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Haiti

Perpetrators of past abuses threaten human rights and the reestablishment of the rule of law

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Summary

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In recent weeks, Amnesty International has repeatedly expressed its grave concern about the presence of notorious convicted human rights perpetrators such as Louis Jodel Chamblain and Jean Pierre Baptiste ('Jean Tatoune') as leaders of the rebel forces now circulating freely in the capital, Port-au-Prince.

Other former military or paramilitary leaders indicted or convicted of participating in the same or equally serious human rights violations are among the prisoners who escaped from the National Penitentiary in Port-au-Prince on Sunday 29 February, in the atmosphere of lawlessness that followed the departure of President Jean Bertrand Aristide from Haiti. In this report, Amnesty International gives detailed information about six of them, including their involvement in judicial proceedings regarding past human rights violations. Amnesty International fears that the escaped prisoners may well join their former colleagues in the rebel forces, in this way gaining access to weapons and potentially to positions of influence in which they may commit further human rights violations.

Amnesty International is deeply concerned about possible reprisal attacks by the escaped human rights offenders, and calls on the international community and the newly-deployed Multinational Interim Force to ensure that the safety of the courageous judges, prosecutors, police officers, witnesses and human rights defenders involved in the initial trials is guaranteed.

In addition, Amnesty International urgently calls on the international community to guarantee that notorious human rights offenders with pending sentences for human rights convictions, and those against whom there are outstanding charges, are taken into custody and brought before the Haitian justice system. Escapees must be returned to prison; those perpetrators convicted *in absentia* have the opportunity for a retrial, under Haitian law, and should be held in custody until the retrial occurs.

Amnesty International urges the international community, as a matter of priority, to ensure that under no circumstances are those convicted of or implicated in serious human rights abuses given any position of authority, whether in a transitional government or among the security forces, where they might commit further violations. Similarly, Amnesty International urges that no amnesties for past human rights violations are included as part of any political settlement with rebel forces.

Amnesty International believes that the international community must not in any way inadvertently legitimise or consolidate indicted or convicted perpetrators' hold on power; to do so would be to irreparably undermine any possibility of the rule of law and respect for human rights in Haiti, at the very beginning of an international process publicly committed to those very principles.

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Haiti

Perpetrators of past abuses threaten human rights and the reestablishment of the rule of law

LEADERS OF REBEL FORCES:

Louis Jodel Chamblain - deputy leader of paramilitary group FRAPH convicted in trials of 1994 Raboteau massacre and 1993 extrajudicial execution of Antoine Izméry. Sentenced in both trials to forced labour for life.

Jean Pierre Baptiste ('Jean Tatoune') - FRAPH member convicted in Raboteau massacre trial. Sentenced to forced labour for life.

ESCAPED FROM PRISON DURING CURRENT CRISIS AND OF CONCERN:

Jean-Claude Duperval - deputy commander in chief of the army convicted in Raboteau massacre trial. Sentenced to forced labour for life and returned to Haiti from the USA to serve the sentence.

Hébert Valmond - lieutenant colonel and head of military intelligence convicted in Raboteau massacre trial. Sentenced to forced labour for life and returned to Haiti from the USA to serve the sentence.

Carl Dorelien - Colonel convicted in Raboteau massacre trial. Sentenced to forced labour for life and returned to Haiti from the USA to serve the sentence.

Jackson Joanis - military police captain convicted of the extrajudicial execution of Antoine Izméry, and sentenced to forced labour for life. Returned from the USA to Haiti to serve the sentence. Also indicted in the investigation into the assassination of Father Jean Marie Vincent; case not yet brought to trial.

Castera Cénafils - army captain convicted in Raboteau massacre trial. Sentenced to forced labour for life.

Prosper Avril - General and leader of the 1988 coup d'état, indicted in the investigation into the 1990 Piatre massacre; case not yet brought to trial.

