

HAITI

HUMAN RIGHTS CONDITIONS PRIOR TO THE JUNE 1995 ELECTIONS

CONTENTS

I. SUMMARY AND RECOMMENDATIONS	2
II. SECURITY CONCERNS	4
Electoral Bureaus and Officials Suffer Threats and Attacks	6
Political Figures Targeted with Threats or Violence	8
General Security Issues	9
Security Plans for the Election Period	11
III. ELECTORAL PROCESSES	12
The Provisional Electoral Council and Regional Offices	12
Registration of Voters	13
Candidate Registration and Review	15
Oversight by the Electoral Surveillance and Control Unit	16
Preparations for Election Day: Party Poll Watchers and International Observers	16
The Second Round of Elections	17
APPENDIX	18

I. SUMMARY AND RECOMMENDATIONS

Haiti now faces its first opportunity for genuine, democratic elections since the 1990 contest that brought President Aristide to office.¹ The parliamentary and local elections held in Haiti on June 25, 1995, will affect Haiti's political future dramatically by filling two-thirds of the senate, all of the lower house, every mayoralty, and every seat, urban and rural, of the councils that govern Haiti's 536 districts (known as communal sections). The June elections also will set the tone for presidential elections scheduled for December of this year.

Human Rights Watch/Americas, which has monitored the human rights crisis in Haiti for over ten years, has examined pre-election conditions and found that, while levels of violence do not compare with previous electoral periods and the procedural aspects of the election are proceeding in relative openness, the underlying tensions in the society require heightened international and governmental attention. This report notes both progress and difficulties with the electoral process. While we believe that the risks of violence should not be overstated, we also note that a number of measures can and should be taken to bolster public confidence in this crucial vote. Among those measures, the serious problems with voter registration, including the loss or theft of hundreds of thousands of voter registration cards, must be addressed immediately.

Incidents of political violence against electoral officials and political figures have generated fear of further disturbances during the remaining electoral period or on election day. After the Provisional Electoral Council (CEP) recently disqualified hundreds of would-be candidates, several threatened to sabotage the elections. Nonetheless, several factors should decrease the risk for systematic disruption of the elections, including the progressive dismantling of the Haitian army, and the presence of over 6,000 foreign troops and over 900 international civilian police who are part of the United Nations Mission in Haiti (UNMIH). While concerns for electoral violence do not rise to the level of previous years, the existence of election related threats and violence highlights the need for Haiti's police and the international forces of UNMIH to intensify their efforts to provide security during the electoral period.²

A brief electoral calendar for a complex election has raised tensions on many levels, particularly with regard to the establishment of the CEP and its regional offices. The members of the CEP as well as representatives of several political parties, voters, and international agencies involved in the election process, have experienced persistent frustrations in their efforts to plan and carry out this election. Most dramatically, the pre-electoral period has been marred by the recent revelation that the CEP cannot account for between 800,000 and 1.5 million voter registration cards. As of June 8, 1995, the CEP leadership could not provide a precise number of missing cards, did not clarify if they had been lost or stolen, and reported that only 60,000 of the cards had been located.

Despite security concerns and continued questions about registration cards, the electoral processes have continued to function. Voters are registered in large numbers, over 10,000 candidates will be running for office, and hundreds of governmental, nongovernmental, and political party election observers are preparing to monitor the election mechanisms. Irregularities have resulted in the dismissals of electoral officials in some cases. Despite the contention of several political parties that the CEP is biased, twenty-five parties and the

¹ The presidential elections were held on December 16, 1990. The military government held elections on January 18, 1993 that were not recognized by the international community.

² Despite the limited credibility and effectiveness of the Haitian interim police, international forces in Haiti have urged them to take primary responsibility for security. The force recently conducted some significant arrests of gang members in the Port-au-Prince region but tensions and violence continue, particularly in Haiti's rural areas. For a detailed discussion of Haiti's interim police force and the other national and international security forces presently operating in Haiti, see Human Rights Watch/Americas and National Coalition for Haitian Refugees, *Security Compromised: Recycled Haitian Soldiers on the Police Front Line*, (New York: 1995).

CEP have agreed to sign an electoral code of conduct, by which they pledge to collaborate, and to follow the Constitution and the electoral law.

In light of the pre-electoral conditions summarized above and presented in detail in this report, Human Rights Watch/Americas makes the following recommendations:

Recommendations to the Government of Haiti

- The safety of electoral officials at all levels must be a priority. The government should direct the Haitian interim police, and the UNMIH and international Civilian Police (CivPol) forces to undertake vigorous efforts to coordinate security at electoral offices. The forces should maintain a visible twenty-four hour presence at all nine departmental electoral offices and the 133 communal electoral offices. Electoral officials who have suffered threats should receive additional security. In directing these security operations, the Haitian government should continue to monitor the human rights records of the interim police. The first class of 408 National Haitian Police cadets, which graduated in early June, should be provided with all possible material and other support so that they may immediately assume full police duties and contribute to the electoral security effort.
- Candidates must be able to campaign in a climate where basic human rights are respected. Every effort should be made to guarantee free speech, free association, and assembly. Candidates should be free to distribute campaign literature of their choosing and to organize meetings and rallies as guaranteed in the Haitian Constitution and international human rights instruments.
- The government should pursue legal action against all individuals responsible for electoral violence, intimidations, and other behavior constituting electoral crimes. These cases should be vigorously prosecuted to demonstrate that intimidatory practices will not be tolerated. The effort to establish accountability for human rights violations also should include additional support for the National Truth and Justice Commission and for the reform of the judicial system.
- The government should immediately initiate a full and transparent investigation into the failure of the CEP to account for between 800,000 and 1.5 million voter registration cards. Any official or other individual determined responsible for the theft of any of these cards should be removed from his or her post and prosecuted for electoral crimes. The government also should invigorate efforts to educate the electoral officials and the public about mechanisms to ensure that only properly registered voters are permitted to participate in the elections. The use of indelible ink and the cross-checking of pre-registered voter lists with registration cards should be carefully implemented.
- The creation of a Permanent Electoral Council should be a priority for the Haitian government in the months following the June 1995 elections. Although the current Provisional Council is charged with organizing presidential elections in December, Permanent Council members should assist the 1995 council, thus gaining invaluable experience that will serve them as they develop a new electoral law and establish a permanent structure to administer elections in the coming years.
- In future electoral periods, the Haitian government should reexamine the application of Constitutional Article 291, by which individuals accused of having played significant roles under the Duvalier regime may be eliminated from running for elected office. Decisions to reject prospective candidates should require clear and convincing evidence of the individual's knowing participation in criminal, corrupt, or repressive aims or practices, and offer the candidate the right to appeal the determination to a regularly constituted court. The CEP must notify promptly all candidates who are disqualified based on Article 291 or on technical grounds of the specific reasons for their disqualification.

