof of relationship to the deportee and must swear in writing that they will take responsibility for the deportee upon release and further, that they agree that in the event that the deportee is alleged to commit a crime, and is not apprehended, the responsible person will be subject to arrest until such a time that the deportee is apprehended. In 2001, 4-5 families have been subjected to arrest, with one family member imprisoned for three months until the police were able to arrest the deportee. This deters some families from coming forward or following through with the process for releasing their loved one from detention when first deported to Haiti….
>
> In the event that the deportee has no family member in Haiti or cannot contact them, they stay indefinitely in detention.[456]

The Immigration Reform and Control Act of 1986 mandated the Immigration and Naturalization Service (INS) to deport criminal aliens as soon as possible after conviction.[457] The range of crimes subject to deportation was expanded by Congress in 1996, with passage of the Antiterrorism and Effective Death Penalty Act, to include drug offenses and violation of moral turpitude laws, for crimes "for which a sentence of one year or longer may be imposed."[458] That provision applies even when the actual sentence imposed is of a lesser duration, including probation. With the exception of persons convicted of nonviolent crimes who may be released earlier at the discretion of the Attorney General or relevant state authority, alien convicts serve their sentences in U.S. prisons prior to being deported.[459]

During Fiscal Year 2001, 345 former convicts were removed from the United States; most if not all were presumably returned to Haiti. From the beginning of October 2001 to the end of January 2002, another 77 Haitians were removed from the U.S.[460]

During the Préval administration, deportees were frequently held at police stations around Port-au-Prince, but that practice was discontinued following the return of Aristide to the presidency in early 2001. Deportees were then sent directly to the National Penitentiary (*Pénitencier National*).[461]

Such imprisonment is a violation of international human rights law, as pointed out by the UN independent expert:

> As the independent expert reported to the General Assembly, this situation constitutes a violation of the International Covenant on Civil and Political Rights, article 14, paragraph 7 of which states: "No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country". [462]

Following the return of President Jean-Bertrand Aristide in September 1994, prison conditions in Haiti underwent a brief period of improvement. However, during President René

Préval's administration, conditions deteriorated following cutbacks in international aid. In March 2000, Amnesty International reported that "overcrowding coupled with outdated facilities and lack of resources has created conditions that are far below the level required by the Standard Minimum Rules for the Treatment of Prisoners and in some instances constitute cruel, inhuman and degrading treatment." By early 2001, Jean-Paul Lupien, a Canadian who consults for the UN Development Program (UNDP), proclaimed Haitian prisons the worst he has ever seen and in a state of impending crisis.[463]

The Miami Herald reported that inmates in Haitian prisons complained that guards beat them, often with impunity. Citing a study by Lupien, the Herald also reported that prisons and jails did not provide enough food to sustain life, so detainees may slowly starve to death. According to the Herald, "in one month this year [2001], 11 inmates died in the *Penitencier National*," some from malnutrition and lack of sunlight, the rest from tuberculosis and AIDS.[464]

The National Coalition for Haitian Rights (NCHR) investigated conditions following an incident that occurred on 10 September 2000, at the National Penitentiary. "CIMO (crowd control unit) officers reportedly ruthlessly manhandled protestors in reprisal for acts of violence they allegedly committed against Penitentiary staff. Since those incidents, the deportees have been victims of discriminatory measures such as the cancellation of visits and recreation. Some have reportedly been placed in isolation."[465]

Michael Lucius, the police official in charge of reviewing criminal deportees, admitted that "it may be illegal detention but what can we do? With all the instability and crime here we can't just turn these guys out on the streets with no visible means of support. It's not as if they are choirboys. We've got to protect our own population."[466] Haiti is not alone in fearing the impact of criminal deportees on its precarious social structure. As Trinidad and Tobago Foreign Affairs Minister Ralph Maraj said to *Caribbean Week*, "If these people are uncontrollable in the large U.S. system, with its level of resources and sophistication, are they likely to be controlled by small Caribbean States?"[467] Similarly, former MICIVIH director Colin Granderson pointed out to *onzeWereld* that "On the one hand, the United States is worried about the stability of Haiti, but at the same time they burden the country with derailed people who have no place in Haitian society."[468]

Though some of the returnees are no doubt hardened criminals, others are not. Often unable to speak Creole, with no friends or relatives to provide support, little hope of due process, little or no immunity from Haiti's tropical diseases and parasitic ailments, and forced to endure appalling conditions in jail, they are extraordinarily vulnerable.

- Thomas Christopher O'Toole Sylvain was born in Brooklyn in 1978 to a Haitian father and Irish-American mother. After serving a prison sentence in Florida, he was deported to Haiti, even though he had shown his passport and birth certificate to immigration officials as proof of citizenship. After just a month in Haiti, he became seriously ill. Following a lot of negative publicity in the *Miami Herald* and the intervention of two members of Congress, Sylvain was allowed to return to the U.S., where he died shortly after his arrival in July 1999.[469]

- Claudette Etienne, 44, fled Haiti more than two decades ago, to escape the terror of the *Tontons Macoutes* under dictator Jean-Claude Duvalier. As a legal resident in Florida, she picked fruit and sold cheap jewelry. She had two young sons, both U.S. citizens, by her common-law husband. Then she was found guilty of a nonviolent drug offense, and sentenced to a year's probation, so that she could continue to care for her children and husband. But on a visit to her probation officer, she was seized and placed in the INS Krome Detention Center, from where she wrote a pleading letter to a deportation officer: "The drug crime was because I needed the money for my children. I made some bad mistakes and I won't do them again. I'm sorry. Please reconsider my custody. I miss my children terribly." Etienne was deported on September 6, 2000. Upon arrival in Port-au-Prince, she was assigned to a police holding cell in the Delmas 62 police substation. Forced to sleep on a cold cement floor and having to drink tap water containing parasites to which she had lost immunity, she became ill with agonizing stomach pains. She died shortly after transfer to a hospital on September 10. Three months after her death, Etienne's corpse remained unclaimed in the morgue, bearing a telltale classification: "family abroad." [470]