1. Introduction: reappearance of convicted or indicted perpetrators of human rights violations on the scene in Haiti

One of the most significant human rights achievements in the years following the October 1994 return to democratic order in Haiti was the holding of trials in several high-profile cases of egregious past violations. These trials were crucial, not just as a means of ensuring that the truth about past violations emerged, but as tangible evidence, to a Haitian population which had suffered violent repression on a massive scale, of a newly-functioning rule of law and respect for human rights.

The holding of perpetrators from the disbanded Haitian Armed Forces, the *Forces Armées d'Haïti (FADH)*, and the paramilitary *Front Révolutionnaire Armé pour le Progrès d'Haïti (FRAPH)*, Revolutionary Armed Front for the Progress of Haiti¹ to account for their crimes was nearly unprecedented in Haiti's history. The trials of those implicated in such grave violations as the 1994 Raboteau massacre and the 1993 assassination of pro-democracy activist Antoine Izméry gave hope that, for the first time, the cycle of political violence might well and truly be broken.

In a devastating portent for the future of human rights in Haiti, however, a number of those convicted of those crimes are once again free in Haiti, and some have re-emerged as commanders of rebel groups.

In recent weeks, Amnesty International has repeatedly expressed its grave concern about the presence of notorious convicted human rights perpetrators such as Louis Jodel Chamblain and Jean Pierre Baptiste ('Jean Tatoune') as leaders of the rebel forces.

These forces now effectively control much of the country and have been allowed to enter the capital, despite the presence of the Multinational Interim Force. The primary rebel leader Guy Philippe, a former army officer and one-time Haitian National Police commissioner who fled the country in 2000, has reportedly expressed confidence that they will be given a prominent and influential role in public life.

The rebellion began on 5 February, with attacks on the police station and other government buildings by rebels in Gonaïves, department of the Artibonite. It swiftly spread to other areas in the north and centre of the country, and over the next two weeks government authority was forced out of over half of the national territory. Rebels declared their intention to march on the capital Port-au-Prince. Reports of human rights abuses committed by both sides during the attacks have ranged from unlawful killings to arbitrary detentions.

Other perpetrators convicted in the same trials of participating in the same violations as Louis Jodel Chamblain and 'Jean Tatoune' are among the prisoners who escaped from the National Penitentiary in Port-au-Prince on Sunday 29 February, in the

¹ The paramilitary organization was at first known as the *Front révolutionnaire pour l'avancement et le progrès haïtiens*, Revolutionary Front for Haitian Advancement and Progress, later to become the *Front révolutionnaire armé pour le progrès d'Haïti*, Revolutionary Armed Front for the Progress of Haiti.

atmosphere of lawlessness that followed the departure of President Jean Bertrand Aristide from Haiti. Amnesty International fears that the escaped prisoners may well join their former colleagues in the rebel forces, in this way gaining access to weapons and potentially to positions of influence in which they may commit further human rights violations.

Urgent action needed now by the international community and its Multinational Interim Force (MIF)

The UN Security Council, in its resolution 1529 (2004) of 29 February 2004, has mandated the deployment of a Multinational Interim Force (MIF), which began deploying the same day and currently consists of French, Canadian and US troops. The MIF's task includes assisting Haitian security forces "to establish and maintain public safety and law and order and to promote and protect human rights".² Significantly, the resolution also states that "there will be individual accountability and no impunity for violators."³

Given the emergence of growing numbers of charged or convicted human rights perpetrators on the scene, Amnesty International is concerned, in the immediate term, about the **need to protect** the courageous judges, prosecutors and police officers involved in the initial trials from possible reprisal attacks from those they attempted to bring to justice. It calls on the newly-deployed Multinational Interim Force (MIF) to ensure that the safety of all police and justice officials at risk, as well as all witnesses and human rights defenders involved in the cases, is guaranteed. Existing documentation and judicial records pertaining to past abuses must also be protected.

In addition, Amnesty International urgently calls on the international community, through its Multinational Interim Force, to guarantee that notorious human rights offenders with pending sentences for human rights convictions, and those against whom there are outstanding charges, are **taken into custody and brought before the Haitian justice system**. Escapees must be returned to prison; those perpetrators convicted *in absentia* have the opportunity for a retrial, under Haitian law, and should be held in custody until the retrial occurs.