Recommendations to the Provisional Electoral Council

- The CEP should request that the UNMIH forces, CivPol, and the Haitian interim and new permanent police take additional security measures to ensure the safety of all electoral bureau employees, both at their places of work and at their residences.
- The CEP, acting at the communal, departmental, and national levels, should fully examine all complaints of electoral violence and threats, and of procedural irregularities and fraud. Where appropriate the CEP should refer the cases to judicial authorities for the application of the sanctions prescribed by law.
- Following recent reports of the possible theft of registration cards on a massive scale, the CEP must conduct a vigorous investigation that clarifies the location of the missing cards and identifies the responsible individuals. Electoral officials involved in these acts should be removed from their posts immediately. The CEP should reiterate to all electoral officials the need for scrupulous enforcement of the practice of dipping voters' fingers in indelible ink and carefully checking voters' names against registration lists.
- The role of the recently created Unit for Electoral Surveillance and Control (USCE) must be carefully delineated, particularly with respect to its relationship to the CEP's electoral officials. The CEP should monitor carefully those persons participating in the USCE and remove any individuals who fail to undertake their responsibilities with impartiality.
- Given the large number of voting places, the CEP should make every effort to accommodate Haitian political party poll watchers, and should encourage the monitoring efforts of international election monitors who can act as independent, impartial observers at voting booths throughout Haiti. Party representatives acting as poll watchers should observe strictly the formal closure of the campaign period and should not impose any pressures or intimidations on voters on election day.

Recommendations to the United Nations Mission in Haiti and the U.N. Civilian Police

- In light of the tenuous security situation and several incidents of political violence, UNMIH and CivPol forces should increase their efforts to improve security. The U.N. should make available to these forces all materials necessary to fulfill this task, including translators and appropriate vehicles. UNMIH and CivPol should take a more aggressive stance against criminal acts and should intensify efforts at disarmament.
- UNMIH and CivPol should make every effort to create an environment where political expression can occur without threats and intimidation, and where electoral officials, candidates and voters may exercise their electoral rights freely. Both should increase their presence at electoral offices at the local, communal, and departmental levels during campaigning as well as on election day. In all of their activities, UNMIH and CivPol should maintain strict impartiality with regard to the electoral process, political parties, and specific candidates.

Recommendations to the U.N./OAS International Civilian Mission in Haiti

- In light of recent threats to disrupt the elections and previous incidents of violence arising from political tensions, the U.N./OAS International Civilian Mission in Haiti (MICIVIH) should continue to monitor carefully politically motivated violence and the security concerns of electoral workers and candidates.
- MICIVIH should issue more extensive public findings on the results of its investigations into alleged incidents of politically motivated violence and attacks or threats against electoral officials.

II. SECURITY CONCERNS

As the first round of parliamentary and local elections on June 25 approaches, several security concerns demand greater attention. Scores of electoral bureaus or officials have been the targets of violence or threats since they began their work in the early months of this year. Some political figures also have been

subject to violence, and several alleged death lists have circulated, naming individuals from all political tendencies. In the period following the CEP's disqualification of hundreds of candidates from the race there also have been threats against CEP officials and to sabotage the elections.³ Concurrently, the population continues to be concerned about an increase in crime in the past several months and the failure of the Haitian or international security forces to establish a durable calm. While rumors outnumber demonstrated cases of election-related attacks and the investigations of most crimes do not reveal political motives, the history of politically charged abuses in Haiti has heightened public fear that violence could disrupt further the campaign period and the elections.

The recent threats to disrupt the electoral process, emerging in the aftermath of the CEP candidate review process, have caused alarm but several Haitian and international observers nonetheless are relieved at the relatively limited occurrence of violence, given the removal of over 1,500 candidates (see further discussion below, at Candidate Registration and Review). The May 26 shooting of Madsen Fils Cadet, a Union of Democratic Patriots (UPD) candidate for mayor in Barradères in the Grande Anse, is the most significant act of violence since the CEP announced the results of the candidate review.⁴ The threats of violence however, have been quite vehement. Muler Lochard, a disqualified candidate for deputy from the PAKAPALA party (which is directed by Franck Romain, a former leader of the tonton macoutes), threatened to sabotage the elections by any means if his party were not allowed to participate.⁵ Supporters of Louis Jeune Levaillant, a candidate for deputy from Desdunes in the Artibonite, representing the Nationalist Progressive Revolutionary Party of Haiti (PANPRA), vowed to bring "fire and blood" to their community if he were not reinstated.⁶ Alexis Clerius, a leader in the Front of Reorganized Associations (FAR), described himself as a "technician of violence" and threatened to disrupt the electoral process if the CEP did not reinstate candidates that he was supporting.⁷ In response to these tensions, Minister of Justice Jean Joseph Exumé issued a press release warning that all individuals found responsible for threatening the electoral process or the CEP staff would be subject to criminal penalties, including forced labor.⁸ On May 26, the Haitian interim police issued a statement that they would arrest any individuals intending to sabotage the elections, as demonstrated by their public statements or other actions.⁹

³ "Réactions au 'carnet' du CEP," *Agence Haitienne de Presse*, May 19, 1995.

⁴ Sandra Marquez, "Haiti: Angry Politicians Threaten to Marry Haiti Election," *Reuter News Service*, May 29, 1995.

⁵ Ibid. Romain, the former mayor of Port-au-Prince, is now in exile in the Dominican Republic after fleeing Haiti this spring when the Haitian government issued an arrest warrant against him for plotting against the state. "Un Membre d'un parti néo-duvaliériste menace de saboter les prochaines élections," *Agence Haitienne de Presse*, May 24, 1995. The party's name is loosely translated as "you can't go forward without us."

⁶ "Des partisans d'un candidat du PANPRA écartés de la course électorale menacent de mettre leur conscription à feu et à sang," *Agence Haitienne de Presse*, May 26, 1995.

⁷ "Réactions au 'carnet' du CEP," *Agence Haitienne de Presse*, May 19, 1995.

⁸ Marquez, *Reuters News Service*, and "Haïti-élections: le Ministère de la Justice entend appliquer la loi contre ceux qui menacent le processus électoral," *Agence Haitienne de Presse*, May 26, 1995.

⁹ "Mise en garde de la police," *Le Nouvelliste*, May 26-28, 1995.

The Haitian security situation significantly deteriorated during the month of March, when an UNMIH report documented ninety-seven murders, and specified that forty-five of those were killings of suspected criminals.¹⁰ In the months since March, there has been some improvement in the security situation, but serious concerns about political violence, crime, vigilante killings and the failure to disarm elements of the former military regime persist. The disturbing number of killings of accused thieves reflects the failures of the Haitian and international forces to establish calm, and the public's frustration with a non-functional justice system.¹¹ The bandits responsible for many of the murders, known as *zenglendo*, frequently use automatic weapons and two-way radios, suggesting a possible link to the former Haitian military or paramilitary forces, which monopolized weapons sales and possession for decades. In addition to the May 26 shooting of one candidate in the Grande Anse, three apparently political killings occurred in March (as detailed below). The level of violence in Haiti underscores the need for continued disarmament, a task which has been relegated with little success to Haiti's interim police force.¹²

Electoral Bureaus and Officials Suffer Threats and Attacks

Numerous cases of threats and attacks against electoral offices and electoral workers have contributed to growing concern for security during the election period. MICIVIH and the OAS Election Observation Mission in Haiti have documented cases of disputes, threats, and violence at election offices, some of which arose from disagreements over staffing questions.¹³ A CivPol official stated that the CEP itself is a potential target of threats from sectors who do not wish to see elections occur.¹⁴ Following the disqualification of hundreds of candidates by the CEP, several of the removed candidates or party representatives issued vehement statements criticizing the CEP and threatening the electoral process. Together with the targeting of candidates and political figures (as detailed below), these circumstances point to the need for attention to the safety of electoral workers and the integrity of the electoral process as it enters the more emotionally charged period of campaigning and balloting. The presence of the interim Haitian police and UNMIH forces at some electoral offices has contributed to greater security for electoral officials, and this presence should be heightened throughout the country.

