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FIRST QUARTERLY REPORT OF THE SECRETARY GENERAL ON THE SITUATION IN
HAITI IN COMPLIANCE WITH RESOLUTION AG/RES. 2147 (XXXV-O/05)

This document is being distributed to the permanent missions and
will be presented to the Permanent Council of the Organization.

Secretary General's Quarterly Report on the Situation in Haiti October 24, 2005

Introduction:

This is the first report of the Secretary General to be presented to the Permanent Council, pursuant to Paragraph 20 of AG/RES 2147 of 7 June 2005. It describes the current situation in Haiti and discusses the work of the OAS' Special Mission for Strengthening Democracy in that country (Special Mission). The report includes information on the OAS Electoral Technical Assistance Program in Haiti (ETAPH). The document covers the period between mid May and mid October 2005.

Throughout the period, the Special Mission continued to reinforce key institutions responsible for governance, security, justice and human rights. The Electoral Technical Assistance Program in Haiti provided expertise in electoral registration to the electoral process. An OAS special technical advisor worked with the Director General of the Haitian National Police, and a Vetting Team worked to advise MINUSTAH UNPOL members on a vetting program for HNP officers and new recruits, as the handover of responsibilities to MINUSTAH in this area was prepared, pursuant to UN Security Council resolution 1608. In the field of justice, another OAS technical advisor worked with the Ministry of Justice on strengthening the judicial system. An OAS technical advisor also worked with Haitian human rights organizations, providing advice and facilitating outreach events. In Cap Haitien, the Special Mission's office continued to monitor the overall security, human rights, and judicial situation, and provide advice to local human rights organizations and journalists on issues related to the promotion of democracy. Eleven Haitian experts, contracted and financed by the OAS, continue to work in the Prime Minister's Office, the Secretariat for Youth, Sports and Civic Education; the Ministry of Trade, Industry and Tourism, and in the coordination office of the Interim Cooperation Framework.

Secretary General and Assistant Secretary General visits to Haiti:

Secretary General José Miguel Insulza visited Haiti July 5-7, and met with the Interim President Boniface Alexandre, Prime Minister Gerard Latortue, Foreign Affairs Minister Herard Abraham, Justice Minister Henri Dorleans, Minister of Finance Henri Bazin, Secretary of State for Public Security David Bazile and the Provisional Electoral Council. Mr. Insulza also met with the ambassadors of the Core Group that has been closely following the transition, Special Representative of the UN Secretary General, Haitian civil society representatives, political parties and the personnel of the OAS Special Mission. Insulza also paid a visit to the main commanding officers of MINUSTAH troops. The Secretary General was accompanied by the then Assistant Secretary General elect, Albert Ramdin.

The purpose of the Secretary General's visit was to gather information on the electoral process, discuss technical problems and propose solutions with the CEP, and to assure the Interim Government of the OAS's commitment to the process and the mandate of the Special Mission for Strengthening Democracy in Haiti. Throughout the visit, a number of technical and security concerns were raised concerning the electoral process, including that of rendering registration accessible to residents of high risk security zones in the capital, such as Cite Soleil and Bel Air. The Secretary General held discussions with MINUSTAH on drawing up a security plan for these zones, and a

communications strategy to encourage registration. Mr. Insulza also held discussions with the technical teams of both the OAS and MINUSTAH, to discuss technical issues on how to ensure access to registration for inhabitants of remote rural areas.

The Secretary General discussed with government and CEP representatives the issue of how the national identity registry will be managed. The national identification cards produced with the assistance of the OAS will be kept in a database that will be managed by a national civil registry. The General Secretariat is considering possible technical assistance in the transformation of the electoral list to a civil registry.

The Secretary General met with thirteen civil society organizations, including the Group of 184, the Haitian Chamber of Commerce and Industry, a students' organization, and the Centre for Free Enterprise and Democracy. The organizations expressed some concerns regarding possible fraud in elections and asked the Secretary General and the Assistant Secretary General to facilitate a normalization of relations with CARICOM. They emphasized to the Secretary General the role of independent Haitian observers in guaranteeing the legitimacy of the election; the Secretary General agreed to pursue possible OAS support for national observer networks.

Upon his departure from Haiti, the Secretary General gave a press conference at the international airport, in which he expressed cautious optimism regarding the electoral process.

Assistant Secretary General Ambassador Albert Ramdin made a follow-up visit to Haiti, September 25-26, during which he also met with the CEP, the Core Group of ambassadors who are closely following the transition, and members of the OAS Special Mission. Ambassador Ramdin gathered information on the situation of detainees in prolonged pre-trial detention, and urged the authorities to continue their work to find a solution to this problem. Ambassador Ramdin informed the government that such human rights guarantees, as well as a clear and demonstrated commitment to credible elections will contribute to the transition by strengthening democratic governability. The Ambassador gave a press conference at the international airport upon departure, in which he expressed his overall satisfaction with the voter registration process, and underlined the organization's commitment to support CEP efforts to ensure registration of those in more remote rural areas or in sensitive security zones before the close of registration.