Amnesty International urges the international community, as a matter of priority, to ensure that under no circumstances are those convicted of or implicated in serious human rights abuses given any **position of authority**, whether in a transitional

² Paragraph 2c.

³ Paragraph 7.

government or among the security forces, where they might commit further violations. The international community must not in any way inadvertently legitimise or consolidate convicted perpetrators' hold on power; to do so would be to irreparably undermine any possibility of the rule of law and respect for human rights in Haiti, at the very beginning of an international process publicly committed to those very principles.

Finally, Amnesty International urgently calls on the international community to ensure that **no amnesties for past human rights violations** are included as part of any political settlement with rebel forces.

2. History repeating itself: the multinational intervention ten years ago, and its links to today

Following the 1991 coup that deposed newly-elected President Jean Bertrand Aristide, the Haitian military and its allies, already notorious for widespread human rights violations, maintained control through extreme brutality and widespread human rights violations.

These forces included the *Forces Armées d'Haïti (FADH)*, Haitian Armed Forces, led by General Raoul Cédras as Commander-in-Chief; the *Police Militaire*, military police, headed by Police Chief Michel François; the *attachés*, their civilian auxiliaries; the notorious rural police chiefs, or *chefs de section*, disarmed and placed under civilian authority by Aristide but reinstated after the coup; and, from 1993, a paramilitary organization called *Front Révolutionnaire Armé pour le Progrès d'Haïti (FRAPH)*, Revolutionary Armed Front for the Progress of Haiti, led by Emmanuel "Toto" Constant.

Security forces deliberately and indiscriminately opened fire into crowds, killing hundreds of unarmed civilians.⁴ Many of those suspected of having supported Aristide were beaten, imprisoned, or killed; poor communities and grassroots organizations, where support for him had been strongest, were particularly targeted by the security forces and their paramilitary allies.⁵

⁴ See Amnesty International Annual Report 1992; and Amnesty International, *Haiti: Shattered Hopes: Human rights violations and the coup* (AI Index: AMR 36/03/92), January 1992.

⁵ See Amnesty International, *Haiti: Human rights gagged: attacks on freedom of expression* (AI Index: AMR 36/25/93), October 1993; and Amnesty International, *Haiti: On the Horns of a Dilemma*:

By 1994 hundreds of thousands of Haitians were *en marronage* (in hiding) and tens of thousands of others had attempted to leave the country altogether, most frequently as "boat people" headed in unseaworthy craft for the United States.⁶ Many of these died at sea or were intercepted and returned in breach of international standards. The public pressure created by this situation contributed to the decision, formalized by United Nations (UN) Security Council resolution, to deploy a multinational intervention force in September 1994 which restored Aristide to office one month later. Many of the military and paramilitary leaders responsible for the repression fled Haiti and currently live in exile in the USA and other countries.

3. Post-1994 efforts to hold perpetrators accountable for their crimes

Following the return to constitutional order, efforts were made to deal with the past violations and their repercussions in a number of ways.

National Commission of Truth and Justice

In December 1994, the *Commission nationale de vérité et de justice*, National Commission of Truth and Justice, was established by presidential decree. Officially inaugurated in March 1995, its task was "to globally establish the truth concerning the most serious human rights violations committed between 29 September 1991 and 15 October 1994 inside and outside the country and to help towards the reconciliation of all Haitians, without prejudice to judicial remedies that might arise from such violations."⁷

The Raboteau massacre trial

Raboteau, a heavily-populated shanty town along the coast at Gonaïves, was particularly targeted for repression by the army and paramilitary because of its activist past and the strong support of its inhabitants for ousted president Aristide. As a result of a joint military and paramilitary operation which began on 18 April 1994, an

military repression or foreign invasion? (AI Index: AMR 36/33/94), August 1994.

