

a section of the law that authorized action against people known to have allowed or conspired in the trafficking of illegal narcotics.

HAITI

Haitians saw worsening political instability, economic stagnation, and popular discontent in 2002, as well as repeated eruptions of violence. After more than two years of political impasse, anti-government protests gained strength, with many thousands of Haitians taking to the streets in mid-November.

Human rights conditions remained poor, characterized by frequent allegations of police violence, arbitrary arrest, and wrongful detention, among other problems. Journalists came under serious threat, facing harassment, physical violence, kidnapping, and, in a December 2001 case, murder. With the moribund economy showing no signs of recovery, Haitians became increasingly impatient with the government's apparent unwillingness or inability to address the country's many chronic ills.

HUMAN RIGHTS DEVELOPMENTS

Little real headway was made toward ending the political stalemate dating from the local and legislative elections of 2000, which were marred by widespread fraud. As of mid-November 2002, Fanmi Lavalas, the party of Haitian President Jean-Bertrand Aristide, and the Democratic Convergence, the main opposition coalition, remained far apart in their positions, despite the negotiation efforts of the Organization of American States (OAS). Commenting on the deadlock, OAS Assistant Secretary General Luigi Einaudi complained that political leaders were unwilling to rise above their "entrenched personal positions," in order to put an end to the "fragmentation and paralysis that [was] leading the country as a whole toward disaster."

Only two months earlier, on September 4, the Permanent Council of OAS, warning of the "potential for humanitarian disaster" in Haiti, had passed a resolution supporting the unblocking of international financial assistance. By most estimates, several hundred million dollars in aid was involved, much of it having been suspended for years, although some humanitarian aid was being channeled through nongovernmental organizations.

A sixteen-point set of stipulations, OAS Resolution 822 outlined steps for strengthening democracy and re-establishing political stability in Haiti. It noted, in particular, the Haitian government's promise to hold "free, fair and technically feasible legislative and local elections" in the first half of 2003. As a necessary first step toward those elections, it called upon the authorities to establish an independent, neutral, and credible electoral body (called the Provisional Electoral Council, CEP)

within two months. The deadline for the formation of the CEP passed in early November, however, without visible progress toward its establishment. Much of the opposition had refused to participate in the electoral preparations, claiming that the government had failed to implement other elements of Resolution 822 and previous OAS resolutions.

The opposition's obvious mistrust of government promises, and its disinclination to cooperate with government initiatives, was at least partially sustained by bitter memories of violent attacks carried out in December 2001. Early on the morning of December 17, several armed men wearing the uniform of Haiti's disbanded army stormed the National Palace in Port-au-Prince. Two police officers were killed in the attack, as well as two civilian bystanders and one of the assailants. The Haitian government immediately condemned the assault as a coup attempt, but a subsequent OAS inquiry found that there was no substance to this claim.

On the day of the palace assault, government supporters embarked upon a wave of political violence, unhindered by police. In Port-au-Prince, barricades of burning tires, erected by members of so-called *òganizasyon popilè* (popular organizations) aligned with the party of President Aristide, blocked the main roads. Mobs traversed the city freely, pillaging and setting fire to buildings associated with opposition parties and leaders. Such groups burned down the homes of opposition leaders Gérard Pierre-Charles and Victor Benoit, and looted and destroyed the headquarters of the Democratic Convergence, and of three political parties, KONAKOM, KID, and ALAH. Similar acts of violence, as well as a few killings, took place in several provincial cities, including Gonaïves, Cap-Haitien, Petit-Goâve, and Jérémie. According to numerous witnesses, police made no effort to prevent the widespread destruction.

The OAS's three-month investigation concluded that the palace assault was carried out with the cooperation of at least some members of the Haitian National Police. It noted, in addition, that in the wake of the assault some assailants used official government vehicles in attacking opposition buildings, and that several government officials distributed arms. The OAS report, which called for the prosecution of perpetrators of the attacks, also concluded that the government should pay "adequate and prompt reparations" to all organizations and individuals who suffered injuries or monetary losses in the attacks.

The OAS September 4 resolution reiterated these calls for accountability and financial recompense. But as of mid-November, while the government had reportedly offered nearly \$1 million in compensation to opposition parties, it had made little progress toward investigating and prosecuting those responsible for the attacks.

Amiot Metayer, named in the OAS report as a suspect in the attacks, was arrested on July 2, but was broken out of prison a month later. A former ally of President Aristide and a leader of one of the so-called popular organizations, Metayer was implicated in the attack on the Gonaïves home of opposition politician Luc Mesadieu, and the killing of Mesadieu's assistant, Ramy Daran, who was doused with gasoline and burned to death.

