

# Blacklisting the Aristide Government as Criminal

By Richard Sanders

Immediately after the Canadian-backed coup that deposed President Aristide, the now-defunct International Legal Resources Centre (CIRJ) criticised the Canadian government for not designating all members of Aristide's Lavalas government as criminals.

CIRJ was a CIDA-funded<sup>1</sup> and -supported<sup>2</sup> organization in Montréal that belonged to the Roundtable on Haiti, an extremely partisan anti-Aristide grouping of organizations in Québec. (See pp.48-49.)

CIRJ's director, Catherine Duhamel, made her organization's urgent recommendations in March 2004 while testifying before the Standing Committee on Foreign Affairs and International Trade. She told MPs that the Canadian government "should designate the Aristide regime, just as those of Duvalier and Cedras were...already designated under our Immigration and Refugee Protection Act."<sup>3</sup> This Act (C-36), which became law soon after September 11, 2001, includes provisions for barring the entry of any

"senior official in the service of a government that, in the opinion of the Minister, engages or has engaged in terrorism, systematic or gross human rights violations, or genocide, a war crime or a crime against humanity."<sup>4</sup>

In other words, CIRJ's lawyer wanted to blacklist all of Aristide's top officials. Besides the two previous Haitian dictatorships mentioned by Duhamel, Canada has only ever "designated" eight governments: the Bosnian Serb regime, the "Marxist" and Taliban regimes of Afghanistan, Saddam Hussein's Iraq, Milosevic's Yugoslavia, Habyarimana's Rwanda, Barré's Somalia and Mengistu's Ethiopia.<sup>5</sup> (Interestingly, Canada has not "designated" a single U.S.-backed dictatorship from Central or South America.)

At the time of Duhamel's impassioned speech to MPs—soon after the popularly-elected Lavalas government had been overthrown in a Canadian-backed coup—many Haitians were experiencing sheer horror. Aristide's top officials and thousands of his Lavalas

Party supporters were the subjects of a brutal witch hunt. They were being tracked down and executed, or illegally imprisoned, driven into hiding or forced to flee for their lives to places like Canada. (See "Revenge of the Haitian Elite," pp.14-15.)

But none of this figured into CIRJ's presentation on "concerns related to justice and accountability."<sup>6</sup> Duhamel did not make a single comment, even in passing, on the violent disposal of Aristide's government or the human rights atrocities then occurring in Haiti. Her attention—like that of her colleagues from the other hand-picked CIDA-funded agencies summoned by MPs that day—was focused on the faults of Aristide, and the need to prosecute those who she called "his cronies." (See pp.23-24.)

The CIRJ's specific recommendations included the following:

## Blacklist Aristide "cronies"

"Canada," Duhamel insisted, "should immediately take action to prevent alleged Haitian offenders from entering the country, by cancelling their travel documents."<sup>7</sup> She noted that CIRJ had written to Prime Minister Paul Martin on February 25, 2004, to ask what Canada was doing "to avoid becoming a sanctuary for alleged Haitian criminals?"<sup>8</sup> This was when CIA-backed military and death squad leaders—from the already "designated regimes" of Haiti's *real* dictators—were rampaging across the country, targeting Aristide's elected officials, burning down police stations and setting prisoners free. Were these the "alleged Haitian criminals" that CIRJ was so worried might come to Canada? No. Duhamel specifically states that the legal actions CIRJ wanted "would mean that members of the Aristide regime would be ineligible for entry to Canada."<sup>9</sup>

## Charge Aristide officials

Canada, CIRJ insisted, "should also lay charges...against individuals who are already in Canada, particularly those who hold Canadian citizenship." These "investigations and the prosecution of alleged offenders in Canada" should "immediately be launched." Again, there was no doubt as to the political affiliation of those CIRJ wanted to target. She notes that "[m]ost of these purported Canadians held senior positions in the Aristide government" and that "approximately ten Haitians purported to hold Canadian citizenship...were members of the Aristide regime."<sup>10</sup>

## Put "Aristide regime" on Trial

"In the short term," Duhamel urged, "a bipartite national and international tribunal [should] be set up, like the one in Sierra Leone, to try the alleged perpetrators of crimes against humanity in Haiti, or that a truth commission be established to officially identify human rights violations committed in Haiti under the Aristide regime, so that this information can be used subsequently in judicial proceedings."<sup>11</sup>

Although CIRJ's representative later mentions the UN and the International Criminal Court, she specifically cites the international tribunal in Sierra Leone as the model that Canada should follow in Haiti. This is disturbing in that the main donor of that "Special Court" is the U.S. government, which—says the International Crisis Group—wants this "new model" to succeed in order to "reduce the widely perceived need for the new International Criminal Court that the Bush administration strongly opposes."<sup>12</sup>

CIRJ's suggestion of a "bipartite tribunal" with "national and international" backers, would be empowered by two sets of totally-biased authorities:

- (a) "national"—meaning Haiti's then newly-installed coup regime, and
- (b) "international"—meaning the foreign governments then leading the so-called "Multinational Intervention Force," namely the U.S., Canada and France, which had orchestrated Haiti's regime change.