Elections and OAS Electoral Support:

Toward the end of the period covered by this report, the Interim Government reiterated its intention to hold elections on time to ensure the investiture of a newly elected Parliament and the swearing in of a new President within the constitutional deadlines. However, various sectors of Haitian society as well as the international community have expressed serious concern regarding the ability of the Provisional Electoral Council (CEP) to ensure timely elections. In light of the slow pace of the electoral preparations and the lack of an official and definitive electoral calendar, the Government called for the creation of a new structure to oversee the preparations of the elections. The setting up of an *elections support committee*, including representatives of the *Conseil de Sages* (Council of Eminent Persons), government and two CEP councilors, seemed to further sway attention away from the actual task at hand: the organization of the elections. The OAS Special Mission met several times with the new Committee to learn of its plans and reiterate OAS support for the elections process currently underway.

A new Director General of the CEP was sworn in in mid-October and discussions were held regarding the creation of the *Comité de Garanties Électorales* (Electoral Guarantees Committee) foreseen in the 2002 Initial Accord. The CEP also modified the 2005 Electoral Decree to eliminate stipulations, such as the intervention of the Supreme Court in cases of appeals, that could further delay the elections. The Government also announced the first installment of 55 million Gourdes (about US\$ seven million) as part of the promised public campaign funding for political parties which provide the required list of 40,000 signatures of supporters. All of these tasks were included in the list of ten essential points to keep elections on track, presented at the New York September Core Group meeting (see below).

During this period, there were slow but definitive signs of progress in the advancement of elections resulting directly from efforts of the CEP. The Council, under much pressure from the Government and international donors, finally managed to formalize its senior structure at Council headquarters with the election of a President and Vice-president. It also decentralized its structure by setting up Departmental (BED) and Communal (BEC) Electoral Offices. The Council published a series of lists of candidates and political parties for the upcoming elections, including a list of forty-five political parties; a list of thirty-two candidates for President, a list of one hundred twenty-four candidates for the Senate, and a list of seven hundred forty nine candidates for seats in the Chamber of Deputies.

At the same time however, the pace of the electoral process seemed again challenged by the presentation to the electoral dispute office of a reported fifteen cases of electoral disputes by various political parties and candidates. It is feared that the creation of a committee charged with the task of investigating the nationality of candidates, an issue that is at the root of several controversies surrounding presidential candidates, could slow the pace of elections preparations. Specifically at issue is the alleged dual nationality of at least four presidential candidates, which is forbidden by the Constitution in the case of both presidential and legislative candidates.

Despite the delays and the on-going challenges to elections preparations, political parties and candidates embraced the electoral process with enthusiasm, and a number of them launched their campaigns at the end of the first week of October with large rallies, public gatherings and the unveiling of campaign platforms.

The OAS-supported registration campaign in itself was seen at this stage by many as one of the few concrete successes to date in terms of organization of the elections, with 3,172,110 citizens, or over 70% of the estimated voting age population, registered as of October 10. Following a sluggish start due to infrastructure and other difficulties, the voter registration campaign made remarkable progress as citizens' access to registration sites was steadily expanded from urban to remote rural areas and security risk zones, with the opening of over 450 offices and the coverage of close to all 570 rural areas known as *sections communales*.

At the request of the CEP, the OAS Special Mission Communications and Public Information Section took on an additional function of providing support to its communications and civic education efforts, particularly where related to the registration process. In order to improve direct communications with the population, the Special Mission organized and directed a very successful National Registration Day with activities in the country's twelve major cities on July 24 and assisted in the organization of Women's Registration Day on July 22. The events, which took place in a festive and carnival-like atmosphere, not only significantly raised registration numbers, but also raised citizens' awareness of

the National Identification Card, created the very first signs of an electoral atmosphere, and swayed media opinion in favor of registration.

In September, when the registration campaign began penetrating the very remote rural areas, the Special Mission adopted a different strategy, establishing throughout the country a local promotion network, to precede or accompany the deployment of mobile registration units in the more remote areas. More recently, following the inauguration of a new registration office in the heart of Cité-Soleil, the Mission launched a local promotion campaign, working directly with its residents, to boost the number of registrations there. These efforts translated into increased numbers of daily registrations and much enthusiasm among citizens.

At the same time, the OAS SM provided technical assistance and opportunities to journalists to improve their electoral coverage skills, in collaboration with an organization supported by USAID. Training sessions were organized in Port au Prince and in the regional capitals with senior foreign journalists brought to Haiti to share their experience in elections. The first sessions took place in June with the visit of a Canadian journalist. Other sessions were scheduled for the end of October. The OAS Special Mission also facilitated visits by journalists to normally inaccessible registration sites, such as the remote rural area of Belle Fontaine, in the commune of Croix-des-Bouquets, department of the West, which is several hours' walk from the capital. Visits to registration sites in high security risk zones, such as Cite Soleil, were also organized, with the logistical support of MINUSTAH. Various interviews were arranged with both international and local media and the Special Mission offered direct support to the preparation of press releases, conferences and general media coverage for the Registration Committee of the CEP. These opportunities resulted in enhanced media coverage of preparations for elections.