¹⁰ This figure represents an increase that has occurred in the past several months of the number of murders committed in Haiti. While several international observers working in Haiti have compared its crime rate favorably to American cities of comparable size, the jump in crime is disturbing to Haitians who have not experienced the high level of violent crime considered normal in U.S. cities.

¹¹ For a recent analysis of Haiti's justice system, see National Coalition for Haitian Refugees, *No Greater Priority: Judicial Reform in Haiti*, (New York: 1995).

¹² See Human Rights Watch/Americas and National Coalition for Haitian Refugees, *Security Compromised*.

¹³ Interviews with Colin Granderson, director of the U.N./OAS International Civilian Mission in Haiti (MICIVIH), Port-au-Prince, April 28, 1995, and Micheline Begin, deputy chief of the OAS Election Observation Mission, Port-au-Prince, April 28, 1995, and reference to the MICIVIH Press Release, May 8, 1995. As of May 10, the total number of electoral offices was 3,227. Interview with CEP staff of Operations and Logistics Section, May 10, 1995.

¹⁴ Interview with Superintendent Gessie Clement, U.N. CivPol, Port-au-Prince, May 12, 1995.

MICIVIH reported that on April 6, the home of the Communal Electoral Bureau secretary in Grand Rivière du Nord was stoned, and that a group of "malcontents" in another northern town, Plaine du Nord, closed the Communal Electoral Bureau there and locked the vice president into his home by nailing his door shut.¹⁵ MICIVIH documented another stoning in Croix des Bouquets by disgruntled individuals who sought to work at the Registration Bureau, and a case in late March of the Communal Electoral Bureau in St. Michel de l'Attalaye that was forced to close its doors due to local protests. MICIVIH concluded that "most of the communes appear to have been unaffected by threats, intimidation or violence" and that these incidents were concentrated in the departments of the North, the Artibonite and the West. Although we concur that persistent problems are concentrated in only a few areas, we have also found credible cases in other areas. Moreover, we consider that the problems that have arisen in the departments of the North, Artibonite and West (which together compromise Haiti's most important cities and the bulk of its population) demand close review.

The staff of the Communal Electoral Bureau in Gonaïves reported to Human Rights Watch/Americas numerous threats and insufficient security measures.¹⁶ Three men carrying machetes and sticks followed bureau President Levy Pierre as he left the office on the evening of April 13, 1995. When Pierre went to complain at the Gonaïves police station, a man named Meme Joseph reportedly followed and threatened him. Although members of the interim police were present, they reportedly took no action. Pierre and his colleagues were also concerned about the death of Jean Pierre Elie, the secretary of the Registration and Voting Bureau in the first section of Pontamartin. On May 4, 1995, a group of men armed with picks and machetes reportedly murdered Elie.¹⁷ Also of concern was the death under unclear circumstances of Demetrius Berson, the father of Samuel Berson, a Registration and Voting Bureau president in the city of Gonaïves. U.N. investigations into these killings have reportedly found them to be unrelated to the elections, but the U.N. has not made the results public.

An electoral official in the Artibonite valley who was too frightened to be identified by name told Human Rights Watch/Americas of threats made by representatives of a disgruntled political party on April 21, 1995, to burn down the official's home, as well as the frequent presence of a motorcycle on the quiet street where the official lives.¹⁸ The official remarked, "If they can't provide security, I will have to leave this job," and added, "I don't understand. If the U.N. came to bring peace, how is it that since they are here things have degenerated more and more. They need to see who wants change and who doesn't."

Etienne Henri, the vice president of the Communal Electoral Bureau office in Plaisance, reported that on March 30 three men in civilian clothes entered the office with machetes and threatened to cut off his head if he did not leave his post.¹⁹ One of the men, Dieufort Surprise, has been identified by several individuals in town as a member of FRAPH (the Revolutionary Front for the Advancement and Progress of Haiti), a paramilitary organization that supported the military government.²⁰ The men reportedly wanted to be hired to

¹⁵ MICIVIH Press Release, May 8, 1995.

¹⁶ Interview with Communal Electoral Bureau President Levy Pierre, Gonaïves, May 5, 1995.

¹⁷ MICIVIH reported that this killing was probably linked to a fight between local musical groups, known as RaRa bands. MICIVIH Press Release, Port-au-Prince, May 8, 1995. Our initial investigation in Gonaïves revealed that other factors possibly motivated the attack.

¹⁸ Interview with electoral official (name withheld by request), the Artibonite valley, May 1995.

¹⁹ Interview with Communal Electoral Bureau Vice President Etienne Henri, Plaisance, May 7, 1995.

²⁰ Interview with Pakistani Capt. Sameeh Salahuddin, UNMIH, Plaisance, May 7, 1995. Despite the U.S. Embassy's previous close relationship with FRAPH and insistence that it was a political organization, in March Ambassador William Swing issued a public letter denying that FRAPH was a political party and acknowledging its paramilitary

work at the electoral registration office in Plaisance and became angry when Henri explained that he could do nothing for them. The same men and another associate named Charles returned on March 31 carrying machetes. They spoke with the president of the bureau and then left. The electoral office is now guarded by the local volunteer police (who began serving as police after the soldiers at the local military post deserted in September 1994).²¹

activities.

²¹ Unfortunately, the six policemen have not been paid since they were named by members of their community in collaboration with U.S. Special Forces soldiers. Their resources are scarce and several are contemplating leaving. Interview with volunteer police officer Jean Renaud Norcée, Plaisance, May 7, 1995.

Henri added that on April 3 Surprise formed a "vigilance brigade" (see discussion of vigilance brigades below), together with several other local FRAPH members. The next day, this group apparently took over the local police station, kicking out the six volunteer policeman, one of whom described the group, which ultimately had forty-members, as "not a vigilance brigade [but] a group of bandits." On April 8, the group attacked several people and the animals they were leading to market, killing three bulls and detaining the drivers in the local jail until the early morning hours. The victims later obtained an arrest warrant for Surprise. He was arrested by UNMIH forces and was sent to Cap Haïtien to await trial.²²

An electoral official in the Central Plateau reported that complaints of fraud committed at the official's post were filed by local macoutes but then determined to be baseless by the Communal Electoral Bureau. The macoutes were also responsible in recent months for threatening local members of the Lavalas Political Organization (OPL, the party backed by President Aristide's Lavalas movement). The macoutes reportedly stated to local Lavalas members that when President Aristide's term expired they intended to kill all of his supporters. The electoral official was frightened and pointed to a security void in the rural areas as contributing to the tensions.²³

Other problems in the Central Plateau were identified by members of a U.S. Special Forces team that is now part of the UNMIH peacekeeping force based in Papaye.²⁴ Unidentified individuals threw rocks at the homes of a number of Communal Electoral Bureau officials in the area and at the Departmental Electoral Bureau office. In Maïssade, members of the Peasant Movement of Papaye (MPP, the largest peasant organization in the Central Plateau) reportedly went into one of the Electoral Registration Bureaus several times to intimidate the officials there.²⁵ After the Haitian interim police were assigned to patrol the Communal Bureau offices twenty-four hours a day, the problem in Maïssade did not recur.