⁶ See *op cit.*, *On the Horns of a Dilemma*, 1994.

⁷ Unofficial translation from the CNVJ report. French original: "d'établir globalement la vérité sur les plus graves violations des droits de l'homme commises entre le 29 septembre 1991 et le 15 octobre 1994 à l'intérieur et à l'extérieur du pays et d'aider à la réconciliation de tous les Haïtiens, et ce, sans préjudice aux recours judiciaires pouvant naître de telles violations."

estimated 20 people lost their lives. Homes were sacked and burned and men, women and children beaten. Some died from the beatings or from gunshot wounds while others drowned as they fled into the sea. Some bodies were never recovered, as the survivors had to flee the area for their own safety.

Efforts to bring those responsible for the massacre to justice went on for several years. By 1998 at least 22 people were in detention pending the outcome of the investigation into crimes committed in the course of the massacre, including murder, attempted murder, assault, torture, illegal imprisonment, abuse of authority, theft, arson and destruction of property. Arrest warrants were issued for the leaders of the 1991 military coup and other military officers and paramilitary leaders, for their alleged role in masterminding the massacre. Efforts by the authorities to track down those responsible included unsuccessful attempts to extradite several suspects from Honduras, Panama and the USA.

The trial opened in October 2000. More than thirty people attended from Raboteau to bear witness; in addition, five independent international experts testified about the context of repression in which the massacre was carried out, the military structure involved and the forensic evidence available.

On 9 November 2000, 16 people were convicted of taking part in the massacre. Twelve of these were condemned to life in prison with hard labour. The four others received shorter sentences of between four and ten years; all 16 were ordered to pay damages into a fund for the families of victims. Six defendants were acquitted.

Thirty seven defendants including General Raoul Cédras, head of the military government; Emmanuel Constant, founding leader of FRAPH; police chief Michel François; and Cédras' deputy Philippe Biamby were tried *in absentia*. They were all sentenced to life in prison with hard labour, and were fined one billion gourdes, or roughly US\$ 43 million. However, they remained at large.

The trial of those accused of killing Antoine Izméry

Antoine Izméry, a businessman and prominent supporter of President Aristide, who was gunned down on 11 September 1993 in the Church of the Sacred Heart in Port-au-Prince while attending a mass commemorating a massacre that had occurred five years earlier.⁸ The gunmen burst into the church and forced Antoine Izméry to

⁸ For further details, see op. cit., *Haiti: Human Rights Gagged*; Amnesty International, *Haiti: Still Crying Out for Justice*, AI Index: AMR 36/02/98, July 1998; Amnesty International, 'Haiti: Eye-witness account of extrajudicial execution', News Service 146/93, AI Index: AMR 36/WU 03/93, 4

accompany them outside where they made him kneel down before shooting him twice in the head.

On 25 August 1995, Gérard Gustave, known as 'Zimbabwe,' who used to work as an *attaché* with the Haitian army, was sentenced to forced labour for life for the assassination of Antoine Izméry. On 25 September 1995, several other people, believed to number seventeen, were tried in their absence in connection with the same case. Seven were sentenced to forced labour for life. Among them was Louis Jodel Chamblain, deputy leader of the FRAPH, and Jackson Joanis, former military police captain. Most of the accused were believed to be living abroad at the time of the trial, mainly in the neighbouring Dominican Republic.

The FRAPH documents

Emmanuel Constant, leader of FRAPH, is widely alleged, and himself claims, to have been in the pay of, and under the orders of, the US Central Intelligence Agency (CIA) during the coup period. Emmanuel Constant lives openly in the USA. As a result of a damages claim brought against him by Alerte Belance, a Haitian woman living in the USA, for an alleged assault by FRAPH members in 1993, it emerged that the US authorities were in possession of tens of thousands of pages of documents which had been removed from the FRAPH offices by the Multinational Force (MNF)⁹ in October 1994. As a result of subpoenas brought by US lawyers, the US Department of Defence admitted that it was in the process of reviewing the classification status of the documents.