The Special Mission also started filming a video documentary on the OAS electoral work in Haiti, in order to provide a visual memory of the efforts deployed on the ground in this 2005 electoral process, specifically regarding the novel registration system introduced by the OAS.

The Mission also worked with human rights and women's organizations to encourage participation in the elections. On 27 May, the Special Mission assisted the Lawyers' Committee on Respect for Individual Liberties (CARLI) in the organization of a public debate on citizens' right to vote, where issues of citizen participation were discussed by Haitian experts. The Mission also financed a meeting on September 10 and 11 organized on La Gonave, an offshore island dependency of Haiti, by the women's organization *Fanm Yo La*. The objective of the meeting was to raise awareness among isolated rural women regarding the importance of women's participation in the elections, and the idea that the elected authorities should be accountable to them and their interests.

The massive voter registration campaign was brought to a close on September 30, but the CEP authorized an extension until October 15 for the rural areas and the security-risk zones of Port-au-Prince, such as Cite Soleil, La Saline, Solineau, and Bel Air, increasing access to disadvantaged citizens in high population-density areas as well as in the country's most remote localities.

The combined efforts of the OAS, the CEP and MINUSTAH to accelerate the openings of registration offices, the organization by the OAS of National Registration Day on July 24 and support for Women's Registration Day on July 22 as well as the publishing and publicizing of the decree making the National ID Card obligatory and complimentary, together generated a peak in population response to registration. The participation of women surged overall, overtaking that of men in three of

the ten Departments, and towards the end of registration, stood at 48.97% of the total number of persons registered. Registration was accepted as a civic duty, and was also welcomed as an opportunity for eligible Haitians to receive an important identification document.

By mid-October, the automated registration process had entered into all three stages: the fingerprint comparison initiated in Haiti in late July had processed over 2.4 million records. Production and distribution of the ID Cards began following the CEP's approval of their design. The delivery process to the electorate was given a gradual, non-publicized start on September 26 to provide an opportunity for evaluation of the method of distribution. In early October, approximately 500,000 cards were delivered to the OAS in Haiti. Plans include a massive month-long distribution, on conclusion of registration, using all of the 2,000 registration personnel. A public information campaign was planned to accompany the massive distribution process.

In spite of the on-going challenges, the international community continued to rally its support for and manifest strong interest in the Haitian electoral process. The deficit in the elections budget, which once stood at US \$22 million, had by early October been reduced to close to US \$4 million. At the June Montreal donors Conference, elections were high on the agenda and included the active participation of the CEP and the organizations providing technical assistance to the CEP. During this period, various international organizations also started arriving in the country to evaluate the possibility of establishing an observation presence for the elections, or to set up long-term observation structures. In this context, the OAS Special Mission provided technical advice and information on the Haitian political and electoral situation to consultants working with the Canadian International Mission of Electoral Evaluation in Haiti and to other observation missions, such as that of IFES.

In mid-September, both the OAS Secretary General and the OAS Assistant Secretary General attended two important meetings in New York on the engagement of the international community in Haiti. The first meeting attended by Secretary General Insulza and hosted by United States Secretary of State Dr. Condoleeza Rice on September 14, brought together the Foreign Ministers of a number of key supporting countries of the Haitian democratization and stabilization processes and several senior OAS officials. The meeting discussed support of the international community for elections, security and long-term stabilization in Haiti. It was acknowledged that, despite continuing difficulties, the security situation had improved over the past several months. The Secretary General of the OAS and the UN Special Representative in Haiti agreed that the two institutions would prepare a list of ten action points for moving forward on the elections (see annex 1).

Several Foreign Ministers also underscored the importance of preparing immediately to support the post-electoral stabilization period in Haiti. Dr. Rice suggested that the OAS might spearhead an "emergency appeal" for funding for this next, critical phase.

The Ministerial meeting of the Haiti Core Group of September 17 included a broader set of participants, including nine countries, CARICOM, the European Union, the International Monetary Fund, the World Bank, the Inter-American Development Bank, the UN Economic and Social Security Council, and notably, the Government of Haiti, headed by Prime Minister Latortue. The OAS was represented by Assistant Secretary General Albert Ramdin. At the meeting, the Haitian Prime Minister endorsed the ten "action points" on the electoral process and agreed to follow up with the Haitian election authorities regarding their performance. The Prime Minister also stressed the importance of an appropriate development plan, and appealed to participant countries to "re-think development" in the country.

The Assistant Secretary General indicated that the OAS expected the Haitian electoral authorities to take on fully their responsibilities and to act on them in a more decisive and timely manner. Likewise, he encouraged the interim Government of Haiti to do everything in its power to support the electoral process, and in particular, to guarantee a proper electoral environment which would entail, at a minimum, the creation of a climate of security and the conditions for an open, inclusive and participatory process.