Political Figures Targeted with Threats or Violence

²² Interview with Justice of the Peace Pierre Docteur, Plaisance, May 7, 1995.

²³ Interview with electoral official (name withheld by request), Central Plateau, April 1995. While the *tonton macoutes* were formally disbanded in the wake of the Duvalier regimes, macoute supporters called for their reinstatement during the recent coup d'etat government in Haiti. The term macoute therefore, is used specifically to refer to individuals who participated in the formal Duvalier force, but also generically to refer to active supporters of the military or Duvalierists (who are frequently referred to as "anti-democratic forces") who are prone to violence, including members of FRAPH.

²⁴ Interview with Lt. Bill Sharp, U.S. Special Forces, Papaye, April 30, 1995.

²⁵ Interview with Staff Sergeant Mike Register, U.S. Special Forces, Papaye, April 30, 1995.

The killing in March of activists from diverse political movements heightened concern over the possibility of serious political violence during the electoral period. The gunning down in broad daylight of Mireille Durocher Bertin, an attorney and outspoken supporter of the military coup regime who had recently formed her own political party, sent shock waves through Haiti and raised fears that the violence of the 1987 elections might recur.²⁶ Shortly before her death, a former National Front for Change and Democracy (FNCD) congressional representative, Eric Lamothe, and a member of the Papaye Peasant Movement, Faudner Simon, were killed in separate instances of apparently politically motivated violence. While the widespread violence that occurred during the month of March has not recurred, and fear of violence like that of 1987 has faded, since that time there have been a number of troubling incidents involving political candidates and figures. As described above, the recent shooting on May 26, of Madsen Cadet, a mayoral candidate from the Grande Anse, is additional cause for concern.

The violence and threats have not reached the extreme levels Haiti experienced in recent years, but they nonetheless reveal a disturbing persistence of political tensions that may pose a threat during the campaign period or on election day. On April 27, Emile Louis, a coordinator for the Party to Open the Gates (PLB), was attacked and killed in the northern town of Dondon, reportedly because he had denounced a plot by local macoutes to disrupt the elections.²⁷ In the nearby city of Cap Haïtien, two local groups attacked each other on the city's streets on April 16. Members of the Union, or "red army" -- a group linked to pro-Duvalier elements -- and the Popular Force of the North -- a pro-Lavalas group -- were involved in the violent dispute. MICIVIH pointed to "electoral rivalry" as a probable cause of the confrontation.²⁸ On April 17, in the Grand Anse town of Anse-a-Veaux, six OPL candidates were reportedly prevented from registering at the Communal Electoral Bureau by a group of about twenty men armed with sticks. The armed group threatened the candidates, who took refuge at the local justice of the peace's office; following negotiations, the candidates were able to register with a police escort.²⁹

A reported April 17 incident at La Chapelle in the Artibonite valley has been denied by UNMIH and the CEP, but evidence points to the occurrence of violence at the Communal Electoral Bureau on that day. While a brief investigation by the UNMIH forces with the CEP concluded that there had been no violent confrontation, the Haitian Press Agency (AHP), MICIVIH and the Gonaïves Commission of Justice and Peace reported that violence had been directed against a number of individuals who were attempting to present their candidacy at the Communal Electoral Bureau.³⁰ AHP reported that ten people were injured, and that two of the

²⁶ Durocher Bertin was slain on March 28, 1995. Investigations into her death have provided conflicting information regarding the assassins' motivation. One version pointed to a plot masterminded by President Aristide's Interior Minister Mondésir Beaubrun (according to U.S. Pentagon sources), while another alleged a plot created by the "anti-democratic sector" to discredit Aristide. Inquiries into the validity of these theories have focused on the credibility of witnesses allegedly linking Beaubrun to the assassination. Larry Rohter, "U.S. Suspicions Over Killing May Mar Clinton's Haiti Trip," *The New York Times*, March 31, 1995. A third scenario highlighted links between Durocher's passenger, Eugene Baillergeau (who was also slain) and drug traffickers. John Kifner, "Haiti Murder Investigation: Avenues with Few Answers," *The New York Times*, April 11, 1995. The FBI is investigating the killing but has not issued any conclusions.

²⁷ Pyè Siyis Egzalan, "Nouvèl nan Nò: Dondon," *Libeté*, May 3, 1995.

²⁸ MICIVIH Press Release, Port-au-Prince, May 8, 1995.

²⁹ Ibid.

³⁰ "Nouvelles précisions sur l'attaque d'un bureau électorale dans la commune de la Chapelle." *Agence Haïtienne de Presse*, April 20, 1995, and "Elections: Les Candidats à l'assaut de la mairie de Port-au-Prince," *Haïti Progrès*, April 26-May 2, 1995.

injured, who were candidates for the Lavalas Political Organization (OPL), charged their attackers with being members of FRAPH. MICIVIH's investigation also indicated that the confrontation resulting in injury occurred after an OPL candidate, Jean Simon Guignard, attempted to register. MICIVIH identified former FRAPH members and supporters of other political parties among the individuals throwing stones at the OPL representatives.³¹

General Security Issues

Many of the problems detailed in our March 1995 report on Haiti's security forces continue to plague the country as the June elections approach. The elevated crime rate continues to alarm the Haitian public. There have also been a number of prison escapes by prominent supporters of the coup d'etat regime who have been convicted of various crimes (from prisons guarded by Haitian interim police who are monitored by UNMIH or CivPol), and the courts remain virtually non-functional. Although the interim police arrested some individuals involved in gang activities in May, and their response to student protests (where they were able to contain the protests without any serious injuries) was laudable, the interim police force has not demonstrated a marked improvement in its ability to respond to criminal and political violence throughout the country. An interim police lieutenant described the severity of the situation:

³¹ MICIVIH press release, May 8, 1995, and interview with Colin Granderson, MICIVIH director, Port-au-Prince, April 28, 1995.

Despite our efforts there is a great deal of insecurity. Almost every day there are cases of assassinations. We don't have vehicles to get out to the mountains. The level of insecurity in the rural sections is much higher, but when we go there the population does not tell us who the criminals are because they're scared to give us information, thinking that they may be victims next.³²

Poor community regard for the force (which is composed of former soldiers who underwent minimal human rights screening and have few policing skills), low morale, and a lack of human and material resources continue to plague Haiti's interim police. The recent acquisition of fifty vehicles will contribute to an improved presence, but the security void in the rural areas (where short-staffed police units with few vehicles rarely patrol) already has led to increasing lawlessness.

The failure of the Haitian interim police and the international UNMIH and CivPol forces to disarm Haiti's criminal and anti-democratic elements is considered by many to be a significant factor in the perpetuation of violence. The public's frustration at the lack of action on this front is growing, cutting deeply into the respect for international forces who are increasingly perceived to be unwilling to contribute to a more peaceful situation. One UNMIH soldier, a U.S. Special Forces captain, reported that his unit responds promptly to information regarding illegal guns, but clarified that they had received little genuine information on this front, and concluded that this was probably due to the fact that most "macoutes and FRAPH have gone underground" and probably planned to "bury [their] weapon[s] and wait until the Americans leave."³³ The soldier's comments underscore the need to monitor members and supporters of the former military government known to have been responsible for human rights abuses, and wherever possible to disarm those individuals still in possession of illegal arms.

