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FACSIMILE COVER SHEET

DATE: 9/20 TIME: 4pm
NUMBER OF PAGES 3 (including this cover sheet)

TO: President Clinton

FROM: Juan Mendez, HRW

SUPPLEMENTAL MESSAGE:

HUMAN RIGHTS WATCH

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For Immediate Release
September 20, 1994

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In a letter to President Clinton released today, Human Rights Watch and the National Coalition for Haitian Refugees deplored the "general amnesty" which features so prominently in the September 18 Port-au-Prince agreement as a betrayal of the human rights concerns that brought the U.S. to the brink of a Haiti invasion. The two groups charge that a general amnesty "tells the abusers there is no penalty to pay, and does nothing to dispel the temptation to disregard the law in the future."

Human Rights Watch and the National Coalition for Haitian Refugees call on President Clinton to oppose any amnesty law in Haiti that would prohibit the prosecution of those accused of gross human rights abuses. It is not too late to urge the Parliament to enact a limited amnesty, leaving room for future justice.

PL- HPT- JANNES
Human Rights Watch

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September 20, 1994

President Bill Clinton
The White House
Washington, D.C.

Dear President Clinton:

While we welcome the announcement over the weekend that Haiti's brutal military regime will be removed and replaced by the legitimate government of President Jean-Bertrand Aristide, Human Rights Watch and the National Coalition for Haitian Refugees are deeply concerned by the September 18 agreement's provision for a "general amnesty." The agreement significantly betrays the commitment to human rights that has marked your policy in recent months, making no reference to human rights and granting the leaders responsible for the violence of the last three years an unwarranted "honorable retirement."

Instead of supporting an amnesty for human rights crimes, the U.S. presence in Haiti should unequivocally represent the rule of law over terror. Impunity for acts of murder, torture and rape -- described and condemned so forcefully by you last Thursday in your address to the nation -- is the worst possible basis on which to construct a state where law and human rights are respected. Such impunity has been made available to three violent regimes in Haiti since 1986. It is clear by this dismal record that letting those guilty of serious human rights violations go free will simply perpetuate Haiti's long cycle of brutality and instability. A general amnesty tells the abusers that there is no penalty to pay, and does nothing to dispel the temptation to disregard the law in the future. A general amnesty also denies victimized Haitians any hope for lawful justice, making violent reprisal more likely.

We are, of course, aware that it may never be possible to bring every perpetrator to justice. At a minimum, those suspected of participating in grave crimes should not be part of the reconstituted security forces of Haiti. Further, we contend that the screening and purging of Haiti's soldiers is not compatible with the "coordination" and "cooperation" between the Haitian High Command and U.S. forces that is sketched out in the agreement. We are skeptical that known human rights abusers can be effectively barred from the military and the new police force under such conditions.

The agreement, in a step backwards from the Governors Island Accord, contains no mention of the return of President Aristide and does not identify military leaders who are to be retired, leaving open at least the possibility that one or more of the army triumvirate will remain

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in office. Lt. Col. Michel Francois, who is thought to direct the paramilitary squads in Port-au-Prince, was not even present at the signing. The lack of clarity in this provision and others will likely lead to misunderstandings that will impede achievement of the goals of the agreement as stated.

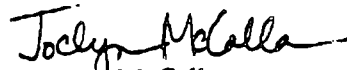
We are further concerned that the departure from office of military leaders is to take place following the Haitian Parliament's passage of a general amnesty law. The Parliament, as currently constituted, is not a functional institution. Many members, mostly supporters of President Aristide, have fled the country or are in hiding in Haiti, while one-third of the Senate elected in fraudulent polling in January 1993, holds seats illegitimately. The Parliament has been unable to reach a quorum because of frequent attacks and intimidation by the army and its supporters.

We urge your administration to convey immediately to the Haitian Parliament and the Haitian people your opposition to an amnesty law that would prohibit prosecution of individuals you, last Thursday night, correctly accused of brutal atrocities. For too long the scope of the amnesty envisioned at Governors Island has been left unclear. It is not too late to urge the Parliament to enact a limited amnesty, leaving room for future justice. The end of the cycle of violence and beginning of the rule of law hinge on accountability for human rights abuses committed during the past several years, not a broad amnesty that will excuse murderers, torturers and rapists.

Sincerely,



Kenneth Roth
Executive Director
Human Rights Watch



Jocelyn McCalla
Executive Director
National Coalition for
Haitian Refugees

NRV
NSC
[unclear]

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