Overall Situation:

Political Activity:

During his July 5-7 visit to Haiti, the OAS Secretary General met with representatives of a cross section of 19 political parties to listen to their concerns about the electoral process and encourage the parties to mobilize their supporters to participate in the elections.

Weeks later, different sectors of the *Fanmi Lavalas* party decided to participate in the elections, bringing about a fragmentation of the party as it split into several factions. Firstly, Rene Garcia Preval announced his independent candidacy on September 1, and later that he would run with the support of former moderate members of Aristide's administration, and peasant organisations including Lavalas dissidents KOREGA (*Kodinasyon Resistans Grand Anse*) and the National Confederation of Agricultural Peasants forming the *Plateforme de L'Espoir* (Platform of Hope) alliance. Following the last minute decision to register *Fanmi Lavalas*, a hitherto unobserved mixture of moderates, including Gerard Gilles and Rudy Herivaux and Commission of 19 hardliners announced on September 5 that the imprisoned priest Gerard Jean-Juste would be the party's candidate. However, when it became apparent that the electoral authorities would refuse for technical reasons the candidacy of Jean-Juste, Fanmi Lavalas formed an alliance, *Union pour Haiti*, with Marc Bazin of MIDH, a former prime minister under Raoul Cedras, as presidential candidate. Bazin had for several months been calling for the inclusion of Lavalas in the electoral and transitional process, as well as for amnesty for those accused of political crimes under previous governments.

A new party, PONT (*Pou Nou Tous*) was created by former Lavalas State Secretary for Social Affairs, Pierre Richard Pierre, with Aristide's former prime minister, Jean-Marie Cherestal, as its presidential candidate. The Supreme Court overturned the CEP's rejection of Cherestal's credentials, but at the time of writing it was unclear whether Cherestal would appear on the presidential ballot. At the same time, there was some resentment in the popular areas of Port-au-Prince at the refusal to register Father Gerard Jean-Juste as the Lavalas candidate; some groups said they would vote for no other.

In mid-September, the CEP announced its provisional list of 32 approved presidential candidates; these included former presidents Leslie Manigat and Rene Preval. Among those rejected was Dumarsais Simeus, a US citizen and resident entrepreneur who had made an alliance with *Tet Ansamn pou Sovtaj Ayisyen*¹ led by former Lavalassien Dr. Gerard Blot. The Haitian Constitution sets out that any Haitian who becomes a citizen of another country automatically renounces their Haitian nationality. The CEP's decision to reject Simeus was overturned however by the Supreme Court. The Simeus question launched a debate on whether the candidacy of others with dual

¹ "Heads together for the Rescue of Haiti"

nationality should be allowed, and prompted the creation by the government of a special commission, led by the Minister of Justice, to evaluate whether other candidates also have dual nationality.

Throughout the period, other tactical political alliances were formed including one between independent candidate Charles Henri Baker, the former Vice President of the Group of 184 and KOMBA (*Kombit pou Bati Ayiti*), a party that represents the peasant organization *Mouvman Peyizan Papaye*, the oldest and most prominent peasant movement in the country, led by Chavannes Jean Baptiste. The Popular Party of Haitian Renewal (PPRH - *Parti Populaire du Renouveau Haitien*), itself a new party and the result of a merger between Generation 2004, the *Parti Liberal Social Haitien*, and Evans Paul's *Konfederasyon Inite Demokratik* (KID) also formed the *Alyans Demokratik* for the elections.

On June 14, 17 of the major parties, including *Fanmi Lavalas*, signed a Code of Electoral Conduct, pledging non violence and democratic respect of other parties. This was followed up by a Pact of Governance and Stability, in which signatories pledged to respect the results of the elections and accord an official status to the opposition. The Pact was signed by 12 parties, including *Fanmi Lavalas*, on September 27.

Security Situation

Throughout June, the Interim Government came under intense pressure from the business sector and political parties to take decisive action to tackle kidnappings and other violent crimes which moved out of the popular neighborhoods into some areas that had previously been calm. UN Security Council Resolution 1608 strengthened MINUSTAH's mandate, authorizing more decisive action to deal with criminal gangs, and the government appointed a new Minister of Justice and Public Security and a new Police Director General, who both pledged to prioritize the creation of a stable environment for the elections. The OAS technical advisor to the HNP Director General was able to assure a vital link of continuity between the former director and his successor, providing the benefit of over two years' experience advising former directors. In the same cabinet reshuffle, the government appointed a new Minister of the Interior, Paul Gustave Magloire, a new Secretary of State for Security, David Bazile, and a new Minister of Social Affairs, Franck Charles, a Lavalas associate, who was reportedly appointed as a result of negotiations with the moderate sector of Lavalas.

Five people died and four police officers were injured in an arson attack on the downtown Tete Boeuf market. Gun violence in the slums and popular neighbourhoods continued to take a high toll on civilians; the NGO *Medecins sans Frontieres* reported in July that it was treating between 20 and 50 people weekly, including a high proportion of women and children, for gunshot wounds in its Port-au-Prince clinic. In reaction to the situation, in late June, the Inter-American Commission on Human Rights issued a press release expressing its concern and then a month later, in another news release, called on the government to take immediate measures to quell the violence.