- Joseph Mondestin, moved to the United States when he was one year old. He spent the next 41 years in the U.S., growing up in a Maryland suburb of Washington, DC. Following a drug conviction, he spent six months in jail before being turned over to the INS and deported to Haiti, where he was assigned to an anti-gang holding cell. For Mondestin, who has no memory of Haiti and does not speak the language, Haiti is in effect an alien country.[471]

Addressing Past Human Rights Violations

There have been two notable successes in the effort to bring past human rights violators to justice. One was the November 2000 homicide convictions of former army officers, soldiers, and paramilitaries for their role in the 1994 Raboteau massacre. The other was the decision made by the United States to deny entry to known persecutors, and to return individuals charged with serious human rights violation to Haiti.

Most of that progress was reversed, however, in the course of the armed revolt that toppled President Aristide, as rebel gangs freed prisoners, including those convicted of serious human rights violations, and other prisoners broke out on their own.

- On May 21, 1999, former FAd'H Sergeant Jean Fritznel Jean-Baptiste was convicted of trying to beat Steker Athis to death in the Camp Perrin police station in January 1993. He was sentenced to five years in jail and fined 30,625 gourdes, equivalent to about $1,700 at 1999 exchange rates.[472]

- On November 10, 2000, a Haitian court in Gonaïves sentenced eight former soldiers and four paramilitary associates to life in prison with hard labor for their role in the April 22, 1994, massacre of civilians in the town's seaside slum neighborhood of Raboteau. Among those convicted was former army captain Castera Cenafils, 47, and former paramilitary leader Jean Pierre Tatoune, 43. Cenafils, who led the pre-dawn raid, claimed he was searching for armed civilians who had supposedly fired on an army outpost. But the court heard evidence that no trace of bullet impacts were found on the outpost walls. Civilians who fled in panic into the sea were shot, and their families prevented from retrieving the bodies.[473] Another four associates received prison terms varying from four to nine years. Six others were acquitted. Each of the convicted men was fined $2,275, an amount many times the average annual income in Haiti, with the proviso that failure to pay the fine would result in confiscation of their property. The fines are to be pooled in a common fund and distributed to the families of the 15 victims.[474]

- On November 16, 2000, the same Haitian court sentenced Gen. Raoul Cédras, head of the military junta that overthrew the elected government of President Aristide in 1991, and 36 other high-ranking military officers and associates, to life in prison at hard labor. The defendants, tried in absentia following unsuccessful efforts to extradite them, were found guilty of premeditated, voluntary homicide in connection with the Raboteau massacre. Among those convicted were the other two coup leaders – Gen. Philippe Biamby, and Col. Michel François, former head of the militarized national police – and Emmanuel Constant, head of the paramilitary organization FRAPH. Cédras and Biamby now live in exile in Panama, François in Honduras, and Constant, who was allegedly once on the CIA payroll, lives in the United States. The Haitian court awarded these men's victims $43 million in civil damages. Under Haitian law, any of the 37 persons convicted in absentia would be subject to arrest upon return to Haiti, but would be entitled to a new trial.[475]

- In January 2002, a judge ruled that former dictator Prosper Avril should remain in prison. But in April, an appeals court ordered Avril released, saying the government had not provided enough evidence to substantiate the charges. As Avril was leaving the National

Penitentiary on April 15, 2002, however, police rearrested him on charges of instigating the 1990 massacre of a dozen peasants near the village of Pyat, near the central city of St. Marc.[476]

- On March 25, 2002, the U.S. Immigration and Naturalization Service (INS) deported former Port-au-Prince police Capt. Jackson Joanis back to Haiti. In September 1995, a Haitian court had convicted Joanis in absentia of the 1993 murder of businessman Antoine Izméry, an ally of then-exiled president Jean-Bertrand Aristide. Following Joanis' arrest by INS officers in Hollywood, Florida, an immigration court found that Joanis, who had been a top aide to Port-au-Prince police chief Lt. Col. Michel François, "engaged in human rights persecution prior to residing in the United States." Haitian authorities placed Joanis in the National Penitentiary pending a new trial, as provided for by Haitian law in the case of persons convicted in absentia.[477]

- On June 14, 2002, the Swiss government adopted measures to deny former "president-for-life" Jean-Claude "Baby Doc" Duvalier and his associates access to 7.5 million Swiss francs (a little under $5 million at the prevailing exchange rate) in frozen bank accounts.[478]

- On January 27, 2003, the U.S. Immigration and Naturalization Service returned two former Haitian military officers to Port-au-Prince, where police immediately placed them in the National Penitentiary. The officers – former colonel Carl Dorelien and lieutenant colonel Herbert Valmond – had been convicted in absentia of directing the April 1994 massacre of at least 26 unarmed civilians in Raboteau. Both had taken refuge in Florida, where Dorelien attracted notice when he won $3.2 million in the state lottery in 1997. They were deported under a program adopted in early 2000 which aims to keep those who have previously engaged in persecution from finding safe haven in the United States. Dorelien was arrested by INS agents at his home in Port Saint Lucie in June 2001, and Valmond at his home in Tampa in April 2002. Both have the right to seek new trials under Haitian law.[479]

