Legislation Details (With Text)

File #:	Res 1914-2001	**Version:**	*	**Name:**	Extradition or deportation of Francois Emmanuel "Toto".
Type:	Resolution			**Status:**	Adopted
				In control:	Parks, Recreation, Cultural Affairs, and International Intergroup Relations
On agenda:	5/23/2001				
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Title: Resolution calling upon the United States Immigration and Naturalization Service and the United States Department of State to honor the request of the Haitian government for the extradition or deportation of Francois Emmanuel "Toto" Constant to Haiti where he may account for his crimes against humanity, and calling further upon any and all relevant agencies to investigate alleged involvement and complicity by the Central Intelligence Agency in the commission and subsequent concealment of said crimes.

Sponsors:

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
5/23/2001	*	City Council	Introduced by Council, IMMEDIATE CONSIDERATION	
5/23/2001	*	City Council	Approved, by Council	Pass

Res. No. 1914

Resolution calling upon the United States Immigration and Naturalization Service and the United States Department of State to honor the request of the Haitian government for the extradition or deportation of Francois Emmanuel "Toto" Constant to Haiti where he may account for his crimes against humanity, and calling further upon any and all relevant agencies to investigate alleged involvement and complicity by the Central Intelligence Agency in the commission and subsequent concealment of said crimes.

By The Speaker (Council Member Vallone) and Council Members Henry, Lopez, Michels, Perkins and Golden; also Council Members Foster, Koslowitz, Leffler, Nelson, O'Donovan, Pinkett, Watkins, Wooten and Quinn

Whereas, Francois Emmanuel "Toto" Constant was the President of the Haitian paramilitary group known as the Front for the Advancement of the Haitian People, also known under the acronym FRAPH, an organization the he helped create and which terrorized and brutalized the citizens of Haiti for the three years 1991-1994, the period of President Jean-Bertrand Aristide's exile; and

Whereas, During this period, FRAPH and its leader, Francois Constant, were responsible for the torture, rape, kidnapping and murder of thousands of innocent Haitians; and

Whereas, Francois Constant led the riot that caused the U.S.S. Harlan County to turn back from Port au Prince and thus seriously harmed the effort to restore to office the democratically-elected President, Jean-Bertrand Aristide; and

Whereas, According to reports, the united States Department of State has labeled FRAPH a terrorist organization, and the Immigration and Naturalization Service has repeatedly asserted its knowledge of Constant's background as cofounder and leader of that organization; and

Whereas, The crimes committed by FRAPH and by Francois Constant constitute crimes against humanity, violate international law and are a violations of numerous international accords and conventions, including the Convention Against Torture; and

Whereas, On November 16, 2000, the trial court of Gonaives in Haiti convicted 37 in absentia defendants, including Francois Constant, of premeditated, voluntary homicide in connection with the 1994 Raboteau Massacre; and

Whereas, Following the verdict, the government of Haiti renewed its longstanding request for the United States government to extradite Francois Constant to Haiti so that he can stand trial in person, as is his right under Haitian law; and

Whereas, The State Department continues to deny the extradition request, and the Immigration and Naturalization Service, despite having obtained a final order of deportation against constant, and despite his conviction, and despite the other credible charges made against him, was granted a stay of deportation; and

Whereas, Francois Constant is presently residing in New York City, in the Laurelton section of the Borough of Queens; and

Whereas, The free residence of Francois Constant constitutes a potential threat and danger to the citizens of New York City, particularly to the Haitian community, some of whom were victims of the FRAPH reign of terror perpetrated by Mr. Constant; and

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Whereas, His continued residence is a particular affront to the Haitian community of New York City, who constitute the largest Haitian population outside of Haiti; and

Whereas, In its June 2001 issue, the magazine The Atlantic Monthly published a piece of investigative journalism on the Constant case and his present whereabouts, written by David Grann; and

Whereas, In addition to bringing this important issue to light, the article details links maintained by the Central Intelligence Agency to Constant and to FRAPH during the early 1990's and further suggests that the CIA may be involved in the prevention of Constant's extradition to stand trial for his crimes, in the fear that such a trial would reveal CIA ties to Francois Constant; and

Whereas, Such charges must be investigated thoroughly and with all due diligence to prevent future abuses; and

Whereas, The continuing refusal of the State Department and the INS to heed the request of the Haitian government is unconscionable and could have dire consequences for the citizens of New York City; and

Whereas, Protecting war criminals from prosecution also sets a dangerous precedent, encouraging future atrocity by those despots who would expect to escape punishment; now, therefore, be it

Resolved, That the Council of the City of New York calls the United States Immigration and Naturalization Service and the United States Department of State to honor the request of the Haitian government for the extradition or deportation of Francois Emmanuel "Toto" Constant to Haiti where he may account for his crimes against humanity, and calling further upon any and all relevant agencies to investigate alleged involvement and complicity by the Central Intelligence Agency in the commission and subsequent concealment of said crimes.

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