Major improvements were noted in the security situation from July onwards. The death of gang leaders Dread Wilme and Emmanuel Coriolan (*Dom Laj*) in MINUSTAH operations in Cite Soleil and lower Delmas in early July brought about a lull in the violence. However, Haitian society was rocked by the assassination in mid July of journalist and poet Jacques Roches, a member of the Group of 184 organization. Roches had been kidnapped on July 10, and police said he was executed only after his kidnappers recognized him and identified him with opposition to Aristide. Aristide

associate, Father Gerard Jean-Juste was arrested at the funeral of Jacques Roches, and was later accused of masterminding the assassination.

Kidnappings continued, but were on a downward trend according to information provided by HNP. One hundred forty kidnappings were reported throughout the months of July, August and September, with 55, 44 and 41 cases recorded for each month respectively. The HNP has reacted by reinforcing its anti-kidnapping unit. The OAS technical advisor to the HNP Director General assisted the HNP in putting together an anti-kidnapping strategy; elaborating an action plan to deal with kidnappings and vehicle thefts. The strategy, which is based around the establishment of check points at entry points to known places of refuge for kidnapping and car theft gangs, is currently in application throughout the capital, with support from MINUSTAH troops. The OAS technical advisor to the HNP Director General is also currently advising the DG's cabinet and members of the Council of Eminent Persons on the creation of a national general security plan.

The HNP also made some new appointments following a cabinet reshuffle in June. Gessy Coicou, a former division Commissioner was appointed Inspector General in Chief and Director of the intelligence unit and former Inspector General Michael Lucius was appointed Director of the Judicial Police. In late July, the appointment of Mario Andresol as the new Director General of the HNP was welcomed by several sectors, as he promised to crack down on crime and create a stable climate for elections. Andresol, a police director during the former government who rose to prominence for his principled stand against drugs trafficking, was placed in isolation by the Aristide government for allegedly plotting against state security.

The HNP also took steps to arrest and dismiss police officers implicated in crime. As in the past, the OAS reminded the HNP of the procedural norms to follow in such cases. Throughout June and July, at least seven police officers were arrested, including the inspector of the Delmas 62 police station and two commissioners, implicated in kidnapping rings and other activities of urban gangs. The police inspector escaped from custody days after his arrest, with the alleged complicity of other police officers; he was later recaptured in Camp Perrin, department of the South, on September 15.

The HNP General Inspection also took steps to investigate the daylight execution of at least nine young men at a football match on August 20 in Grande Ravine, Martissant (see below). A number of police officers remain under investigation over this incident.

On September 23, 778 new HNP graduated in the the 17th HNP Promotion from the Police Academy, increasing HNP ranks by about 15%. The OAS Vetting Team was involved in the selection process and interview of the graduates, who started training in May 2005. The OAS Vetting Team continues to support the HNP's strategic development plan of increasing personnel from 5,000 to 10,000, and is assisting in setting up permanent recruiting offices and regional offices in the departments. The team is assisting the HNP with a recruiting drive across the country, which will involve registration of all candidates, academic exams, physical fitness tests, medical examinations and interviews. It is hoped that the recruitment drive will provide a data base of applicants for the coming twelve months. The OAS Vetting Team will cease operating in December 2005, following UN Security Council Resolution 1608, which handed over vetting responsibility of the HNP to MINUSTAH.

The OAS Special Mission continued to be concerned regarding the situation of overcrowding of police cells and prisons, a phenomenon which is in part due to excessively long pre-trial detention, but also related to infrastructural problems. For example, there are currently 1600 prisoners at the

National Penitentiary in Port-au-Prince, whereas the building has the capacity for far less. The OAS technical advisor to the HNP Director General has advised the new DG on the possible consequences of prison overcrowding, and is assisting the latter in devising a strategy to improve the situation. The Special Mission held discussions with the National Penitentiary Administration and the International Red Cross with a view to improving detention conditions. The OAS Special Mission also funded repairs to the sanitary facilities at the Jacmel prison, a project that is currently underway, and will contribute to an improvement in prisoners' conditions.

Justice

In mid-June, the government accepted the resignation of Minister of Justice and Security Bernard Gousse. Gousse was replaced by Henri Marge Dorleans, a former legal adviser to President Boniface Alexandre. Dorleans set out his priorities as the reduction of lengthy pre-trial detention as well as the reorganization of the Ministry of Justice in order to strengthen the independence of the judiciary. The OAS Secretary General discussed the issue of lengthy pre-trial detention with the Minister of Justice during his visit to Haiti in July and offered the cooperation of the OAS in finding solutions to this problem. In early July, the Minister took initial steps to draw up a plan to reduce the length of pre-trial detention, with a visit to the National Penitentiary. A Ministerial Commission was formed to deal with such detentions, and a series of special hearings were held in September at the National Penitentiary and the Palais de Justice in an attempt to accelerate certain cases. However the OAS Mission noted that most of the cases dealt with in these special hearings were non criminal, when in fact, most of the cases in which the longest pre-trial detentions are observed are criminal cases. The OAS is currently studying a request from the Ministry of Justice to send an official to Canada to observe the functioning of the court that determines legality of detentions.