³² Interview with Lt. Jean Thomas René, Cap Haïtien, May 7, 1995.

³³ Interview with Lt. Bill Sharp, Papaye, April 30, 1995. Sharp described a recent incident in which his unit was called to Los Palis when zenglendo were reported in the town. When the Special Forces arrived in the community, an individual told the unit that someone was armed in the local vigilance brigade, which had organized to protect the town. Sharp's unit ordered all of the members of the brigade to lie on the ground, searched them for arms, and finding none, let them go.

The UNMIH forces should not act in any way to restrict legal activities however, particularly the right of free expression and free association. Capt. Tom Seagrist of the U.S. Special Forces described his unit's response to a vigilante attack on May 3 in Terrier Rouge, which left two men dead and a third critically injured, in a way that raised serious concerns. Seagrist revealed that while treating the injured man a medic discovered a photocopy of a Papaye Peasant Movement (MPP) newsletter from 1993, which Seagrist categorized as anti-American and anti-imperialist. After describing his team's investigations of northern organizations purportedly linked to MPP, a group of "bad dudes," Seagrist concluded that the mob that had killed the two men and very nearly killed the third "helped us, because we would've never known they were carrying those papers." Although he stated that he did not condone vigilante justice, he added, "They got lucky, they beat up the right three guys."³⁴ UNMIH commanders should urge their forces to oppose violent acts regardless of the victim's political opinions or activities, and to demonstrate impartiality with regard to the electoral process.

The vigilante attack on accused thieves in Terrier Rouge highlights the troubling increase in vigilante violence in the past months. A number of factors, including an increase in the crime rate, an ineffective justice system, a poorly regarded and ill-equipped police force and international troops that are reluctant to take on police work, have contributed to the increase in vigilante violence. While neighborhood watch committees, known as *brigades de vigilance*, have successfully responded to crime in their communities by jointly patrolling the streets at night, some of the vigilance brigades have been linked to acts of violence. There is some evidence that the term vigilance brigade has been coopted by people without genuine interest in community service, such as in the case in Plaisance described above, where a so-called vigilance brigade directed by a FRAPH member was responsible for threats against electoral officials, arbitrary arrests and the takeover of a local police station. CivPol has noted the threat of infiltration of neighborhood watch committees by "undesirable elements" and has begun to monitor them closely and to educate their members in community policing skills.³⁵ As efforts continue to remedy underlying institutional problems, Haiti's police forces and the international security forces in Haiti must monitor closely vigilance brigades to ensure that they offer community security within the law, while promptly dismantling vigilance brigades that show signs of involvement from individuals who provoke violence.

Security Plans for the Election Period

The security plan approved by the CEP in February relies on Haiti's interim police to take primary responsibility for the elections, with the support of UNMIH, CivPol, the OAS Election Observation Mission (assisted temporarily by MICIVIH) and UN volunteers.³⁶ The June 25 election date will also permit the first class of 408 cadets from the police training academy (who graduated in early June) to provide security for the election process. The interim police are now charged with guarding the two CEP offices in Port-au-Prince, the nine Departmental Electoral Bureaus and the Communal Electoral Bureaus, with the CivPol's assistance. The total number of polling places should exceed 14,000. While the international forces acknowledge that they cannot patrol that many sites, their job should be simplified by the fact that many of the voting places will be located in contiguous groups of three.³⁷

³⁴ Interview with Capt. Tom Seagrist, U.S. Special Forces, Fort Liberté, May 6, 1995. Seagrist also described how much more "fun" his team had when the U.S. led multinational force was in charge (from September 19, 1994 until the U.N. took over on April 1, 1995) and they had martial law and could kick doors down at 4:00 a.m. (Seagrist's unit left Fort Liberté on May 6, 1995 and returned to Gonaïves, where they were previously based.)

³⁵ Interview with Superintendent Clement, U.N. CivPol, Port-au-Prince, May 12, 1995.

³⁶ Ibid.

³⁷ Each Registration Bureau could have registered a maximum of 1,200 voters, on three lists of 400 names each. On voting day, each 400-person list will form the basis of one Registration and Voting Bureau.

The Papaye U.S. Special Forces team considered 1,200 Registration and Voting Bureaus in their area difficult to patrol with a twelve-person team, but said that they would try to go out in force and be as visible as possible. Twenty-eight civilian police also will cover the same zone, but the U.N.'s failure to provide the CivPol forces in the region with radios and Creole interpreters will hamper their effectiveness.³⁸ Haitian interim police Lt. Jean Thomas René reported that the 135 interim police based at the Cap Haïtien barracks will undertake numerous preventive patrols on election day.³⁹ The vice president of the CEP conceded that one of the problems of the campaign period and the election day would be the lack of soldiers at all the electoral offices.⁴⁰

III. ELECTORAL PROCESSES

³⁸ Interview with Lt. Bill Sharp, Papaye, April 30, 1995.

³⁹ Interview with Lt. Jean Thomas René, Cap Haïtien, May 6, 1995.

⁴⁰ Interview with Leon Manus, CEP vice president, May 3, 1995.

The first stage of preparations for Haiti's June 25 parliamentary and local elections took place in a charged atmosphere, given the impending termination of the parliamentary term on January 9, the presence of an intervention force then numbering over 10,000, and recent end of a three-year military regime. Procedural issues are among the sources of tension, including debate over the evolution of a new electoral law, the installation of a Provisional Electoral Council and the mechanics of getting a complex election with thousands of candidates off the ground in limited time. The revelation in late May that the CEP leadership could not account for between 800,000 and 1.5 million electoral registration cards has yet to be resolved, and casts doubt on the integrity of the registration process.⁴¹ Yet, while political disputes have been heated and there has been a troubling incidence of political violence directed against electoral officials and candidates, the electoral processes have advanced with wide participation.

The Provisional Electoral Council and Regional Offices

Haiti's 1987 constitution did not foresee that political events, including the military regime from 1991 to 1994, would preclude the prompt establishment of a Permanent Electoral Council. As mandated by the constitution, the first Provisional Electoral Council was composed of representatives chosen by different sectors of society.⁴² A Provisional Council also conducted the 1990 elections and in the wake of the military regime, the Haitian government created another Provisional Electoral Council to run the 1995 local, parliamentary and presidential elections. While the constitution does not specify the procedures for establishing provisional electoral councils beyond the first one, the present CEP was chosen by a process similar to that required for the creation of a Permanent Electoral Council. This process requires Departmental Assemblies (which have never been constituted) to propose lists of names, and the three branches of government (executive, legislative and the Supreme Court) to each select three individuals from the lists.⁴³ The 1995 CEP members were selected by the three government branches, in some cases from a list of twenty-seven names submitted by a group of political parties. The constitution makes no provision for the participation of political parties in the selection process, neither for the permanent nor the provisional councils.

Some party leaders have complained that six of the nine CEP members are Aristide supporters and that Aristide went outside the parties' list to make his selections.⁴⁴ Yet even within the most vocal party in opposition to the CEP, PANPRA, the Secretary General Serge Gilles acknowledged that given the majority support for President Aristide's Lavalas movement in Haiti, it was natural that a similar majority would be reflected in the composition of the CEP.⁴⁵

⁴¹ A number of candidates have made an additional complaint against the CEP, that has not been confirmed as of this writing, that several candidates names were not forwarded to the company preparing the electoral ballots.