In October 1995 the Haitian Senate sought the assistance of international human rights organisations in their efforts to recover the documents which were considered essential to any prosecutions against FRAPH members as well as to the work of the National Commission of Truth and Justice. In December 1995 a spokesman for the US State Department announced that the documents would be returned once they had been reviewed and the names of all US citizens removed, though he did not rule out that Washington would keep some of the documents.

November 1993; and Amnesty International, Urgent Action 321/93, AI Index: AMR 36/20/93, 13 September 1993.

⁹ A United States-led Multinational Force (MNF) arrived in Haiti on 18 September 1994. Leaders of the coup that had ousted President Jean Bertrand Aristide in September 1991 agreed to relinquish power following the MNF's arrival, and Aristide himself returned to complete his presidential term in October 1994.

In October 1996, some materials were transferred to the USA Embassy in Port-au-Prince but the Haitian Government reportedly refused to accept them on the grounds that they were not intact. In October 2001, Aristide stated publicly that the documents had been returned. However, since their return no further trials from the relevant period have taken place.

4. Convicted perpetrators of past human rights violations currently in Haiti

Amnesty International is deeply concerned at the emergence in Haiti of many of those linked to past human rights violations. These can be broken down into a number of groups.

Convicted FRAPH members among the leaders of the rebel forces

In late 1994, the Haitian authorities issued arrest warrants for the former leader of the notorious paramilitary group FRAPH, Emmanuel Constant, and his deputy, **Louis Jodel Chamblain**, reportedly in connection with a judicial investigation into FRAPH's involvement in human rights violations.¹⁰ Both of them fled abroad.¹¹

Louis Jodel Chamblain was convicted *in absentia* in both the Raboteau and the Antoine Izméry trials, and sentenced in both to forced labour for life.

He apparently remained outside Haiti until, on 14 February 2004, he gave an interview to a Haitian radio station to say that he had joined the armed movement seeking to overthrow President Jean Bertrand Aristide. He was accompanied by former Haitian National Police commissioner Guy Philippe; the two men are now repeatedly referred to as the leaders of the rebel force, and in recent days were at the forefront of the rebel group which arrived in Port-au-Prince following Aristide's departure.

Jean Pierre Baptiste ('Jean Tatoune') is another FRAPH member convicted of participating in the Raboteau massacre. Following his conviction, he was held in the Gonâves prison.

¹⁰ See Amnesty International, *HAITI: A question of justice* (AI Index: AMR 36/01/96), January 1996, p. 6.

¹¹ In March 1995, the Haitian government sought the extradition of Emmanuel Constant from the USA. A US court ordered his deportation to Haiti in August 1995 but he appealed against the ruling. He remains in the USA.

The 1994 Raboteau massacre was reportedly sparked by an attempt to arrest pro-Aristide activist Amiot "Cubain" Métayer.¹² Métayer went into hiding, but returned to Gonaïves following the return to constitutional order, where he reportedly led an armed gang of Aristide supporters. On 3 July 2003 he was arrested in Gonaïves, reportedly in connection with the killing of the guard of an opposition party headquarters.¹³ He was transferred to Port-au-Prince, but after days of rioting by his supporters, he was returned to Gonaïves prison, which his supporters attacked several days later. In addition to Métayer, over 150 prisoners were believed to have escaped, including "Jean Tatoune." During later clashes between pro- and anti-government supporters at the end of the year, Métayer and Jean Tatoune led opposing armed gangs, both of which were accused of human rights abuses.

However, the men appeared at times to have patched up their differences and to be working together. After Métayer's body was found on the outskirts of St Marc, department of the Artibonite, on 22 September 2003, with gunshot wounds to the eyes and chest, "Jean Tatoune" emerged as one of the leaders of Métayer's 'Cannibal Army' band. This group called repeatedly for Aristide's ouster, blaming him for Métayer's death, and its members were among the armed attackers who violently took control of Gonaïves on 5 February 2004 to start the armed rebellion against Aristide in Haiti.