- On August 8, 2003, U.S. immigration agents arrested Olichard Sauveur in Fort Pierce, Florida, and placed him in the Krome detention center in West Miami-Dade County. Sauveur, a former soldier in the Haitian army, had been accused of torturing persons in Haiti prior to immigrating to the U.S. in the early 1990s.[480]

- On August 26, 2003, U.S. immigration agents arrested former Haitian army Col. Frantz Douby in downtown Miami, and placed him in the Krome detention center. According to Brian Concannon, a Haiti-based attorney who investigated the April 1994 Raboteau massacre in Gonaïves, Douby had supplied funds to those who carried out the mass killing of 26 men, women, and children, and had command responsibility.[481]

- On January 14, 2004, following a decision by the Board of Immigration Appeals, U.S. federal immigration officials detained former Haitian major general Jean-Claude Duperval. Duperval had previously been convicted in absentia in Haiti on charges stemming from the April 1994 Raboteau massacre in Gonaïves. Though investigators found no evidence of direct involvement in the killings of 26 unarmed men, women, and children, Duperval was in an overall command position, and made no effort to stop the

> two-day rampage. Following the U.S. military intervention that restored President Aristide in 1995, Duperval entered Florida as a visitor, then found employment operating water ferries at Walt Disney World. *Newsweek* located him in Orlando, exposing his presence in April 2002.[482]

The investigation into the 1993 massacre of residents of Cité Soleil by soldiers and members of the paramilitary organization FRAPH stalled. Twenty-three arrest warrants were issued in November 1999. But the minister of justice then fired the judge for alleged corruption. A new judge was appointed in late summer 2000, but no arrests were made, and little further action had been taken as of March 2003.[483]

Virtually no effort has been made to address the issue of political rape by agents of the military government under General Raoul Cédras. Members of the army, section chiefs, and paramilitary forces raped hundreds of women as part of an overall strategy to terrorize the civilian population into submission to military rule. The Truth and Reconciliation Commission "found that rape constituted a political weapon, an instrument to intimidate and punish women as a result of their direct or indirect links with those opposing the coup d'état" against President Aristide. Though Haiti is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, these actions violated other ratified treaties, including Article 2.1 of the International Covenant on Civil and Political Rights and Articles 1 and 5.2 of the American Convention on Human Rights.[484]

> The women victims of political rape suffered incredible violence during the Cédras regime, yet five years later, their situation has not changed. They suffer from psychological trauma, and post-traumatic syndromes including latent depression; they suffer from serious medical conditions, including sexually transmitted diseases and HIV/AIDS infection, caused by multiple rape and brutality; their children remember and are traumatized; their husbands were killed or have left them; they do not have a permanent place to live; they do not have jobs; their merchandise was looted and stolen; they do not have enough food or medical assistance; nor do they have money to pay their children's school fees; but worst of all, the perpetrators of these crimes are still haunting them and are roaming around freely – justice has never been rendered and the women of Haiti are forced to live with the past every day of their lives.[485]

As an armed revolt led by former members of the Haitian Armed Forces swept across Haiti in February 2004, former military officers imprisoned for serious human rights abuses were either freed or escaped from prison. Among those released were three high-ranking former officers recently deported from the United States to Haiti following their convictions for the Raboteau massacre: Gen. Jean-Claude Duperval, once second in command in the army; Col. Hebert Valmond, former chief of military intelligence; and Col. Carl Dorelien, former army personnel chief. Two of the other convicts in the Raboteau massacre – Jean Pierre Baptiste (alias Jean Tatoune) and Louis-Jodel Chamblain – were leaders of the insurgency. [486]

Appendix One: Organizations and leaders

Haitian political parties and movements

Name/Year Founded	Leader(s)	Political Alignment	Coalition Members
Alliance pour la Libération et l'Avancement d'Haïti (ALAH), Alliance for the Liberation and Advancement of Haiti /1975	Reynold Georges	MPSN Neo-Duvalierist	
Assemblée Populaire Nationale (APN), National Popular Assembly	Benjamin Dupuy	Lavalas Family (FL)	
Ayiti Kapab, Haiti Can	Ernst Verdieu	EC/CD	
Coalition Réformiste pour le Développement d'Haïti (CREDO), Reformist Coalition for the Development of Haiti	Prosper Avril (former general, and dictator 1988-1990)	CD	
Comité National du Congrès des Mouvements Démocratiques (KONAKAM), National Congress of Democratic Movements /1987	Victor Benoît Micha Gaillard	EC/CD	
Convergence Démocratique (CD), Democratic Convergence /2000	Gérard Gourgue, Gérard Pierre-Charles, Serge Gilles, Evans Paul, Luc Mesadieu, Victor Benoît	CD is a coalition of opposition groups	EC, OPL, and MOCHRENA
Coordination de Résistance de Grande'Anse, Koodinasyon Resistans Grandans (COREGA), Grand Anse Resistance Coordination	Joachim Samedi, Roosevelt Décimus, Alex Lamarre		
Espace de Concertation (EC), Space for Dialogue /1999	Evans Paul	A member of CD, EC is a coalition of 5 groups	KID, PANPRA, KONAKOM, Génération 2004, Ayiti Kapab
Lafanmi Lavalas (FL), Lavalas Family /1997	Jean-Bertrand Aristide, Yvon Neptune	Governing party	
Front National pour le Changement et la Démocratie (FNCD), National Front for Change and Democracy	Evans Paul, Turneb Delpe		