Metayer's dramatic escape, in the company of more than 150 other inmates, came about after heavily-armed men rammed a stolen tractor through the wall of

the Gonaïves prison. In the days before and after the jailbreak, the men, who belonged to a gang known as the Cannibal Army, staged several attacks on other local buildings. They initially demanded the ouster of President Aristide, and raised crowds of protesters estimated in the thousands. They also reportedly accused the government of orchestrating the December 17 attacks, a claim denied by government spokesmen. Within a week of the prison break, however, Metayer and his men renounced their calls for a new government, but still refused to return to prison. Metayer remained free and in control of much of the city of Gonaïves in early December.

Even more massive political protests took place in November 2002. In Port-au-Prince, university students protested against what they termed government interference in education, occupying university buildings and demanding new elections. The mobilization culminated in two marches that drew several thousand students. In Cap-Haitien, the country's second largest city, an estimated ten thousand or more demonstrators held a march in the city center on November 17, calling for the resignation of President Aristide. The following day, several thousand protesters poured into the streets of Petit-Goâve.

Freedom of the press came under serious threat in Haiti, as journalists were harassed, threatened, and attacked. On December 3, 2001, in the most serious incident, Radio Echo 2000 reporter Brignol Lindor was cut to pieces by a machete-wielding mob just outside of Petit-Goâve. The murder was believed to have been committed by Fanmi Lavalas supporters who were angered by Lindor's political reporting.

As of November 2002, ten suspected perpetrators had been indicted for the slaying, although it was not believed that any of them had actually been arrested for it. The mayor of Petit-Goâve, Bony Dume, was not among those indicted, despite the fact that he had urged government supporters to implement a "zero tolerance" policy against Lindor, a message widely understood as a call to murder.

There was even less concrete progress in the investigation into the April 2000 murder of prominent radio journalist Jean Dominique. Indeed, the investigation stalled for several months due to the government's inept handling of judges' assignments to the case. Judge Claudy Gassant, who had shown real initiative in pursuing the investigation during 2001, fled Haiti in January when his mandate for the case expired. After he left the country, a period of confusion ensued, and responsibility for the case was not clearly resolved until July.

Over the course of the year, at least thirty journalists were attacked or threatened, allegedly by pro-government partisans, and several journalists and their family members went into exile. Radio journalist Israel Jacky Cantave was kidnapped in July, held for a day and beaten; he fled the country in August. In May, Reporters without Borders, a Paris-based press freedom group, placed President Aristide on its blacklist of press predators.

The continued incarceration of former general Prosper Avril, despite a series of court orders mandating his release, raised concerns regarding the government's respect for legal institutions. Avril—who headed the country's government for two years after a 1988 coup and whose rule was characterized by egregious human rights abuses—was arrested in May 2001 on criminal charges. The prosecution of

Avril as part of a genuine effort to establish accountability for past abuses would have been welcome, but the circumstances and timing of the arrest suggested that it was politically motivated. The arrest came while Avril was signing copies of a book critical of the Aristide government, not long after having attended a highly-publicized opposition meeting. In June 2001, an appeals court ordered Avril's release because the arrest warrant against him had expired, but the order was ignored. In April 2002, the government complied with another court order for his release, but then rearrested Avril on charges of involvement in a 1990 massacre moments after releasing him. The investigating judge who signed the arrest warrant fled Haiti weeks later, claiming that the Haitian authorities had forced him to sign it. In October, for the third time, a court ruled that Avril should be released, but as of mid-November he remained in Port-au-Prince's national penitentiary.

The criminal justice system remained generally dysfunctional and abusive. While most crimes went unpunished—partially due to the extremely small size of the police force—some criminal suspects were dealt with violently. In choosing which crimes to pursue, the police seemed increasingly responsive to political influence. The government's stated "zero tolerance" approach to crime fighting continued to arouse concern, and allegations arose of people being abducted and killed by police. Claims of illegal and arbitrary arrests were also common.

Prison conditions were extremely poor. With space for about 1,260 inmates, the country's prisons held a total of more than 4,100, or more than three times their capacity. Prisoners received only one meal a day, resulting in high levels of malnutrition. Many prisoners suffered from diseases, including serious ailments like tuberculosis and HIV/AIDS.

Of all Latin American and Caribbean countries, Haiti continued to have the highest prevalence of HIV/AIDS. According to the United Nations, an estimated 12 percent of the urban population and 5 percent of the rural population were infected with the HIV virus. Many children were orphaned because of the disease.

The common practice of using "restavèks," or child domestics, frequently resulted in serious abuses. In April, the National Coalition for Haitian Rights, a respected human rights group, issued a report describing the practice and calling for its abolition.

DEFENDING HUMAN RIGHTS

Because of the extremely polarized political situation, as well as the general weakness of the rule of law, Haiti was a very difficult place for human rights defenders to work. Activists, as well as judges handling controversial cases, faced severe pressure and harassment.