Gang members under the direction of "Jean Tatoune" have been accused of numerous abuses against government officials and supporters, as well as other Gonaïves residents, over past months. In one example, Amnesty International has received reports that in December 2003, Armée Cannibale members began threatening Raboteau residents who had been involved in the trial, forcing some of them to flee the area out of fears for their safety.

Three FADH officers returned to Haiti by the USA following Raboteau convictions, now escaped from the National Penitentiary

Three former FADH officers returned to Haiti by the USA under the US Immigration and Customs Enforcement bureau's "Operation No Safe Haven," following their conviction in the Raboteau trial, reportedly escaped from the National Penitentiary on

¹² See Amnesty International Annual Report 1995.

¹³ The killing reported occurred during attacks on supporters of the political opposition following a December 2001 attack by unidentified assailants on the National Palace.

29 February 2004. They include Carl Dorelien, Herbert Valmond and Jean-Claude Duperval.¹⁴

Jean-Claude Duperval was Haiti's Chief of Police in 1990 and 1991, during a time in which police officers were accused of committing extrajudicial executions and other serious violations.¹⁵ From 1992 to 1994 he was deputy commander in chief of the FADH.

According to reports, Duperval was not accused of participating directly in the Raboteau massacre, but rather of knowing about the violations and taking no steps to stop them or punish those involved. He received a sentence of forced labour for life. His statements regarding specific cases of human rights violations by FADH officers were cited in the Truth Commission report to back up its assertion that:

Everything indicates that the military hierarchy was sufficiently informed and that it chose not to punish human rights violations.¹⁶

Duperval was returned to Haiti by US immigration authorities in January 2004, and was being held in the National Penitentiary, from which he is believed to have escaped on 29 February 2004.

Former FADH lieutenant colonel **Hébert Valmond** was reportedly head of military intelligence, and received a sentence of forced labour for life after being convicted of murder, torture, destruction of homes and other crimes during the Raboteau massacre. He reportedly left for the US in 1995 and was taken into custody by US immigration officials in April 2002. He was returned to Haiti in January 2003, and was being held in the National Penitentiary before reportedly escaping on 29 February 2004.

Former FADH colonel **Carl Dorelien** was arrested by US immigration authorities in June 2001.¹⁷ In addition to his Raboteau conviction and life sentence, he reportedly faces a civil lawsuit filed in Miami courts seeking compensation for family members of a victim of the Raboteau massacre. He was returned to Haiti in January 2003, and

¹⁴ As of mid-January 2004, former FADH colonel Frantz Douby, remained in Krome detention centre in the USA, awaiting deportation following his arrest by US immigration authorities in August 2003. Another officer accused of human rights violations, Luc Asmath, was arrested in September 2001 and subsequently returned to Haiti by US authorities. However, he reportedly was not taken into custody upon arrival. His whereabouts since his arrival in Haiti are unknown.

¹⁵ See, for example, Urgent Action 510/90 (AI Index: AMR 36/10/90), Extrajudicial execution of Jeanine Dérosier, 18 December 1990.

¹⁶ CNVJ report, Chapter 7, "Les structures de la répression," "The structures of repression." Unofficial translation.

¹⁷ See Amnesty International Annual Report 2002.

was said to have been detained in the National Penitentiary until the mass prison breakout on 29 February 2004.

Others convicted or indicted on human rights charges who reportedly escaped from prison during the recent unrest

Former military police captain **Jackson Joanis**, head of the Anti-Gang police unit and aide to Port-au-Prince military police chief Michel François, was convicted *in absentia* for the assassination of Antoine Izméry and sentenced to forced labour for life. He was also indicted in the investigation into the 28 August 1994 assassination of reformer and pro-democracy activist Father Jean Marie Vincent; that case has not yet come to trial.

Joanis had reportedly fled to the USA in 1995, and was detained by immigration officials there in late 2000 on the basis of involvement in past violations. He was returned to Haiti by US authorities on 25 March 2002, and reportedly held in the National Penitentiary until his escape on 29 February 2004.

