

“Electoral Cleansing” in Haiti Violates Human Rights and Democracy

By Brian Concannon Jr. | September 29, 2005

Haiti is in the midst of a comprehensive program of electoral cleansing. Its ballots are being cleansed of political dissidents, its voting rolls cleansed of the urban and rural poor. The streets are being cleansed of anti-government political activity.

This cleansing violates the fundamental human rights guaranteed by the charters and other instruments of the OAS and the UN. It also violates the electoral standards that are applied in other countries, and that were applied to elections run by Haiti’s constitutional governments. The persecution and disenfranchisement of political opponents is being conducted openly, notoriously, and under the eyes of the international community. The persecution is not the result of a government unable to assure adequate security, but of a deliberate and multifaceted campaign against opponents by Haiti’s Interim Government. This government’s primary benefactor is the American taxpayer.

Haiti’s ballots have been cleansed by prohibiting or discouraging political opponents, especially supporters of the ousted constitutional government of Jean-Bertrand Aristide. In some cases this has been done by the application of rules that appear neutral on the surface, but have a targeted impact. For example, all presidential candidates were required to register in person by September 15, but only Lavalas candidates could not meet this requirement because they were in jail. Rev. Gerard Jean-Juste, widely believed to be the most popular potential candidate, was arrested without a warrant two months ago, on July 21. He has been held since then on trumped-up charges, despite a call for his release issued by twenty-nine members of the U.S. House of Representatives led by Rep. Waters and echoed by Amnesty International, Human Rights First, and hundreds of religious, community, and human rights leaders throughout the world.

Yvon Neptune, Haiti’s last constitutional Prime Minister, has been in prison since May 2004. U.S.

Ambassador James Foley, in his last address before leaving Haiti in August, called Mr. Neptune’s detention “a violation of human rights, an injustice, and an abuse of power.” He aptly contrasted Prime Minister Neptune’s treatment with the expedited release of death squad leader and convicted murderer Jodel Chamblain at the same time. Although formal charges were finally announced against Mr. Neptune on September 19, the charges resulted from a long process packed with irregularities.

Less prominent dissidents have been imprisoned explicitly for being “close to the former regime.” All these arrests directly limit the arrestees’ political activities, but more important, each political arrest dissuades many others from participating in politics.

While the most likely Presidential candidate has been excluded, an unlikely 54 candidates from 45 parties have filed. This is a sign not of confidence in the elections, but a widespread belief that the vote may be so undemocratic that almost anyone might win. The announced candidates include top officials of past dictatorships, a paramilitary leader identified as a drug trafficker by the United States, and an American citizen and Texas resident running despite bars in two independent clauses of the Constitution.

The Haitian government has also cleansed electoral rolls by discouraging voters through political persecution and by imposing hurdles that disproportionately affect poorer Haitians. With the end of the third prolongation of the registration period approaching, only about 2.4 million of Haiti’s 4.5 million eligible voters have registered.



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This low registration rate—despite non-electoral incentives including making voter registration a requirement for obtaining a national ID card, passport, or driver’s license—has resulted in grand part from a lack of coverage of electoral services in the nation. Whereas Haiti’s democratic governments provided over 10,000 voter registration offices and polling places for elections, the Interim Government plans to install only 424. This figure is worth comparing to Los Angeles County, which has a slightly larger population than Haiti but only 37% of the land area and infinitely better private and public transportation. L.A. County expects to have about 4,400 polling places for its November elections—over ten times what Haiti expects.

The insufficiency of polling and registration offices, like most burdens in Haiti, falls heaviest on the urban and rural poor. By mid-July, half-way through the registration period, there were three registration offices in Pétionville, an upscale suburb, and three in the entire Central Plateau department, a large rural district. To this day, there is not one registration office in Cite Soleil, a poor, urban neighborhood of 300,000 inhabitants. Similarly Bel-Air, another poor neighborhood, currently has only one registration office.

Public spaces have also been cleansed of anti-government political activity through a combination of explicit government policies and brutal police attacks. On September 17, the Interim Government issued an order prohibiting all demonstrations until October 2. This order is as unconstitutional in Haiti as it would be in the United States. It is a general hindrance to organizing for the elections, but it is particularly targeted at a

large demonstration previously announced by government critics for next Friday, September 30, to commemorate the anniversary of the first coup d’état against President Aristide in 1991.