Trade unionists also faced serious hazards. A May 27 union rally at the Guacimal plantation near St. Raphael, in the north of Haiti, was reportedly attacked by armed men, including members of Fanmi Lavalas. Two elderly peasants were reported killed by this group in the wake of the attack, and several union workers, peasants, and journalists were arrested, brought to Port-au-Prince, and arbitrarily detained for months. Two of the detainees, Jérémie Dorvil and Urbain Garçon, were report-

edly still being held as of mid-November. The rally had been called by the St. Raphael Guacimal Workers' Union to press demands for better working conditions and benefits.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Using hundreds of millions of dollars of international humanitarian and development aid as a carrot, donor countries attempted to encourage improvements in democracy and the rule of law in Haiti. President Aristide, attempting an obvious analogy to the situation of Cuba, responded by repeatedly protesting the aid "embargo" (or even "economic blockade") imposed on the country.

United Nations

Because the new independent expert on the situation of human rights in Haiti had not yet been appointed, no report on Haiti was submitted to the 2002 session of the U.N. Commission on Human Rights. In March, Louis Joinet was appointed to the post, and he visited Haiti in September.

Organization of American States

OAS representatives, particularly Assistant Secretary General Luigi Einaudi, continued to be extremely active in seeking a negotiated solution to Haiti's political crisis, with the organization sending numerous missions to the country. Amid speculation that it would invoke the Inter-American Democratic Charter, the newly-adopted pact that outlines preventive measures to be taken when democracy is at risk in any OAS member state, the OAS Permanent Council also took up the matter, discussing the Haitian situation at a meeting in January. The resulting OAS resolution, which made reference to the charter, called upon the Haitian government to take steps to resolve the crisis, including by carrying out a thorough, independent inquiry into the December 17 violence.

In March, as a follow-up to the January meeting, the OAS and the Haitian government signed an agreement to establish an OAS Special Mission to Haiti. The mission, designed to assist the Haitian government in strengthening democracy, specifically in the areas of security, justice, human rights, and good governance, began operating in April.

The Inter-American Commission on Human Rights (IACHR) carried out two on-site visits to Haiti in 2002. In August, the commission issued a report stating that it was "deeply preoccupied by the weakness of human rights in Haiti, the lack of an independent judiciary, the climate of insecurity, the existence of armed groups that act with total impunity and threats to which some journalists have been subjected." The OAS special rapporteur for freedom of expression, who also visited Haiti in August, documented an increase in acts of harassment against journalists.

European Union

The European Union continued to withhold financial aid to the Haitian government, a partial suspension of funding generally estimated at about U.S. \$350 million. In January, the E.U. Presidency issued a declaration explaining the suspension, stating that democratic principles were still “not upheld in Haiti.” In July, the E.U. reiterated its reasons for suspending aid, stating that aid would resume only once there was a basic political agreement between the government and the opposition in Haiti.

United States

U.S. policy toward Haiti centered around concerns of drug-trafficking and immigration, particularly the fear that a Haitian meltdown would result in massive migration toward Florida.

Unlike Cubans, who under U.S. law were granted automatic asylum upon arrival in the country, Haitians were detained by the Immigration and Naturalization Service (INS) and then repatriated. Most Haitian migrants, however, never even made it to U.S. shores, but rather were picked up at sea by Coast Guard patrol boats. During the fiscal year that ended on September 30, 1,486 Haitians were interdicted at sea, a number comparable to that in previous years. The relatively small numbers of Haitians who did reach U.S. territory—like the 221 migrants whose boat landed in Key Biscayne, Florida, in October—were placed in mandatory detention while their asylum claims were processed, in accordance with an INS policy instituted in December 2001. In a legal brief submitted in November, the INS argued that releasing Haitian migrants from detention could trigger a mass exodus from Haiti, with “significant implications for national security.”

The United States reportedly canceled the visas of several Haitian government officials believed to be implicated in drug-trafficking and corruption. But the failure of the U.S. authorities to extradite or deport members of the coup-era high command resident in the United States, particularly Florida, continued to hinder Haitian efforts toward accountability for past abuses. Emmanuel “Toto” Constant, a notorious former paramilitary leader who was once on the payroll of the Central Intelligence Agency, remained in Queens, New York, having been extended protection from deportation. Certain Haitians implicated in coup-era abuses did face deportation, however. In March, the U.S. deported Capt. Jackson Joanis, a former police official convicted *in absentia* of the 1993 murder of pro-Aristide businessman Antoine Izmerly. In April, the INS arrested Herbert Valmond, a former lieutenant colonel in Haiti, detaining him pending deportation. Haitian officials had issued a warrant for Valmond’s arrest in 1998 for his alleged role in the massacre of twenty-five Haitian peasants four years earlier.

Despite pressure from the Congressional Black Caucus and others, the U.S. maintained its suspension of direct aid to the Haitian government. Some \$55 million in aid to Haiti was channeled to nongovernmental groups.