Appendix One: Organizations and Leaders

Génération 2004, Generation 2004	Claude Roumain	EC/CD	
Initiatives Démocratiques, Democratic Initiatives	Guy Alexandre, Françoise Boucard		
Konfederasyon Inite Demokratik (KID), Democratic Unity Confederation	Joachim Samedi, Evans Paul, former mayor of Port-au-Prince, longtime anti-Duvalierist	EC/CD	
Mobilisation pour le Développement National (MDN), Mobilization for National Development /1986	Hubert DeRonceray	MPSN Neo-Duvalierist	
Mouvement Démocratique pour la Libération d'Haïti (MODELH), Democratic Movement for the Liberation of Haiti	François Latortue		
Mouvement Chrétien pour une Nouvelle Haïti (MOCHRENA), Christian Movement for a New Haiti /1991	Luc Mesadieu, a Protestant minister	CD A right-wing Protestant evangelical movement	
Mouvement pour l'Instauration de la Démocratie en Haïti (MIDH), Movement for the Installation of Democracy in Haiti /1986	Marc Bazin, Prime Minister in military regime, minister in second Aristide administration		
Mouvement Nationale et Patriotique du 28 Novembre (MNP-28), National Patriotic Movement of November 28	Déjean Bélizaire		
Mouvement pour l'Organisation du Pays (MOP), Movement for the Organization of the Country /1946	Gesner Comeau, Jean Molière	Center-right	
Mouvement Patriotique pour le Sauvetage National (MPSN), Patriotic Movement for National Salvation /1998		Coalition of neo-Duvalierist groups	MDN, PDCH, ALAH
Mouvement de la Reconstruction Nationale (MRN), Movement for National Reconstruction /1991	René Théodore	Leftist	
Mouvman Konbit Nasyonal (MKN), National Cooperative Action Movement	Volvick Rémy Joseph		
Organisation du Peuple en Lutte (OPL), formerly *Organizasyon Politik Lavalas*, Organization of People in Struggle /1991	Gérard Pierre-Charles	CD	
PARADIS (literally "Heaven"), Haitian Party of God	Vladimir Jeanty		

Parti Agricole et Industriel National (PAIN), National Agricultural and Industrial Party	Louis Déjoie II, son of Duvalier opponent	Right-wing	
Parti Démocrate Haïtien (PADEMH), Haitian Democratic Party	Jean-Jacques Clark Parent		
Parti Démocratique et Chrétien d'Haïti (PDCH), Haitian Christian Democratic Party /1978	Marie-France Claude, Joachin "Fritz" Pierre	MPSN Neo-Duvalierist	
Parti pour un Développement Alternatif (PADH), Party for an Alternative Development	Gérard Dalvius		
Parti National Progressiste Révolutionnaire Haïtien (PANPRA), National Progressive Revolutionary Party /1986	Serge Gilles	EC/CD	
Parti National des Travailleurs (PNT), National Labor Party	Thomas Désulmé		
Parti Social Chrétien d'Haïti (PSCH), Haitian Social Christian Party	Grégoire Eugène, longtime anti-Duvalierist		
Pati Louvri Barye (PLB), Open the Gate Party	Renaud Bernardin	Generally pro-government	
Pouvoir de Rassemblement des Organisations Populaires (PROP), Power of Assembly of the Popular Organizations	Simon Jean-Poix		
Rassemblement des Démocrates Chrétiens (RDC), Assembly of Christian Democrats	Eddy Vodel		
Rassemblement des Démocrates Nationaux Progressistes (RDNP), Assembly of Progressive National Democrats /1979	Leslie Manigat, briefly imprisoned and then exiled under Duvalier; in 1988 president for a few months under military oversight		
Union des Démocrates Patriotiques (UDP), Union of Patriotic Democrats	Rockefeller Guerre		

Trade unions

Centrale Autonome de Travailleurs Haïtiens (CATH), Autonomous Federation of Haitian Workers, affiliated with Federation of Latin American Workers
Confédération de Travailleurs Haïtiens (CTH), Confederation of Haitian Workers
Fédération Nationale des Travailleurs Agricoles (FENATAPA), National Federation of Agricultural Workers
Fédération Nationale des Travailleurs en Education et en Culture (FENATEC), National Federation of Educational and Cultural Workers
Fédération des Syndicats des Travailleurs et des Travailleuses de l'Electricité d'Haïti (FESTREDH), Federation of Unions of Electricity Workers of Haiti
Fédération des Ouvriers Syndiqués (FOS), Federation of Unionized Workers, affiliated with AFL-CIO
Syndicat des Ouvriers et Employés de la TELECO (SOETEL), Telephone Workers Union

Sources: Haïti-Référence, "Sigles et Acronymes Utilisés en Haïti," www.haiti-reference.com; Embassy of the Republic of Haiti, Washington DC, "Haitian Political Parties and Movements," www.haiti.org/polprtys.htm; Library of Congress Federal Research Division, "Labor," *Haiti – A Country Study*, 14 March 1991; Central Intelligence Agency, *The World Factbook 2000*; Central Intelligence Agency, *The World Factbook 2001*; Georgetown University Political Database.

