

The Return

By Brian Concannon, Jr. | July 27, 2006

Say “*the return*” when discussing Haiti, and people who follow events in the country know you are talking about the return of former President Jean-Bertrand Aristide from his exile in South Africa. Mr. Aristide was ousted in a coup d’etat in February 2004, and flown, against his will, in a U.S. government plane to the Central African Republic. He has since settled in South Africa, at the government’s invitation, but has always said he will return to Haiti when the conditions are right.

The conditions are getting closer to right, although President Aristide would now return as a private citizen. President René Preval was elected on February 7 and inaugurated on May 14, 2006. His Ministers were ratified by Parliament on June 7, replacing the brutal and unconstitutional Interim Government that had ruled since the coup.

The prospect of President Aristide’s return generates passionate reactions for and against, in Haiti, but also in Washington and other world capitals. *The return* is usually debated in terms of President Aristide’s likely role in Haitian political life, but the controversy raises two important questions beyond politics—what right does everyone have to weigh in on a private Haitian citizen’s decision to live inside his country or out? And what does the controversy say about the much broader issue of *return*—of the return of full democracy and sovereignty to Haiti.

President Preval is asked about *the return* incessantly by the foreign press, and he gives a simple answer. As he told France’s *Le Monde*, “the decision is not mine to make.” He cites Article 41 of Haiti’s Constitution, which declares that “no individual of Haitian nationality can be deported or forced to leave the country for any reason whatsoever,” and Article 41-1 which adds that “no Haitian needs a visa to leave the country or to return to it.” President Preval affirms that he intends to comply with Articles 41 and 41-1.

Several commentators have stated that President Aristide would have to face possible legal action against him if he returns to Haiti, or if he goes to the

United States. That is true of any citizen in any country, but is independent of the right to come home. Moreover, although the foreign press has reported extensively on criminal investigations against President Aristide in both countries, there are no criminal charges against him. The Interim Government and its allies frequently made accusations of criminal activity against President Aristide to the press, but over the past two years never filed a single one in the Haitian justice system.

The Interim authorities did file a civil complaint against Mr. Aristide and several others in Federal Court in Miami and launched an impressive public relations campaign—including press conferences, Washington briefings, and seminars—to accompany the filing. But they did not pursue the case in court. Eight months after filing the complaint, not a single defendant has ever been served with the complaint (the second step, usually done immediately). A U.S. grand jury has spent two years investigating drug trafficking and money laundering between Port-au-Prince and Miami, and although the “smoking gun” against President Aristide has been announced several times in the press, not a single charge has issued from the courthouse.

Articles 41 and 41-1 should dispose of the discussion of *the return*, but once again Haiti’s Constitution is not allowed the last word. The countries that used their financial and military clout to remove President Aristide back in 2004—the United States, Canada, and France—are now using their diplomatic clout to keep him out. The U.S., once again, is taking the lead,



with its trademark faithfulness to a consistent sound bite. Before the votes from the February 7 presidential elections had even arrived at election headquarters, Acting U.S. Ambassador Tim Carney predicted that the election “is going to demonstrate ... how Jean Bertrand Aristide *is a man of the past.*” Later that week, State Department spokesman Sean McCormack told reporters that Aristide “is in South Africa, and I would expect that he would stay there,” and that “We think the Haitian government should be looking forward to their future, *not to its past.*” Deputy State Department Spokesman Adam Ereli added: “Our understanding is that the government of Haiti is looking forward, not looking back. They’ve got a democracy to build, and *the future is not in the past.* Aristide *is from the past*” (all italics supplied).

This message was echoed far beyond the Bush Administration. Former Assistant Secretary of State Roger Noriega declared that for Preval, Aristide’s return “would be the end of his ability to run the country.” Lawrence Pezzullo, President Clinton’s special envoy to Haiti warned “if [Preval] brings Aristide back, that thing will blow up.” The International Crisis



Jean-Bertrand Aristide. Photo: <http://www.radioaxa.com>

Group added that Aristide’s return “would be a very polarizing and divisive event that could fatally damage the effort to move Haiti forward.” None of these experts even mentioned that it was Aristide’s removal in 2004 that led to unprecedented violence—thousands of deaths—not to mention the reversal of ten years’ hard won democratic progress.