The issue of the legality of detentions was raised in a human rights context at a public debate on *habeas corpus* procedure on 26 August, funded by the OAS Special Mission and organized by the Lawyers' Committee for the Respect of Individual Rights (CARLI). It was attended by human rights specialists, lawyers and the general public.

The OAS Special Mission also agreed to finance a Documentation Centre within the Ministry of Justice, and held discussions with ministry officials on the modalities for this. The Mission will furnish and equip the centre; it also agreed to facilitate contacts with the Chile based Justice Studies Centre of the Americas (CEJA), (*Centro de Estudios de Justicia de las Americas*), so that Haitian ministry officials may benefit from CEJA's expertise in legal documentation.

On July 6, OAS Assistant Secretary General Albert Ramdin met with former Prime Minister Yvon Neptune at the Annex to the National Penitentiary in Port-au-Prince. Mr. Neptune raised with the Assistant Secretary General his belief that he is the victim of political persecution. Ambassador Ramdin assured Mr. Neptune that the OAS will continue to follow the case against him and raise the OAS' concerns with the Government.

On 14 September, the investigating magistrate in the case of the La Scierie issued an order sending to criminal trial without jury former Prime Minister Yvon Neptune and twenty-nine others, including former interior minister Jocelerme Privert and former Justice Minister Calixte Delatour. They are to stand trial on charges of massacre, murder, arson attacks on houses and vehicles, rape and assault. Thirty four others, including former President Aristide, who were originally charged, were exonerated. The OAS Justice section carried out a legal analysis of the trial order, and noted a lack of

legal rigour and numerous legal errors. The decision to send the case to trial without jury is also questionable, as article 50 of the Haitian Constitution sets out that politically motivated crimes and *crimes de sang* should only be tried by jury – the La Scierie charges fall into both of these categories. The Special Mission justice section also noted that the trial order was not distributed in a timely fashion to those indicted or their lawyers, constituting another serious error of process.

Irregularities were also noted in the arrest and detention of Father Gerard Jean-Juste. He was arrested without an arrest warrant on July 21 at the funeral of journalist Jacques Roche without charges at the time of the arrest. After the arrest, the authorities claimed that he had been arrested in *flagrant delit* for masterminding a kidnapping and murder that took place on and after 10 July, while Father Jean-Juste was outside of the country (he returned to Haiti from the US on July 14.) While efforts have been made by the police to arrest those directly responsible for the kidnapping and murder, there are serious questions about the procedure in this case to establish a link between the assassins of Jacques Roche and Father Jean-Juste.

Finally, two persons accused of involvement in the murders of supporters of Aristide during the de-facto military regime between 1991 and 1994, Joannis Jackson and Louis Jodel Chamblain, were released from custody in June and August respectively. Both were acquitted in April 2004 of the charges relating to the 1993 assassination of Aristide associate Antoine Izmary. Jackson successfully appealed the decision by a judge to send him to trial on charges related to the 1994 murder of Aristide associate Jean-Marie Vincent; he was released in June. Chamblain, convicted in absentia without a jury for his role in the Raboteau massacre in 1994, was released on August 2. His lawyer argued that the Supreme Court's (Cour de Cassation) May 3 ruling to annul the Raboteau convictions which were tried by jury applied to Chamblain's trial, even though his client did not appeal the verdict, nor was he tried by jury. On this basis, the Gonaives first level court ordered Chamblain's release on May 9, but the order was not executed until August 11, because of political controversy surrounding the case.

Human Rights

The human rights situation remained critical throughout the period under review. International and national human rights organizations drew the attention of the government and MINUSTAH to the high toll on civilians of operations in areas under the control of gangs. The Lawyers' Committee for the Respect of Individual Liberties (CARLI) also called on MINUSTAH to carry out an investigation into the deaths of civilians in an operation in Cite Soleil on July 6 which reportedly led to the death of gang leader Dread Wilme. Human rights organizations also denounced an August 10 HNP raid on Bel Air, in which it was reported that five civilians including a pregnant woman were the victims of indiscriminate shooting.

However, the most flagrant and serious human rights violation throughout the period was the broad daylight execution, at an August 20 football match in the Martissant area of Port-au-Prince of at least nine young men who were allegedly identified by police informers as criminals. The victims were hacked to death by machete in front of thousands of witnesses. At least six others were non-fatally shot or injured by machete. Haitian and international human rights organizations have denounced the case to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

The National Network for the Defense of Human Rights also accused the police authorities of cruel and inhumane treatment, in particular the beating and torturing of detainees at the police station in Carrefour, a suburb of Port-au-Prince. Cases of cruel treatment of detainees were also observed by

the Special Mission in Cap Haitien; however, the Mission noted that the police authorities took serious steps to investigate and sanction those responsible.