Human rights groups

Centre Oecuménique des Droits de l'Homme, Ecumenical Center for Human Rights (Jean-Claude Bajeux)
Coalition Nationale pour les Droits des Haïtiens (NCHR), National Coalition for Haitian Rights (Pierre Espérance)
Comité d'Avocats pour le Respect et la Liberté Individuelle (CARLI), Committee of Lawyers for Respect and Individual Liberty (Renan Hédouville)
Commission Nationale Episcopale Justice et Paix, National Bishops' Commission for Peace and Justice (Jocelyne Colas): Catholic Church human rights commission
Kay Famn, Women's House (Yolette Jeanty): advocacy for rural women
Organisation de Défense des Droits des Femmes (EnfoFamn), Women's Rights Defense Organization: publishes *Ayiti Fanm*, Haiti's only Creole-language newspaper for women
Plateforme des Organisations Haïtiennes des Droits Humains (POHDH), Platform of Haitian Human Rights Organizations (Serge Bordenave, Pierre Espérance)
Programme pour une Alternative de Justice (PAJ), Program for an Alternative of Justice (William Smarth, Roman Catholic diocesan priest): human rights and civic education
Solidarite Famn Ayisyen (SOFA), Haitian Women in Solidarity (Marie Frantz Joachin): women's rights, including combating violence against women

Other nongovernmental organizations

Collectif Haïtien pour la Protection de l'Environnement et le Développement Alternatif (COHPEDA), Haitian Collective for Environmental Protection and Alternative Development (Alex Beauchamps): coordinating body of groups (including ICKL and ITECA) working for environmental protection and reforestation

Fondasyon Kole Zepòl (Fonkose), Alternative Bank for the Organized Poor (Anne Hastings): economic and technical assistance to peasant organizations, women's collectives and street vendor groups, cooperatives, credit unions, and religious communities

Institut Culturel Karl Lévesque (ICKL), Karl Lévesque Cultural Institute (Jean-Claude Jean): grassroots education

Institut de Technologie et d'Animation (ITECA), Institute for Technology and Promotion (Claudette Werleigh): training in organic farming and appropriate technology

Mouvman Peyizan Nasyonal Kongre Papay (MPNKP), National Peasant Movement of the Papaye Congress (Chavannes Jean-Baptiste): confederation of peasant groups, a spin-off of MPP

Mouvman Peyizan Papay (MPP), Papaye Peasant Movement (Chavannes Jean-Baptiste, Bazelais Jean-Baptiste): assists peasant farmers; provides small loans, literacy training, small business management training

Plateforme Haïtienne de Plaidoyer pour un Développement Alternatif (PAPDA), Haitian Platform to Advocate Alternative Development (Camille Chalmers): coalition of NGOs that "work with the popular movement to develop alternatives to the neoliberal development model"

Projet Régional d'Education au Développement (PRED) Regional Education Project for Development (Bishop Willy Romélus): development assistance for peasants in Jérémie

Service Oecuménique d'Entraide (SOE), Ecumenical Mutual Aid Service (Hugues Henrys): church group offering assistance in agriculture and rural development, public health, human rights, microenterprise and small loans, environmental protection

Société d'Animation pour la Communication Sociale (SAKS), Society for the Promotion of Public Communication (Sony Esteus): assistance for community-based radio stations

Roman Catholic Church

Conférence des Evêques d'Haïti (CEH), Haitian Conference of Bishops, Port-au-Prince

Archevêché de Port-au-Prince, Archdiocese of Port-au-Prince, Archbishop François Wolff Ligondé[487]

Archevêché du Cap-Haitïen, Archdiocese of Cap-Haitïen, Archbishop Hubert Constant

Evêché des Cayes, Diocese of Les Cayes, Bishop Jean Alix Verrier

Evêché de Fort-Liberté, Diocese of Fort-Liberté, vacant since transfer of Hubert Constant

Evêché de Gonaïves, Diocese of Gonaïves, Bishop Yves Marie Péan

Evêché d'Hinches, Diocese of Hinches, Bishop Louis N. Kébreau

Evêché de Jacmel, Diocese of Jacmel, Bishop Guire Poulard

Evêché de Jérémie, Diocese of Jérémie, Bishop Willy Romélus

Evêché de Port-de-Paix, Diocese of Port-de-Paix, Bishop Frantz Colimon

Source: www.haiti-reference.com/religion/catholique/ceh.html

Appendix Two: Radio Stations

Cayes

Radio Lumière
Radio Men Kontre (RMK)
Radio Télédiffusion Cayenne (RTC)
Radio Télédiffusion Métropole Sud (RTMS)
Vwa Klodi Mizo

Cap-Haïtien

Radio Cap Haïtien
Radio Citadelle
Radio Etincelle
Radio Gama
Radio Kominote Nodes
Radio Lumière
Radio Maxima
Radio Venus FM
Radio Voix Du Nord
Voix de l'Ave Maria

Hinche

Radio Plateau Central
Super Continentale
Vwa Peyizan

Jérémie

Radio Grande Anse
Radio Tet Ansamn

Gonaïves

Radio Indépendance
Radio Kiss FM
Radio Provinciale
Radio Pyramide FM

Jacmel

Radio Anacaona
Radio Kominote Bel Ans
Radio Kompa
Radio Pacific FM
Radio Télédiffusion Jacmelienne
Radio Téléexpress Continentale

Appendix Two: Radio Stations

Port-au-Prince

Radio Antilles Internationales
Radio Caraïbes
Radio Galaxie
Radio Ginen
Radio Haïti Inter (shut down after assassination of Jean Dominique and attack on his wife)
Radio Kiskeya
Radio Lakansyel
Radio Magik FM
Radio Métropole
Radio Nationale d'Haïti
Radio Plus
Radio Signal FM
Radio Tropicale
Radio Vision 2000

Source: United Nations (MICIVIH).