France’s Minister for Cooperation and Development, Brigitte Girardin, visited South Africa in April, and opposing Aristide’s return was high on her agenda for discussions with Foreign Minister Nkosazana Dlamini-Zuma. Canada, France, and even some South American countries buttonholed South African President Thabo Mbeki when he went to Chile for President Michelle Bachelet’s March inauguration, to tell him not to allow Aristide’s return.

The fact that such a broad spectrum of non-Haitian officials and commentators feel they can pressure Haiti’s government to deprive a citizen of his constitutional right to live in his homeland raises an obvious question: how much has democracy actually returned to Haiti, and how much democracy will the international community allow?

There are few, if any, precedents of the world’s powerful countries keeping a former elected president out of his own country, but that level of interference is routine for Haiti. On February 17, 2004, as insurgents took over cities in the north of Haiti, U.S. Secretary of State Colin Powell reaffirmed that President Aristide was Haiti’s constitutional president, and announced that the United States “cannot buy into a proposition that says the elected president must be forced out of office by thugs and those who do not respect law and are bringing terrible violence to the Haitian people.” But twelve days later, Mr. Powell’s State Department forced President Aristide onto a plane, delivering Haiti to thugs who brought terrible violence to the Haitian people—over 4,000 killed, hundreds of political dissidents imprisoned illegally, and a deadly increase in hunger and disease. The United Nations, with a charter proclaiming “respect for the principle of equal rights and self-determination of peoples,” declined the elected government’s request for help before the coup. But within a few hours of President Aristide’s

departure, and on a Sunday morning to boot, the UN Security Council had authorized a military mission to Haiti, not to restore the constitutional authorities, but to consolidate their overthrow. The Organization of American States, which had a newly-minted Inter-American Democratic Charter designed to respond to threats against the democratic order of member states, never once criticized the coup.

If Haiti's former president has trouble traveling into Haiti, its current Prime Minister, Jacques-Edouard Alexis has trouble traveling out. Canada announced in early May that he was barred from the country because his name is on a list of people accused of "crimes against humanity." The Canadian government admits it has no specific evidence against Mr. Alexis. It makes vague reference to the *Carrefour Feuilles* massacre, a police killing of suspected gang members during Mr. Alexis' previous tenure as Prime Minister in 1999. Ironically, Mr. Alexis' government aggressively prosecuted that massacre—several top police officials were convicted of murder and imprisoned—and the UN and human rights groups hailed the prosecution as a major step in fighting large-scale human rights violations. Canada claims to be sorry and to be looking into the matter, but almost two months after the issue was first raised, Mr. Alexis' name is still on the list.

Imagining analogous treatment among the world's powerful countries is difficult: England's Prime Minister Tony Blair pressuring President Bush to restrict former Vice President Gore's anti-war



Protestors in Cite Soleil demonstrate against a pre-dawn military operation executed by UN forces and the Haitian police. Along the route many in the crowd broke into chants and put up five fingers in a gesture symbolizing their call for the return of President Jean-Bertrand Aristide. Photo: www.haitiaction.net.

speeches, because he "*is a man of the past.*" Or the U.S. Ambassador to France warning against the "*divisive*" socialist Parliamentarians who called for a vote of no-confidence against the French government last month. In Canada, lawyers and human rights groups did present extensive evidence of George Bush's responsibility for war crimes and crimes against humanity ahead of his December 2004 visit. Of course the Canadian government declined to invoke its laws barring entry of human rights violators—the very laws it applied to Mr. Alexis—despite the ample evidence for Mr. Bush, and the lack of any for Mr. Alexis.

Haitians have a marketplace expression for double standard—*de pwa, de mezi* (literally "two weights, two measures"), that gets frequent use in discussions about the international community's treatment of their country. Haitians with varying levels of approval for President Aristide's tenure in office agree that his forced exile is yet another example of *de pwa de mezi*—powerful countries that preach respect for

human rights, the rule of law, and national sovereignty declining to apply those principles when they stand in the way of what they want to do with Haiti. So for them, President Aristide's physical return is one part of a broader return of Haiti to a complete democracy, and to a sovereignty respected by the rest of the world. In this broader return, there would be no more need to argue about a former president coming home, any more than there is in the rest of the world.

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