The Special Mission monitored some of the high profile controversial and political cases including the detention of former prime Minister Yvon Neptune, and Father Gerard Jean-Juste. The Mission paid visits of a humanitarian nature to both to evaluate their detention conditions and their health, and deemed both to be acceptable.

With a view to strengthening local human rights organizations, the OAS Special Mission supported a field visit to Haiti by jurists from the Inter-American Commission on Human Rights (IACHR) from 10-16 July. During the visit, technical training sessions were held with Haitian NGOs on how to submit cases to the Commission. The IACHR also met with the government and human rights groups to gather information on the human rights situation. A number of Haitian human rights organizations have since submitted petitions to the IACHR.

In further work with Haitian human rights organizations, the OAS Special Mission funded seminars organized by the Episcopal Commission on Justice and Peace. Throughout the period under review, the Commission trained rural monitors in the departments of Grande Anse, the Central Plateau, the North East, the South and South East on the themes of human rights and society and human rights and the economy in Haiti. The Mission also worked with the government's Human Rights Ombudsman, funding the salary of a consultant in this office.

In the promotion of women's rights, the OAS Special Mission human rights section worked with the Movement of Haitian Women for Education and Development (MOUFHED) to organize a seminar on the Inter-American Convention, on the Prevention, Punishment and Eradication of Violence against women, a treaty that has been ratified by Haiti. Around 200 delegates participated, representing the government, NGOs and universities. The seminar launched a public awareness campaign on the Convention. The OAS Special Mission also supported the publication in Creole of the periodical *Ayiti Fanm*, a magazine that discusses themes related to women's rights and gender issues.

In the area of children's rights, UNICEF denounced the exploitation of children by criminal gangs as accomplices in crimes including kidnapping. The OAS Special Mission funded a CARLI organized panel debate on 24 June on juvenile delinquency and its impact on Haitian society, with a view to encouraging participants to seek solutions to the exploitation of minors. The Mission is now working with UNICEF, MINUSTAH, the International Organization for Migration and Haitian organizations on a project to urge political parties to pledge respect for children's rights as part of their program.

Socio-Economic Developments

The Interim Cooperation Framework was given a boost by a donors' meeting in Montreal in mid-June; donors committed to projects beyond September 30 2006, reallocating US\$30 m for urgent social projects in water and electricity supply and education. In late July, the World Bank approved a grant of US\$ 38 million for 1,300 community driven small-scale development projects in more than 50 targeted municipalities. However, less than US\$500 million of US\$1.3 billion pledged in Washington in July 2004 had been disbursed by donors. The donors' meeting scheduled in Brussels

for 21-21 October was expected to bring further significant developments in the implementation of projects of the Interim Cooperation Framework.

A July report by the National Food Security Platform, a group of national and international non-governmental organizations, drew attention to declining food production, which meets only half of domestic demand, and the country's increasing reliance on food imports and food aid. Rising international oil prices, which have led to a series of hikes in transport prices, have undoubtedly worsened the lot of Haiti's poor, as they have clearly impacted food prices, resulting in a number of demonstrations in Port-au-Prince calling on the government to address inflation and its impact on the poor.

Critical issues of food, housing and healthcare were raised at two OAS Special Mission funded and facilitated discussions organized by the Lawyers' Committee for the Respect of Individual Liberties (CARLI) on 29 July and 23 September. The monthly panel discussions brought together Haitian specialists to discuss firstly the right of access to healthcare, and then widened the discussion to economic, social and cultural rights. Both events were attended by journalists, students and the general public.

One year after the Hurricane Jeanne disaster which devastated the Gonaives area, floods caused the death of six in St. Marc, and a landslide killed ten in late August in the Riviere Froide area of Carrefour, Port-au-Prince. The Inter-American Development Bank approved a loan of US\$5 million to put in place a flood warning system, and an accord of US\$1.4 m was signed between the UNDP and Haiti for an environmental program.

A workshop on the question of economic development of the border areas of Haiti and the Dominican Republic was organized on October 6 by the Haitian Foreign Ministry, with the support of the Pan-American Development Foundation. The event brought together local NGOs based on the border area, local chambers of commerce, banks, local authorities, students, human rights organizations and the OAS representatives of Haiti and the Dominican Republic. Ambassador Denneth Modeste, Special Representative of the OAS Secretary General in Haiti, encouraged the participants to identify opportunities that can lead to the development of the border regions of both countries.

Conclusions:

Preparations for the 2005 elections are now at their most critical stage and this last opportunity to ensure the transition to an elected government must not be missed. The OAS and the UN, working closely with Haitian electoral authorities in the field, have already identified the ten vital points for action for the electoral process to be assured. The Secretary General therefore urges all parties concerned to adhere to their commitments in terms of executing all ten action points that will allow the process to move forward. The Secretary General commends the Interim Government and the Haitian electoral authorities for their efforts to instate a new management structure for the Provisional Electoral Council. Other essential tasks still remain however, including the establishment of a definitive electoral calendar and the identification of all voting centers and polling stations. Failure to do this could result in the complete loss of credibility of the elections and could seriously undermine voter motivation.