Over and over again, the Haitian police have responded to legal anti-government demonstrations with lethal force. On May 18, 2004 the police violently closed down a demonstration on the grounds that they had not been notified—pretext they were forced to retract a few days later. On

February 28 of this year, police shot into a peaceful demonstration in full view of the international press and United Nations Peacekeepers.

The August 20 soccer massacre in the Grande Ravine neighborhood is illustrative of both the Haitian police’s brutality and the futility of trying to reform the Haitian government by feeding it guns and money. Police accompanied by machete-wielding civilians attacked a soccer crowd of thousands, shooting or hacking to death at least six and as many as thirty spectators.

Our tax dollars were at both ends of the killing. The soccer game was sponsored by a USAID program, to promote peace in the neighborhood. The United States also sponsors the killers, the Haitian National Police, by providing guns and weapons despite a consistent history of police killings over the last eighteen months. When the House of Representatives passed Rep. Barbara Lee’s resolution to block arms transfers on June 28, the State Department responded by announcing on August 9 that it would send \$1.9 million worth of guns and other equipment to the police, before the elections and presumably before the Senate could vote on the resolution.

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Policy Recommendations to Ensure Fair Elections in Haiti

- Monitor distribution of polling places and delivery of voting cards.
- Review and denounce the Interim Government's attempts to limit the constitutionally-guaranteed right to assembly.
- Insist on the release of all political prisoners, and defend the right of opposition members to register and campaign for office.
- Ban arms transfers to the Haitian police as long as they continue persecuting.
- Demand a climate for fair elections through adequate security and disarmament of paramilitary groups.

There has been much discussion about whether Fanmi Lavalas, Haiti's largest and most popular party, will participate in the upcoming elections. The party's official position has been that the current high level of political repression makes fair elections impossible. Because the international community appears eager to place its seal of approval on elections in November, no matter how unfair, the party is faced with a dilemma. It can either risk legitimizing a patently unfair process by participating in it, or it can refuse to participate and let electees who do not represent the Haitian people run the country for the next 2-5 years. This is truly a choice of two evils, and the fact that the party chooses one over the other does not make either less evil.

What should the United States do about this situation? Passage of Rep. Lee's ban on arms transfers to the police as long as they continue persecuting is a good start. Congress should also inform the Interim Government that it will not accept the results of any elections that are not free and fair, nor will it provide continued financial support unless the persecution stops.

Rep. Waters' proposed amendment to H.R. 2601 provides solid standards for evaluating conditions as the elections approach. It asks for, among other things, adequate security, disarmament of paramilitary groups, and trials or release for the political prisoners.

The following issues also deserve particular attention:

1) *Right to Vote*: Congress should continue to look at the number of polling places, and their distribution. Monitoring is needed to assure that those who have registered actually receive their cards, especially in the poor urban and rural areas. No voting cards have been delivered yet, and when delivery begins, any problems with the delivery system may disproportionately affect the poor.

2) *Right to Organize*: Congress should look at both de jure and de facto attempts to limit the constitutionally-guaranteed right to assembly, starting with next Friday's demonstrations.

3) *Right to Campaign*: Congress should also continue to follow the cases of political prisoners, and insist that they be released from prison and allowed to register and campaign for office. Special vigilance is needed to denounce forms of intimidation of dissident politicians that fall short of actual imprisonment.

It is tempting, when confronted with the complexity of the challenges facing Haiti, to look for shortcuts—accepting expedients not recognized in the constitution or candidates who are only slightly unconstitutional, or having elections for the sake of getting them done. But Haiti's history shows that shortcuts are not the solution to the country's problems, but the cause. In 200 years of independence, nearly every conceivable alternative to constitutional democracy has been tried in Haiti: an empire, a kingdom, foreign occupations and foreign puppets, Presidents for Life, Interim Presidents, "governments of national unity," military dictatorships, paramilitary dictatorships. All have brought increasing misery to Haiti's people.

Haiti needs better things from America than guns, impatience, and double standards. We can help our oldest neighbor with its complex challenges because we have overcome similar challenges ourselves throughout our history. Our Civil War is still the standard by which all political violence in the hemisphere falls short. The struggle to extend equal voting, eating, and transportation rights to all citizens was long, polarizing, and

sometimes violent. Our experience in grappling with these issues should provide valuable experience to share, but should also provide the humility to accept that Haiti's citizens may not always vote, and their representatives not always govern, exactly as we want them to.

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