⁴² Constitution of the Republic of Haiti, March 1987, Article 289.

⁴³ Ibid., Article 192.

⁴⁴ Duly Brutus, "Democracy in Haiti?," *Wall Street Journal*, April 14, 1995 (Brutus is the deputy secretary of PANPRA and was a parliamentary leader who collaborated with the military regime), and interview with René Théodore, Secretary General of the National Reconstruction Movement (MRN), Port-au-Prince, May 3, 1995.

⁴⁵ Interview with PANPRA Secretary General Serge Gilles, Port-au-Prince, May 3, 1995. Broad support for Aristide and the Lavalas Political Organization (OPL) are widely recognized and OPL is expected to win control of parliament and most local offices. Kenneth Freed, "Once Derailed, Haitian Elections Back on Track; Pro-Aristide Coalition Expected to Win Control of Parliament, Local Offices," *Los Angeles Times*, May 6, 1995.

The legitimacy of the electoral law also was challenged by the political parties. Nevertheless, several political parties and the CEP signed an ethical code of conduct on June 3, 1995, that requires both the parties and the CEP to respect the constitution and the electoral law, and to ensure that both are strictly enforced.⁴⁶ Under the electoral law of February 14, 1995, the CEP is responsible for naming the members of the nine Departmental Electoral Bureaus with "complete independence" provided they are persons of known integrity, competence, and honesty.⁴⁷ With the support of the U.S.-based National Democratic Institute (a U.S. Agency for International Development [USAID] grantee), seventeen political parties came together to urge that they be allowed to revise the staffing for the local electoral offices, but in citing the electoral law the CEP did not comply.

Registration of Voters

The voter registration process that formally began on March 26 has been marred by technical difficulties in a compressed electoral calendar, by irregularities, and by the revelation on May 24 that between 800,000 and 1.5 million registration cards had been misplaced or stolen.⁴⁸ The president of the CEP, Anselme Rémy, initially reported that one million of the 4.2 million registration cards distributed by the CEP were missing.⁴⁹ Rémy later explained that "There is a sector that doesn't want elections to take place. The aim of the people who have [stolen] the cards is to prevent people who want to vote from voting."⁵⁰ The report of huge numbers of stolen cards was preceded by the announcement on May 23 that a former legislator who supported the coup regime was charged with the theft of almost one hundred voter registration cards.⁵¹ The OAS Election Observation Mission stressed the importance of a full and public investigation of this question in a letter to the CEP.⁵² While responsibility for the theft or misplacement of these cards remains unclear, this disturbing revelation potentially affecting one-quarter to one-third of Haiti's electorate highlights the need for heightened security for electoral materials (including registration cards, ballot boxes, and ballots).

⁴⁶ See Appendix One, for text of the code of conduct. The CEP and twenty-five of the political parties agreed to the code of conduct at a joint session on May 9, 1995, and signed the document on June 3, 1995.

⁴⁷ Electoral Law of the Provisional Electoral Council, February 14, 1995, Articles 1-6.

⁴⁸ "Anselme Rémy sur la TNH," *Le Nouvelliste*, May 26-28, 1995, and Michael Norton, "800,000 Voter Registration Cards Stolen a Month Before Haiti Elections," *AP Worldstream*, May 26, 1995. Rémy reiterated these figures in a press conference in Port-au-Prince on June 2, 1995.

⁴⁹ "Anselme Rémy sur la TNH," *Le Nouvelliste*.

⁵⁰ Norton, *AP Worldstream*.

⁵¹ Ibid.

⁵² The OAS election team initially reported that the theft of up to one million registration cards was implausible given the reported registration of 3.7 million voters, and a total number of four million registration cards. Telephone interviews with staff members of OAS Election Observation Mission, May 29 and June 1, 1995.

The process of registering voters was complicated by daunting technical difficulties in a brief electoral calendar. The registration entailed: distributing materials to over 3,000 registration sites (many of them inaccessible by road); renting sites from landlords nervous about election violence; explaining to voters a change in the potential number of registrants at each site (from a maximum of 250 in 1990 to a maximum of 400 this year) and advising voters where to go to register. The process of assembling the materials took nine days, after which they were delivered to registration sites by U.S. troops.⁵³ Yet, while delays in the process, confusion about where to go, frustration at the reduced number of sites (and therefore longer trips to each one), and an insecure environment initially resulted in a trickle of registration, the numbers have increased dramatically since mid-April. Nonetheless, many observers view the CEP figure of 3,217,593 people registered to vote (as of May 10) with skepticism.

Throughout the registration process there have been occasional reports of irregularities, including fraudulent registrations and the theft of registration lists. Since the voter registration card is a small piece of paper that does not carry any photograph or fingerprint, and is not laminated, and because the time available to educate electoral officials on proper registration procedures was short, there are few immediate checks on abuses of the registration process. The Departmental Electoral Bureau in Hinche reported that a Communal Electoral Bureau had handled a few cases of fraud in which Registration Bureau officials were fired.⁵⁴ The Departmental Electoral Bureau staff did not clarify if any further actions, as mandated by the electoral law, were taken. A Papaye Peasant Movement member reported that at least one person in Hinche had been found by the interim police to have obtained about twenty electoral cards for dead or nonexistent people.⁵⁵ The theft of completed registration materials has been reported at a minimum of four sites. Armed individuals reportedly forced Registration Bureau employees at one site in the Department of the West to give up their materials in April. The theft of two additional registers reportedly occurred from two Registration Bureaus in Cap Haïtien.⁵⁶ On April 6, in the Artibonite valley community of Drouin, a Registration Bureau secretary was stabbed when he refused to turn over election registration cards to a group of armed men.⁵⁷

Additional irregularities arose from the technical factors described above, such as the placement of registration offices outside (where no building could be rented), thereby complicating compliance with the requirement that registrants and candidates names be publicly posted. The smaller number of electoral bureaus, created by the increased number of registrants possible at each (as mandated by the electoral law) and in some cases due to a shortage of funds to pay the sufficient number of electoral officials, has been the subject of much controversy. Since electoral sites have in some cases closed when they had 1,200 names and then reopened elsewhere, some voters in the Central Plateau, in an effort to vote nearer their homes, are rumored to have registered first at one and then at a second site.⁵⁸

While the registration period was marred by the irregularities detailed above, several factors exist to explain an apparent late surge in voter interest, including: President Aristide's announcement that registration

⁵³ Interview with Micheline Begin, deputy chief of the OAS Election Observation Mission in Haiti, Port-au-Prince, April 28, 1995.

⁵⁴ Interview with François Ludger, Hinche Departmental Electoral Bureau bookkeeper, Hinche, April 29, 1995.

⁵⁵ Interview with MPP member (name withheld by request), Hinche, April 30, 1995.

⁵⁶ Interview with MICIVIH observers, Cap Haïtien, May 5, 1995.

⁵⁷ MICIVIH Press Release, May 8, 1995.