OAS General Assembly Resolution AG/RES. 2147 of June 7, 2005, underscored the "importance of the Transitional Government's effort to deter violence and deal firmly with illegal armed groups...

with full respect for the constitutional and human rights of all Haitians...” It also encouraged professionalization of the Haitian National Police. The General Secretariat recognizes that the HNP lack the full capacity required to effectively apprehend criminals, neutralize threats to national security and maintain law and order in Haiti. Excessive use of force in pursuance of those objectives is not conducive to the promotion of peace and stability. HNP officers responsible for illegal activities and unprofessional behavior must be identified and sanctioned or the institution will forfeit the improvement in public confidence which it has recently gained. The Interim Government must respect the State’s domestic and international obligations regarding human rights; as respect for human rights is vital in the creation of a climate conducive to good elections.

The international community must also start now to gradually shift its focus to a unified post electoral stabilization strategy. This must be drawn up in consonance with the Interim Cooperation Framework, assuring that the Haitian State is an integral part of the strategy’s structure and implementation. The strategy must seek the optimum partnership with Haitian authorities and must aim to strengthen national authorities at all levels.

The OAS must now build on the gains achieved and the infrastructure established in the electoral registration campaign to continue to provide technical support to the CEP and other institutions of the State to create a National Civil Registry. This initiative can be pursued in collaboration and partnership with other agencies of the Inter-American system.

Training is indispensable for the efficient functioning of the national legislative and the municipal and local institutions. Within the framework of the Mission’s mandate to strengthen democracy in Haiti, the OAS can pursue with the Haitian authorities a program of training for members and officials of those critical institutions in a range of areas; including parliamentary procedure, the role of parliament and the municipal authorities in the political process, the role of the opposition in the governance of the country, parliamentary oversight of public expenditure and relations between the legislature and the executive.

The OAS is the primary hemispheric instrument for collective action in the promotion and defense of democracy. However, the organization recognizes that democracy and economic development are inter-linked and mutually reinforcing. Given that social and economic conditions contribute immensely to Haiti’s political instability, OAS member states should play a more pivotal role in facilitating socio-economic development in critical areas such as literacy and economic empowerment of Haiti’s enormous informal sector.

Annex 1

10 KEY POINTS TO KEEP THE ELECTORAL PROCESS IN HAITI ON TRACK:

Timeframe: September 17 to September 30, 2005

Institutional priorities:

In order to perform the urgent tasks required to ensure that elections will take place this year, it is imperative that the Provisional Electoral Council's (CEP) capacity be strengthened.

1. Provide the CEP with an effective executive structure in order to ensure prompt and adequate decision-making capability.
2. Complete an urgent review of CEP professional staff and strengthen and complete the staffing and the CEP organizational structure (IT, Operations, Training, Logistics, Administration).
3. Complete the decentralization of the CEP structure in the country:
 - BEDs (Departmental Electoral Offices) - equip them, finish staffing (support staff).
 - BECs (Communal Electoral Offices) - staff and install them, equip them.
 - Hire, train and deploy lawyers for the BCED (Departmental Legal Appeals Office) and BCEC (Communal Legal Appeals Office).
4. Integrate the registration and electoral structures (related to point #3):
 - retain registration field personnel (supervisors and operators) for electoral operations in BEDs, BECs and voting centers for the upcoming elections.
 - Use existing physical infrastructure for BECs (permanent registration offices); designate other registration offices for voting centers, elections material warehouses.

Electoral preparation priorities:

In order to ensure that elections can take place as scheduled, it is imperative that the following tasks be completed by the end of the month.

5. Confirm the definitive electoral calendar and complete a detailed work timetable.
6. Convene the elections formally on this basis.
7. Publish the provisional list of presidential and legislative candidates; begin and end candidate registration for local and municipal posts.
8. Make a final review of the electoral law and include the following amendments:
 - Shorten the days allotted for legal appeals by stipulating calendar rather than

working days, in order to allow sufficient time for ballot printing between the first and second rounds of the legislative and presidential elections.

- Allow candidates for local elections to register at CEP or their local BEDs, until BECs are installed.
9. Identify all voting centers and polling stations, and distribute the list of these sites to personnel at all registration centers, so that citizens may be advised of where they shall vote when they go to pick up their card.
 10. Pass the decree and identify the resources for public campaign funding; establish the procedures for verifying funding requests.

Other urgent issues:

The CEP should - -

- Put into place an effective communications strategy to keep the public continually informed of developments in the electoral process (weekly press conferences, etc.).
- Put into immediate effect the proposed "Follow-up Committee", composed of CEP, MINUSTAH, OAS and OIF, to monitor electoral preparations.
- Hold weekly information sessions with political parties and civil society groups.