## Fund Coup's Legal System

Canada, CIRJ insisted, should fund "a massive investment...in various components of the system, including police training, training programs for the judiciary, and the construction of court houses."

The Canadian government followed this suggestion by spending millions to boost the coup regime's police, courts and prisons. When Philippe Vixamar, a CIDA employee, was appointed by Canada to become the coup regime's Deputy Minister of Justice, he remained on CIDA's payroll. His extremely partisan anti-Aristide political prejudices, and those of his U.S.-installed boss, the Minister of Justice, included overseeing the illegal arrest and imprisonment of about 1000 political prisoners.<sup>13</sup>

### Blacklist Backfires

Although the Canadian government did not use Bill C-36 to *officially* "designate" Aristide's government as guilty of "crimes against humanity and war crimes," it did so in practice. In May 2006, after René Prével was elected Haiti's President, the Canadian government prohibited his Prime Minister Jacques Edouard Alexis, and various other top Haitian officials, from entering Canada. Others on the list included "former Cabinet ministers and other officials who served under deposed... Aristide or Prével," including Rudolph Malebranche, a former Health Minister and Philippe Rouzier, a former Prével adviser then working as a top official with the UN Development Program in Haiti.<sup>14</sup>

In response, Prével "expressed outrage," and Alexis—who had "served during Prével's first presidency" and was "appointed to coordinate his [2006] transition team"—said: "This is outrageous. It is an insult to all honest Haitians and we demand a public apology from the Canadian government."<sup>15</sup>

Although the Canadian government admitted that it had "no specific evidence against Alexis,"<sup>16</sup> and Foreign

Affairs Minister Peter MacKay later "expressed regrets,...he did not provide a public apology" to Alexis—who had been "banned from entering Canada for the past two years"—or to any other blacklisted Haitian officials.<sup>17</sup>

### Double standards

CIRJ's recommendations and Canada's blacklisting of Haitian politicians are rife with double standards.

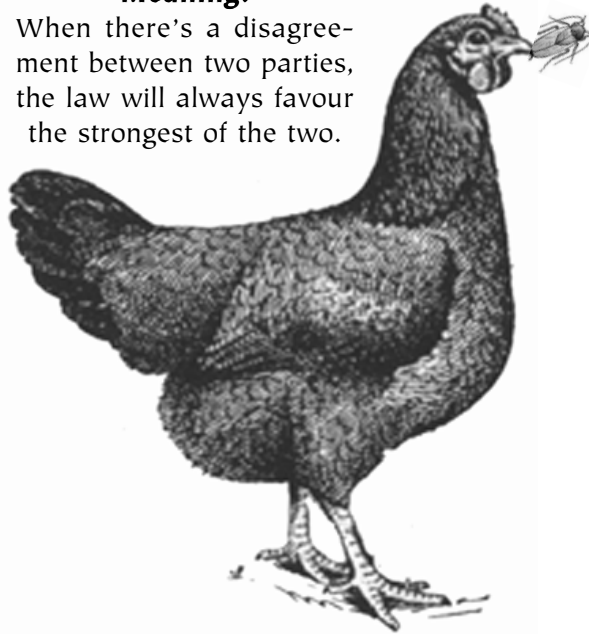
#### Haitian Proverb:

*"Ravet pa janm gen rezon devan poul."*

**"Roaches are never right when facing chickens."**

#### Meaning:

When there's a disagreement between two parties, the law will always favour the strongest of the two.



#### (1) Police Violence:

In trying to justify its blacklisting of Alexis, the Canadian government made "vague reference to the *Carrefour Feuilles* massacre, a police killing of suspected gang members during Mr. Alexis' previous tenure as Prime Minister in 1999. Ironically, Mr. Alexis' government aggressively prosecuted that massacre—several top police officials were convicted of murder and imprisoned—and the UN and human rights groups hailed the prosecution as a major step in fighting large-scale human rights violations."<sup>18</sup>

In contrast, although Haitian police were responsible for countless, heinous crimes committed during the

Canadian-backed regime that usurped power in 2004, they were not held accountable. Following Prével's electoral victory in 2006, top officials with Haiti's National Police spoke out

"against the presence of gangsters and bandits deep inside the force.... Indeed, many police officers of all ranks have participated in kidnappings and other abuses, according to Haitian police sources.