⁵⁸ Interview with Larrier Eugène, Hinche Justice and Peace Commission member, Hinche, April 30, 1995.

for the parliamentary elections would also be valid for the presidential elections, increasing registration of candidates, the extension until June 3 of the registration period, and rumors that the U.S. Embassy would not issue visas without individuals demonstrating that they had registered to vote. International governmental and non-governmental organizations, as well as UNMIH, also assisted the registration effort, by providing public information about the registration process.⁵⁹

Candidate Registration and Review

⁵⁹ The U.S. Special Forces Tactical Dissemination Team in Papaye, part of UNMIH, prepared tapes and bought local radio time to inform people about registration and civil affairs. Interview with Lt. Bill Sharp, U.S. Special Forces, Papaye, April 30, 1995.

The level of participation in the electoral process leading up to the June elections has been very high. CEP officials reported that almost thirty political parties have registered, fifteen of which the CEP vice president categorized as "major political parties."⁶⁰ The number of registered candidates topped 12,000, many of whom were independents, and only one party, Marc Bazin's Movement for the Installation of Democracy in Haiti (MIDH), did not register any candidates.⁶¹

At the end of registration for candidates on April 30, 1995, the CEP began reviewing the candidates' applications in light of constitutional Article 291 and administrative disclosure requirements. The compressed electoral calendar allowed the CEP only two weeks to review over 12,000 candidates. Article 291 addresses the aftermath of the thirty year reign of Duvalier father and son, and bars from running for public office before 1997 any individual who is "notoriously known for having been, by excess of zeal, one of the artisans of the dictatorship and its maintenance during the last twenty-nine years." It also excludes those who illicitly enriched themselves during the dictatorship and those who have been denounced "by public outcry for having practiced torture on political prisoners...or having committed political assassinations."⁶² Due to the broad language of Article 291, the standard could be applied in a manner that failed to offer sufficient procedural protections. It is unclear what protections are built into the process, including the standard of evidence and opportunities for appeal to courts of law. An attorney and member of the Juridical Commission at the CEP, who confirmed that the CEP was obliged by both the constitution and the electoral law to apply this provision, was unable to detail any procedural safeguards.⁶³

The CEP announced the disqualification of hundreds of candidates on May 17, 1995, including several who reportedly were removed on the basis of Article 291.⁶⁴ The CEP did not publicly reveal the reasons for each disqualification, and some of the candidates only discovered the grounds for their removal when they appealed the CEP's decision. The CEP's announcement of disqualifications brought a strong reaction from several affected groups, including threats to violently disrupt the elections (as described above). At least one of the removed candidates, Serge Beaulieu of the National Authentic Party (who reportedly was removed for failing to properly fill out his registration forms) challenged the constitutionality of the CEP review process.⁶⁵

⁶⁰ Interview with CEP Vice President Leon Manus, Port-au-Prince, May 3, 1995.

⁶¹ Bazin's party was apparently betrayed by several other parties with whom it had formed a pact to boycott the elections and not run any candidates. Ultimately, MIDH was the only party to respect the initial agreement. Bazin served as the second de facto prime minister under the coup d'etat military regime.

⁶² Constitution of the Republic of Haiti, March 1987, Article 291, a., b., and c.

⁶³ Interview with Maître Paul Cauvin, Juridical Commission of the CEP, by telephone in Port-au-Prince, May 4, 1995.

⁶⁴ As of June 7, 1995 the CEP reported the following results of the review period: Of 177 original candidates for senate, 143 remained; of 859 candidates for deputy, 716 remained; of 885 slates of three candidates each for the mayoralties, 756 remained; and, of 2,688 slates of three candidates each for the CASECs (the administrative councils of the communal sections), 2,477 remained. "Environ 4,092 candidats de 30 parties politiques de vrai prendre part aux prochaines elections," *Le Nouvelliste*, June 7, 1995.

⁶⁵ *Ibid.*

The reasons for disqualification ranged from technical failures in completing registration materials, to being named in pending criminal charges, and to having served as a secretary of a FRAPH office.⁶⁶ Disqualified candidates were given three days to appeal the decision to the CEP. In one of the cases most clearly linking activities under the coup regime to a disqualification, the CEP removed PANPRA deputy Saurel Jacinthe because Jacinthe is facing criminal charges for murder and assault. Jacinthe was linked to two shooting incidents during the coup regime when he allegedly killed one girl and wounded another individual. Jacinthe challenged the CEP's decision but was not granted permission to renew his candidacy.

One of the most dramatic disqualification cases involved the removal of two parties with the same name and all of their candidates from the race. This action resulted from a prior split within one political party, the Movement for National Reconstruction (MRN). Both MRNs were initially removed in the review period, but one (under the leadership of Rony Mondestin) reached a settlement with the CEP and will reenter the race with a slightly modified name.⁶⁷ The MRN directed by René Théodore argued that the CEP failed to acknowledge its legitimacy and did not have the authority to offer Mondestin's group an opportunity to participate with a new name.⁶⁸ The electoral law does not clearly define the authority of the CEP to offer such a settlement, and this issue should be examined fully prior to future contests. The CEP should also make public the basis for its initial decision to remove both parties.

Oversight by the Electoral Surveillance and Control Unit

In response to political parties' urging for more involvement in the electoral process, the CEP prepared an internal statute for a Surveillance and Electoral Control Unit (USCE). This unit should serve an oversight function, with members of political parties present in electoral bureaus. Several factors regarding its role remain unclear, including the relationship to the authority of the electoral bureaus and the selection process for its staff. The USCE may contribute to future electoral monitoring efforts in Haiti, but its role in the June 1995 elections will be uncertain and potentially problematic unless further steps are taken immediately to clarify its role.

Preparations for Election Day: Party Poll Watchers and International Observers

With over ten thousand candidates competing on individual and joint tickets for over 2,000 elected seats, the preparation, assembly, and distribution of ballots and ballot boxes, as well as alphabetized lists of voters, will be extremely complex. The CEP, OAS Election Observation Mission, UNMIH, and the U.N. Technical Assistance team began planning for this process several months ago, but will nonetheless be challenged by an extremely condensed electoral schedule. While formal security operations are detailed above, party poll watchers and international observers will undoubtedly be critical in contributing to successful elections free from violence.

⁶⁶ "Le 'carnet' du Conseil Electoral," *Le Nouvelliste*, May 17-18, 1995. Where the disqualified candidate was part of a slate of candidates, all of the candidates on the slate for the same position are also disqualified.

⁶⁷ The CEP reportedly proposed that each group participate in the elections with a slightly modified name, Mondestin's as the MRN Group, or GMRN, and Théodore's as the MRN Party, or PMRN. Mondestin accepted the proposal while Théodore rejected it. Telephone interview with staff member of OAS Election Observation Mission, May 29, 1995.

⁶⁸ Théodore showed HRW/Americas a copy of a January 30, 1995 letter from Justice Minister Jean-Joseph Exumé, in which the minister referred to the MRN directed by Théodore as "regularly registered at the Ministry of Justice with all the legal consequences." Interview with René Théodore. Port-au-Prince, May 3, 1995

Haitian political parties, with support and training provided by the USAID financed National Democratic Institute, have urged the CEP to accept party poll watchers throughout Haiti during the electoral process and on voting day. While the CEP rejected the parties' proposal that the CEP pay them to undertake this activity, the CEP has instituted procedures by which party representatives can apply to the CEP for photo identification cards that will permit them access to specific electoral offices for observation purposes. The plan to involve party observers throughout Haiti has been well received. Serge Gilles of PANPRA hypothesized that if a voting place were monitored by three representatives of political parties and two international observers, then "no one will have a monopoly on the truth" and the populace will be more satisfied with the result.⁶⁹ The organized participation of party representatives in the election observation effort and their reporting of electoral irregularities to the CEP undoubtedly will contribute to an improved electoral process, both in the June 1995 elections and in the presidential elections later this year.