Appendix Three: Territorial Subdivisions

Municipalities (*Communes*) are listed under their respective *Arrondissements*.
Department seats are underlined in red.

DEPARTMENT OF THE WEST (DÉPARTEMENT DE L'OUEST)

Arrondissement de Port-au-Prince
Port-au-Prince, Delmas, Carrefour, Pétionville, Kenscoff, Grenier

Arrondissement de Léogâne
Léogâne, Petit-Goâve, Grand-Goâve

Arrondissement de Croix de Bouquets
Croix de Bouquets, Thomazeau, Ganthier, Cornillon, Fonds-Verettes

Arrondissement de Arcahaie
Arcahaie, Cabaret

Arrondissement de La Gonâve
Anse-à-Galets, Pointe-à-Raquette

DEPARTMENT OF THE SOUTHEAST (DEPARTEMENT DU SUD-EST)

Arrondissement de Jacmel
Jacmel, Marigot, Cayes Jacmel, La Vallée

Arrondissement de Bainet
Bainet, Côtes-de-Fer

Arrondissement de Belle-Anse
Belle-Anse, Grand-Gosier, Thiotte, Anse-à-Pitre

DEPARTMENT OF THE NORTH (DÉPARTEMENT DU NORD)

Arrondissement de Cap-Haïtien
Cap-Haïtien, Quartier Morin, Limonade

Arrondissement de Acul du Nord
Acul du Nord, Plaine du Nord, Milot

Arrondissement de Grande Rivière du Nord
Grande Rivière du Nord, Bahon

Arrondissement de Saint-Raphaël
Saint-Raphaël, Dondon

Arrondissement de Borgne
Borgne, Port-Margot, Ranquitte, Pignon, La Victoire

Arrondissement de Limbé
Limbé, Bas-Limbé

Arrondissement de Plaissance
Plaissance, Pilate

DEPARTMENT OF THE NORTHEAST (DEPARTEMENT DU NORD-EST)

Arrondissement de Fort-Liberté
Fort-Liberté, Terrier, Perches

Arrondissement de Ounaminthe
Ounaminthe, Capotille, Mont-Organisé

Arrondissement de Trou du Nord
Trou du Nord, Sainte Suzanne, Terrier Rouge, Caracol
Arrondissement de Vallières
Vallières, Carice, Mombin Crochu

DEPARTMENT OF THE ARTIBONITE (DÉPARTEMENT DE L'ARTIBONITE)

Arrondissement de Gonaïves
Gonaïves, Ennery, Estère
Arrondissement de Gros-Morne
Gros-Morne, Terre-Neuve, Anse Rouge
Arrondissement de Saint-Marc
Saint-Marc, Verrettes, La Chapelle
Arrondissement de Dessalines
Dessalines, Petite Rivière de l'Artibonite, Grand Saline, Desdunes
Arrondissement de Marmelade
Saint Michel de l'Attalaye, Marmelade

DEPARTMENT OF THE CENTRAL PLATEAU (DEPARTEMENT DU CENTRE)

Arrondissement de Hinche
Hinche, Maïssade, Thomonde, Cerca-Carvajal
Arrondissement de Mirebalais
Mirebalais, Saut-d'Eau, Boucan-Carré
Arrondissement de Lascahobas
Lascahobas, Belladère, Savanette
Arrondissement de Cerca La Source
Cerca La Source, Thomasique

DEPARTMENT OF THE SOUTH (DEPARTEMENT DU SUD)

Arrondissement de Cayes
Les Cayes, Torbeck, Chantal, Camp-Perrin, Maniche, Ile à Vache
Arrondissement de Port-Salut
Port-Salut, Saint-Jean du Sud, Arniquet
Arrondissement de Aquin
Aquin, Saint-Louis du Sud, Cavaillon
Arrondissement de Côteaux
Côteaux, Port-à-Piment, Roche-à-Bateau
Arrondissement de Chardonnières
Chardonnières, Anglais, Tiburon

DEPARTMENT OF GRAND'ANSE (DEPARTEMENT DE GRAND'ANSE)

Arrondissement de Jérémie
Jérémie, Abricots, Bonbon, Moron, Chambellan
Arrondissement de Anse d'Hainault
Anse d'Hainault, Dame Marie, Irois
Arrondissement de Corail
Corail, Roseaux, Beaumont, Pestel
Arrondissement de Miragoâne
Miragoâne, Petite Rivière de Nippes
Arrondissement Anse-à-Veau
Anse-à-Veau, Baradères, Petit Trou de Nippes, Asile

DEPARTMENT OF THE NORTHWEST (DEPARTEMENT DU NORD-OUEST)

Arrondissement de Port-de-Paix

Port-de-Paix, La Tortue, Bassin Bleu, Chansolme

Arrondissement de Saint-Louis du Nord

Saint-Louis du Nord, Anse-à-Foleur

Arrondissement de Môle Saint Nicholas

Môle Saint Nicholas, Baie de Henne, Bombardopolis, Jean-Rabel

Notes

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[2] UN Development Programme, *Human Development Report 2003* (NY: Oxford University Press, 2003), 252.

[3] Wah, Tatiana, *Haiti's Urban Poor, Popular Organizations and the Lavalas Movement*, unpublished paper delivered at US Department of State Conference on Haiti (Washington, DC: 16 March 2001).

[4] Constitution of Haiti, Art. 5; Library of Congress Federal Research Division, "The Language Question: French and Creole," *Haiti: A Country Study* (Washington, DC: 14 March 1991), lcweb2.loc.gov/frd/cs/httoc.html.