Captain **Castera Cénafils**, military commander of Gonaïves at the time of the Raboteau massacre, was among those convicted in the Raboteau trial and sentenced to life in prison with hard labour. He was initially held in the Gonaïves prison, but was reportedly transferred to the National Penitentiary in Port-au-Prince after the August 2002 breakout in which Amiot Métayer and "Jean Tatoune" escaped. Cénafils, with a number of other individuals convicted in the Raboteau massacre, had appealed his conviction and sought to have it reversed.

Former FADH general **Prosper Avril** was chief of presidential security under President Jean-Claude Duvalier, until the latter was ousted from power in February 1986. In 1988 he led a coup d'état, and remained in power until March 1990. Under Avril's leadership reports of torture and ill-treatment of political and common-law prisoners were widespread: cases denounced by Amnesty International during crackdowns on political opposition under Avril's leadership included torture and ill-treatment of activists such as Serge Gilles and Evans Paul and unlawful detention and ill-treatment of activist Antoine Izméry.¹⁸

Prosper Avril was arrested in Haiti on 26 May 2001, reportedly under a warrant dating from 1996. The charges against him included assault, torture and illegal arrest of six Haitian activists in 1989 and 1990.¹⁹ In April 2002 an appeal court ordered Prosper

¹⁸ See *op. cit.* HAITI: *Shattered hopes*; see also Urgent Actions from the relevant period.

¹⁹ The six men had already been awarded damages in a civil case brought in 1994, in which a United States district court ruled that Avril bore personal responsibility for their interrogation and torture.

Avril's release; he was freed but immediately rearrested, reportedly on charges related to the 1990 Piatre massacre of peasant farmers.²⁰

In December 2003, Avril was officially indicted in the investigating judge's report of his findings. The report charges that Avril, though not present, was complicit in a 12 March 1990 attack by soldiers and armed civilians on peasant farmers, in which eleven farmers were killed and hundreds of houses burned.

5. Recommendations

Amnesty International is deeply concerned by the emergence of growing numbers of convicted and indicted human rights perpetrators on the turbulent scene in Haiti today. Amnesty International calls on the international community, through its Multinational Interim Force, to take immediate steps to counter the threat to human rights and the rule of law posed by these individuals.

- The MIF must take urgent steps to guarantee that notorious human rights offenders with pending sentences for human rights convictions are taken into custody and brought before the Haitian justice system. Escapees must be returned to prison; those perpetrators convicted *in absentia* have the opportunity for a retrial, under Haitian law, and should be held in custody until the retrial occurs.
- The international community must as a matter of priority ensure that under no circumstances are those convicted of or implicated in serious human rights abuses given any position of authority, whether in a transitional government or among the security forces, where they might commit further violations.
- The international community must ensure that no amnesties for human rights violations are included as part of any political settlement with rebel forces, pro-government militias or security forces. Perpetrators should not be allowed to benefit from any legal measures preventing the emergence of the truth and accountability before the law.

²⁰ There were reportedly some procedural and other irregularities with his detention relating to the Piatre massacre, and at one point an appellate court ordered that he be freed. However, there were questions about the procedural correctness of the court's order, and he was not released. Eventually an investigating magistrate ordered that Avril remain in detention while the Piatre investigation continued.

- The Multinational Interim Force (MIF) must take urgent steps to ensure that the safety of police and justice officials, witnesses and human rights defenders involved in the arrest and conviction of the perpetrators of past abuses named in this report is guaranteed.
- The MIF must ensure that police and judicial records pertaining to past abuses must also be protected.
- In the longer term, the international community must assist in strengthening the Haitian justice system, so that all of those accused of involvement in human rights abuses, both under past governments and during the current crisis, can be investigated and brought to justice.
- The MIF must take immediate steps to disband and disarm the rebel groups, and armed pro-government gangs, to minimise the risks of ongoing human rights abuses, and to bring those responsible to justice.