The CEP has expressed interest in holding a transparent election, where all can observe, including international representatives. On a governmental level, this effort will be led by the OAS Electoral Observation Mission. The OAS effort will function in two stages. In the first, the advance team, with assistance from MICIVIH, and forty-five electoral specialists are traveling to each department to assess the electoral situation. In the second phase near the day of the election, 400 election monitors (including most of the MICIVIH observers who will be temporarily transferred to the OAS Election Mission), plus a coordinating team of forty, and fifty-five additional OAS staffers, and delegations from several countries, will observe the election itself. The OAS election unit will report all allegations of electoral fraud to the electoral authorities. Several independent election observation groups and some government financed organizations will also monitor the elections.

The Second Round of the Elections

If candidates in races for senatorial or deputy seats fail to win an absolute majority in the first round of voting, top vote-getters will return for a second round on July 23, 1995. With important congressional seats at stake in these races, the Haitian and international security forces should be particularly alert to rising tensions at the electoral bureaus and threats directed against candidates. With a smaller candidate pool, the security forces should be able to provide closer security for all candidates at this stage.

⁶⁹ Interview with Serge Gilles, May 3, 1995.

APPENDIX

Electoral Code of Conduct⁷⁰

The political parties and groups, the coalitions, and the candidates, who sign the present code solemnly commit themselves to:

1. scrupulously respect the Constitution of Haiti, the laws of the Republic, and particularly the electoral law and to see to it that they are strictly enforced;
2. collaborate with the Provisional Electoral Committee (CEP) by appointing legal delegates at every level as well as representatives to the Voting and Registration Bureau (BIV) in order to ensure a most serious monitoring of the electoral process;
3. take part in every electoral coordination, monitoring, and supervision;
4. report to the CEP any violation of the electoral law and to report any infringement to the smooth running of the electoral process;
5. carry out a campaign to alive and train their militants and sympathizers, especially to teach them respect for their opponents' being, properties, and opinions;
6. respect their opponents' political views and to reply to their opinions only with other views;
7. respect the honor of the leaders, the officials, and the militants of the political parties as well as the honor of the party poll watchers and the delegates; not to address them in an outrageous and insulting language and not to attack their reputation unjustly;
8. ensure that their sympathizers and militants respect and do not attack their opponents' electioneering propaganda as well as their emblems, symbols, and any other kinds of identification;
9. not carry out any partial electioneering propaganda inside the public offices;
10. not to use state properties for their electioneering propaganda -- neither vehicles nor any other means of transportation -- for their militants and sympathizers' travels;
11. respect other people's properties in posting their electioneering propaganda;
12. coordinate among themselves; along with the CEP's officials, the competent officials of the Executive, and the police force including the concerned UNMIH (United Nations Mission for Haiti) police force; the routes, the dates of the public demonstrations and electoral meetings, in order to avoid having meetings and demonstrations in the locations and times;
13. monitor public demonstrations and elections meetings smoothly avoiding any incitement to violence and commotion;
14. encourage their sympathizers to behave well by avoiding risks of incidents and confrontations; enjoin them not to carry any firearms, machetes, not to throw stones, to avoid mugging that could endanger the people's lives or the properties around the area where the demonstrations will take place to make sure that the parties members or sympathizers will not copy, damage, destroy the posters and the materials for the campaigns of the other political parties;
15. stress out the importance of the secret of the voting during their sympathizers' training in order to increase the confidence in the electoral process;
16. establish among themselves effective means of communication at every level (materials and locations) and have available personnel in order to communicate about any problems as soon as they arise;
17. create in collaboration with their headquarters a program of meetings on a regular basis to talk about the critical subjects of their electoral campaign. In the geographical departments, a committee consisting of party leaders will meet periodically;
18. publish the necessary instructions for their supporters in order to make sure that the present code of conduct is respected;
19. facilitate the participation of women in the political activities;
20. ensure the free access and women's respect during meetings and political unions;

⁷⁰ The code of conduct was signed by the CEP and twenty-five electoral parties on June 3, 1995. Human Rights Watch/Americas received a translation from the NDI.

21. abstain from forcing women to adopt a political position or lead a political activity other than what they choose to;
22. loyally accept the results of the elections, subject to legality, openness, and order during the course of the electoral operations;
23. show solidarity in case of any violation or infringement recorded by the CEP during the electoral process regarding the electoral law and the present code of conduct.

The party leaders promise to publish the terms of this Agreement all over the territory of the republic according to their possibilities.

II. The Provisional Electoral Committee solemnly promises to:

1. scrupulously respect the Constitution of Haiti, the laws of the republic, especially the Electoral Law and to see to it that their are strictly enforced;
2. hold the scales even between the political parties and groups participating in the elections and to be strictly impartial;
3. take into consideration the grievances and complaints of the parties and the candidates and take appropriate steps to put right and to correct;
4. see to it that there are sufficient BIVs accessible to the population;
5. take all measures to forbid the BIVs to accept fictitious electoral lists and to punish any violator;
6. make welcome with respect, at all levels (BED, BEC, BIV) the political parties poll watchers to monitor and supervise the electoral process and to facilitate their work;
7. punish all candidates that utilize state properties, especially means of transportation for their electoral campaign;
8. see to it that the political parties' requests of financial support be taken into consideration by the Haitian State;
9. facilitate the access to state media for the political parties and groups, that are fighting an electoral campaign, according to a fair schedule;
10. see with the Government and all police forces including the UNMIH police force in order to guarantee the candidates', the organizers', and the voters' security;
11. respect all the clauses of the Electoral law regarding the polling and the publication of the results, which should be an open process

The Provisional Electoral Committee promises to publish and to make public the terms of this Agreement all over the territory of the Republic.

Acknowledgements

This report was written by Sarah A. DeCosse, research associate at Human Rights Watch/Americas. The report is based on research in Haiti conducted by DeCosse, and by Pierre Espérance and Brian Stephens of the National Coalition for Haitian Refugees Port-au-Prince office. The report was edited by Anne Manuel, deputy director of Human Rights Watch/Americas. We are grateful for the support of the J.M. Kaplan Foundation and the Arca Foundation for our work in Haiti.

Human Rights Watch/Americas

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Ann S. Johnson is the development director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; Susan Osnos is the communications director; and Derrick Wong is the finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Americas division was established in 1981 to monitor human rights in Latin America and the Caribbean. José Miguel Vivanco is executive director; Anne Manuel is deputy director; Allyson Collins is advocacy director; James Cavallaro is Brazil director; Sebastian Brett, Sarah DeCosse, Robin Kirk, and Gretta Tovar Siebentritt are research associates; Joanne Mariner is the Orville Schell Fellow; Paul Paz y Miño and Steve Hernández are associates. Peter D. Bell is the chair of the advisory committee and Stephen L. Kass and Marina Pinto Kaufman are vice chairs.