[5] Constitution of Haiti, Arts. 2-3; Abbott, Elizabeth, *Haiti: The Duvaliers and Their Legacy* (NY: McGraw-Hill, 1988), 120, 333.

[6] Heinl, Jr., Robert Debs, Nancy Gordon Heinl, Michael Heinl, *Written in Blood: The Story of the Haitian People 1492-1995* (NY: University Press of America, 1996), 12.

[7] Ibid., 13.

[8] Ibid., 17, 22; Trouillot, Michel-Rolph, *Haiti: State Against Nation: The Origins & Legacy of Duvalierism* (NY: Monthly Review Press, 1990), 35-36.

[9] Heinl, op. cit., 24-25.

[10] Ibid., 33; Trouillot, op. cit., 37.

[11] Vasney, quoted in Heinl, op. cit., 25-26; James, C.L.R., *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution* (NY: Vintage, 1989), 12-13.

[12] Heinl, op. cit., 27-28; James, op. cit., 20.

[13] Amnesty International, Haiti – Steps Forward, Steps Back: human rights ten years after the coup (London: AMR 36/010/2001, September 2001), 2.

[14] Heinl, op. cit., 29.

[15] Ibid., 33-34; James, op. cit., 37, 41.

[16] James, op. cit., 60.

[17] Heinl, op. cit., 39-40; James, op. cit., 70, 72-74.

[18] Heinl, op. cit., 42-45; James, op. cit., 86, 89, 96.

[19] Heinl, op. cit., 52-58.

[20] Ibid., 66, 70; James, op. cit., 126, 137, 140-141, 143, 171.

[21] Heinl, op. cit., 72, 73, 75, 78; James, op. cit., 176, 186-190, 193, 201-202, 209, 219-220, 223.

[22] James, op. cit., 222.

[23] Heinl, op. cit., 84; James, op. cit., 235, 236.

[24] James, op. cit., 239.

[25] Heinl, op. cit., 88-89; James, op. cit., 242.

[26] Heinl, op. cit., 90-92; Trouillot, op. cit., 43; James, op. cit., 264, 266, 278-279.

[27] Heinl, op. cit., 90, 96, 103, 110. Later, imprisoned on St. Helena, Napoleon expressed regret for his handling of Toussaint: "I must reproach myself for the attempt on St. Domingue during the Consulship. I should have been satisfied to govern by means of Toussaint Louverture," ibid., 111.

[28] Heinl, op. cit., 104, 105, 107.

[29] James, op. cit., 257, 358-360.

[30] Heinl, op. cit., 107, 109, 113.

[31] Nicholls, David, *From Dessalines to Duvalier: Race, Colour, and National Independence in Haiti* (New Brunswick, NJ: Rutgers University Press, 1996), 36; Heinl, op. cit., 120.

[32] Heinl, op. cit., 121-124; James, op. cit., 373-374.

[33] Dessalines quote from Nicholls, op. cit., 35; Heinl, op. cit., 125-126; James, op. cit., 372-373.

[34] Heinl, op. cit., 129-130, 132.

[35] Heinl, op. cit., 138, 144; Nicholls, op. cit., 58-59; Trouillot, op. cit., 47.

[36] Heinl, op. cit., 140-141, 143, 153, 158; Trouillot, op. cit., 48.

[37] Heinl, op. cit., 158-160.
[38] Ibid., 166.
[39] Ibid., 168.
[40] Ibid.
[41] Ibid., 187; Nicholls, op. cit., 68.
[42] Heinl, op. cit., 189, 191, 196, 199-201; Nicholls, op. cit., 82-83.
[43] Heinl, op. cit., 206-208, 213, 232, 245; Nicholls, op. cit., 84, 109.
[44] Heinl, op. cit., 258, 259, 266-269.
[45] Roosevelt, Theodore, *Annual Message to Congress*, 6 December 1904.
[46] Heinl, op. cit., 344, 346, 348, 352, 355.
[47] Heinl, op. cit., 378-381; Nicholls, op. cit., 146; Trouillot, op. cit., 99-100.
[48] Heinl, op. cit., 399, 416-417, 451-452; Nicholls, op. cit., 148.
[49] Harding quote from Nicholls, op. cit., 147; Heinl, op. cit., 405, 423, 429, 449, 457, 471; Trouillot, op. cit., 100-101.
[50] Heinl, op. cit., 407-408, 430, 431, 436; Nicholls, op. cit., 142, 148, 150; Trouillot, op. cit., 101-102.
[51] Abbott, op. cit., 44; Heinl, op. cit., 496-501; Nicholls, op. cit., 167-168; Wucker, Michele, "The River Massacre: The Real and Imagined Borders of Hispaniola," *Tikkun*, November 1998.
[52] Nicholls, op. cit., 184.
[53] Heinl, op. cit., 520, 522; Abbott, op. cit., 56.
[54] Abbott, op. cit., 45, 55.
[55] Heinl, op. cit., 520.
[56] Ibid., 532, 535-536, 538.
[57] Abbott, op. cit., 74-75, 97; Heinl, op. cit., 548; Nicholls, op. cit., 209.
[58] Heinl, op. cit., 563.
[59] Abbott, op. cit., 101, 105, 116, 140; Heinl, op. cit., 583-584, 610; Nicholls, op. cit., 222-226; Trouillot, op. cit., 160.
[60] Abbott, op. cit., 20; Heinl, op. cit., 614; Nicholls, op. cit., 234-235.
[61] Abbott, op. cit., 82, 86, 87; Heinl, op. cit., 580.
[62] Abbott, op. cit., 88, 134, 160, 301.
[63] Ibid., 183; Heinl, op. cit., 596, 604, 624, 625, 626, 637.
[64] Abbott, op. cit., 158.
[65] Ibid., 169.
[66] Heinl, op. cit., 644, 651.
[67] Ibid., 658, 679, 716.
[68] Abbott, op. cit., 254-255; Heinl, op. cit., 685.
[69] Abbott, op. cit., 260, 262, 292; Heinl, op. cit., 686, 688.
[70] Abbott, op. cit., 281, 294; Heinl, op. cit., 692, 701-702.
[71] Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights, *Haiti: The Aristide Government's Human Rights Record* (NY: Americas Watch, 1 November 1991), 5; Heinl, op. cit., 705, 707.
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[73] Abbott, op. cit., 339; Heinl, op. cit., 714, 717.
[74] Abbott, op. cit., 361; Heinl, op. cit., 719-720, 722, 725.
[75] Heinl, op. cit., 725, 729, 731.
[76] Ibid., 732-733; Aristide, Marx, and Richardson, Laurie, "Haiti's Popular Resistance," in NACLA, ed., *Haiti: Dangerous Crossroads* (Boston: South End Press, 1995), 186-187.
[77] Heinl, op. cit., 735-739.
[78] Thomas J. Watson Jr. Institute for International Studies, *Haiti Held Hostage: International Responses to the Quest for Nationhood 1986 to 1996* (Providence, RI: Watson Institute, Occasional Paper #23, 1996), 29.