Police officers...have also taken part in massacres and extra-judicial executions in the populist districts of the capital...over the past two years. In those rare cases where police officers have been arrested in connection with this violence, most have been set free by the interim [coup-empowered] authorities."<sup>19</sup>

These problems may have resulted because by November 2004, some

"200 soldiers from the disbanded army had been officially integrated into the Haitian National Police [HNP]... [and] former soldiers have taken the highest HNP command positions throughout Haiti. 'Many more,' [said Vixamar, the coup regime's CIDA-paid, Deputy Minister of Justice] 'are currently training at the Haitian Police Academy [by RCMP].'"<sup>20</sup>

This integration of former soldiers into the HNP was vetted by the National Coalition for Haitian Rights—Haiti, a thoroughly-discredited, phoney human rights group that received generous funding from CIDA.<sup>21</sup> And, during the coup regime, the HNP received at least \$27 million in CIDA funding for RCMP efforts, including training and crowd control.<sup>22</sup>

#### (2) Diplomatic Support:

Not only were Haiti's Prime Minister and other officials barred from travelling to Canada during Prével's 2006 trip to Ottawa, the whole "visit was almost invisible," with "few of the normal trappings associated with a foreign dignitary." The Canadian government issued

“no news releases or briefings,” “[t]here was no joint news conference.... [and] the prime minister’s office made no announcement of the visit beforehand.”<sup>23</sup>

In contrast, Canada heralded the coup-imposed regime of Prime Minister Gerard Latortue with more than the usual diplomatic gestures. Martin hosted Latortue, and his unelected and unfettered entourage, at an international conference in Montréal, organized by the CIDA-funded FOCAL. (See p.9.) Martin further legitimized Latortue’s regime by making the first-ever trip to Haiti by a Canadian prime minister. Later, Latortue was the first head of state that Prime Minister Stephen Harper chose to meet.<sup>24</sup>

Canada pledged \$180 million (but spent \$190) assisting Haiti’s coup regime. But when Préval came to visit, without his Prime Minister, Canada pledged only \$48 million—“to promote good governance and democracy in Haiti”—of which \$18 had already been pledged during Latortue’s regime.<sup>25</sup>

### **(3) Evidence of Crimes:**

Before U.S. President George Bush visited Ottawa in 2004, Canadian lawyers and human rights organizations presented “extensive evidence” of his “responsibility for war crimes and crimes against humanity” but

“[o]f course the Canadian government declined to invoke its laws barring entry of human rights violators—the very laws it did apply to Mr. Alexis—despite the ample evidence for Mr. Bush, and the lack of any for Mr. Alexis.”<sup>26</sup>

So said U.S. attorney Brian Concannon, director of the Institute for Justice and Democracy in Haiti. He had worked in Haiti between 1995 and 2004 helping to prosecute the top military and paramilitary leaders of Haiti’s 1991-1994 dictatorship for massacres.<sup>27</sup>

Accusing people of human rights atrocities is a serious business. What evidence or authority did Canada turn to? The Canadian press said “political adversaries” of Préval and Alexis “might have misled the Canadian government.”<sup>28</sup> In speaking of Canada’s decision to bar Alexis’ entry, then-Foreign Affairs Minister Peter MacKay said “there is much detail that’s a bit



#### **Haitian expression:**

*“De pwa, de mezi”*

**“Two weights, two measures”**

**Meaning:** This marketplace metaphor for double standards is often used in Haiti to discuss the hypocrisy of foreign regimes whose rhetoric about human rights and democracy does not match their deeds.

sketchy...—these are just allegations....” He also spoke of “*respecting Haiti’s position* on this” and said:

“We are...basing our decision...on information that’s being *provided to us by Haiti*, which may or may not be accurate, because it hasn’t been put to the test in a normal judicial hearing.... I don’t think anyone would suggest that we should make the decision without input from *authorities in Haiti*.”<sup>29</sup> (Emphasis added.)

However, when MacKay referred to “authorities in Haiti,” he was *not* speaking of Haiti’s recently elected government, but of the Canadian-backed regime installed by the 2004 coup.

In a letter to MacKay, Jean Saint-Vil—a Haitian Canadian activist with the Canada Haiti Action Committee—linked the Conservative government’s barring of Alexis from Canada with a statement by the Liberal’s former Minister for La Francophonie, Denis Paradis, who justified Canada’s role in the 2004 coup by saying “there were strong, strong rumours that Aristide

had diverted a lot of millions of dollars outside the country.”<sup>30</sup> Saint-Vil connects the dots by saying that the “embarrassing and unfortunate” blacklisting was “the logical legacy of a foreign policy based on rumours and hearsay.”<sup>31</sup>

#### **Afterword**

In April 2008, Haiti’s Prime Minister Alexis was brought down by a non-confidence vote led by Haitian senators. Impoverished Haitians devastated by price increases in basic foods like rice turned their anger against the government. *Reuters’* journalist Guy Delva has noted that many Haitians were misled into believing that the current Haitian government had increased food prices. And, as Professor Peter Hallward explains, although just 30 years ago Haiti was largely self-sufficient in agricultural production, it must now import most of its food.<sup>32</sup> So, rather than being the fault of Alexis, Haiti’s food crisis is more due to policies imposed by the International Monetary Fund.

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