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[80] Ibid., 744, 748, 750, 751.
[81] Ibid., 741, 748-749.
[82] Ibid., 742, 752.
[83] Ibid.,753, 794.
[84] Deren, Maya, *Divine Horsemen: The Living Gods of Haiti* (NY: McPherson, 1970), 26. Deren uses spellings (such as *loa* instead of *lwa*, or *gros-bon-ange* instead of *gwo-bon-anj*) that reflect an earlier codification of Creole, more influenced by French spelling and pronunciation. The convention adopted in this report is the one more widely used in the present, as for instance by the American Museum of Natural History, www.amnh.org/exhibitions/*Vodou*/spirits.html. [Accessed 5 December 2001], and by Galembo, Phyllis, *Vodou: Visions and Voices of Haiti* (Berkeley, CA: Ten Speed Press, 1998).
[85] Deren, op. cit., 26.
[86] Fleurant, Gerdès, "Introduction," in Galembo, Phyllis, *Vodou: Visions and Voices of Haiti* (Berkeley, CA: Ten Speed Press, 1998), xxiii; Deren, op. cit., 60, 138; Galembo, op. cit., 14, 17.
[87] Deren, op. cit., 17-18, 154; Galembo, op. cit., 10, 62-63, 78.
[88] Deren, op. cit., 17-18, 47, 156, 181, 183; Fleurant, Gerdès, "Introduction," in Galembo, op. cit., xxiv, xxvii; Galembo, op. cit., 10, 36, 38, 40, 58-59, 94, 100.
[89] Deren, op. cit., 48; Fleurant, Gerdès, "Introduction," in Galembo, op. cit., xxvii; Galembo, op. cit., 55.
[90] Deren, op. cit., 159, 177-178.
[91] Deren, op. cit., 161, 163, 169; Galembo, op. cit., 82.
[92] Galembo, op. cit., 76, 84.
[93] Deren, op. cit., 209, 216.
[94] Deren, op. cit., 213.
[95] Galembo, op. cit., 40, 98.
[96] Fleurant, Gerdès, "Introduction," in Galembo, op. cit., xx; Deren, op. cit., 60-62, 67. Though Deren uses the spelling Petro, the more accepted modern spelling is Petwo, as used by the American Museum of Natural History, www.amnh.org/exhibitions/*Vodou*/spirits.html. [Accessed 5 December 2001].
[97] Deren, op. cit., 62.
[98] Deren, op. cit., 67, 69, 130-131; Galembo, op. cit., 12.
[99] Galembo, op. cit., 6, 8.
[100] Deren, op. cit., 69-70, 103-104, 111, 113; Galembo, op. cit., 17.
[101] Deren, op. cit., 69-70, 107; Galembo, op. cit., 18, 21.
[102] Heinl, op. cit., 580; Galembo, op. cit., 10-11.
[103] Norton, Michael, "Haiti officially sanctions Voodoo," Associated Press, 10 April 2003; Le vodou reconnu comme religion à part entière en Haïti: satisfaction chez les chefs du culte vodou," *Agence Haïtienne de Presse*, 5 April 2003 ; Williams, Carol J., "Haitians Hail the 'President of Voodoo' – By legitimizing the religion, Aristide has energized believers and his popular support," *Los Angeles Times*, 3 August 2003, 1.
[104] Ibid.
[105] UN Development Programme, Human Development Report 2003 (NY: Oxford University Press, 2003), 239; US Department of State, "Haiti," Country Reports on Human Rights Practices for 1999, 25 February 2000.
[106] UN Development Programme, *Human Development Report 2003* (NY: Oxford University Press, 2003), 246.
[107] Ibid., 245-246.
[108] Ibid., 254-256.
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[486] Daniel, Trenton, and Susannah A. Nesmith, "Freed rights abusers back in the streets," *Miami Herald*, 15 March 2004.

[487] Appointed by François Duvalier in 1966, in accord with 1860 concordat. François Wolff Ligondé is Michèle Duvalier's uncle. Abbott, op. cit., 140, 296.