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FOURTH QUARTERLY REPORT OF THE SECRETARY GENERAL ON THE SITUATION IN  
HAITI AND ON THE WORK OF THE OAS SPECIAL MISSION FOR STRENGTHENING  
DEMOCRACY IN HAITI PURSUANT TO AG/RES. 2058 (XXXIV-O/04)

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## BACKGROUND

This fourth report of the Secretary General to the Permanent Council, pursuant to Paragraph 15 of resolution AG/RES 2058 (XXXIV-O/04) of 8 June, 2004, describes the current situation in Haiti, discusses the work of the OAS Special Mission for Strengthening Democracy in Haiti (Special Mission), including the OAS Electoral Technical Assistance Program in Haiti (ETAPH), between mid-March and mid-May 2005. The report also gives a brief overview of the implementation of recommendations made in AG/RES 2058 (XXXIV-O/04).

## WORK OF THE SPECIAL MISSION

Pursuant to paragraph 2 of resolution AG/RES 2058 (XXXIV-O/04), which requested that the OAS Special Mission should assist the Haitian Provisional Electoral Council in the preparation, organization and overseeing of elections, the OAS Electoral Technical Assistance Program in Haiti (ETAPH) has been established in Port-au-Prince. As was mandated, the ETAPH is functioning in cooperation with the United Nations Stabilization Mission (MINUSTAH). In accordance with the memorandum of understanding with the UN, the primary responsibility of ETAPH is to provide technical assistance to the CEP in the registration of voters; voter registration began on April 25.

As set out in Paragraph 8 of resolution AG/RES 2058 (XXXIV-O/04), which reaffirmed the need to continue to work to strengthen democratic institutions and to protect human rights, the OAS Special Mission for Strengthening Democracy in Haiti resumed its work with key institutions. Work plans have been drawn up and implementation has commenced in the areas of security, justice, governance and human rights. Following UN Security Council resolution 1542, which created MINUSTAH, the OAS security mandate was largely assumed by MINUSTAH.

The OAS Special Mission facilitated the recruitment by the Government of Haiti of 21 specialized Haitian consultants to work in various ministries of the interim government to assist with the formulation and delivery of policies.

A technical advisor continued to work closely with the Director General of the Haitian National Police (HNP), consolidating the leadership skills of the latter and bringing about significant improvements in the selection and training of high-ranking officers, including commissioners and inspectors. The technical advisor's work has also developed the HNP's capacity to prepare and execute security operations.

The OAS Special Mission put in place a Vetting Project for the HNP, with financial support and collaboration from the US State Department. Since its establishment, the team has provided an overall recruiting and background investigations plan to senior HNP management. The project has also interviewed 2,200 candidates for the 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup> HNP promotions, including some 400 former military. In many cases, a detailed background check has resulted in the elimination of

candidates with criminal backgrounds or who attempted fraud to enter the Police Academy, a positive factor in gradually rebuilding public confidence in the police institution.

The Justice Pillar of the OAS Special Mission has in the last year carried out an analysis of the training needs of Haitian judiciary officials, including government prosecutors and judges. It has designed a training program based on these needs, which has to date included training for prosecutors with the Mexican Public Ministry in Mexico. The OAS Special Mission has also accompanied the establishment of a network of legal affairs correspondents working in local media. During the period under review, five Haitian provincial judges went to La Serena, Chile, to attend a three week training session on penal reforms from a regional perspective organized by the Universidad del Mar, the Inter American Network of Judges and the Centro de Estudios de Justicia de las Américas.

The OAS Special Mission has also accompanied Haitian human rights and civil society organizations, including the government's Ombudsman's Office, providing them with technical advice as they have adapted to the new challenges of the transition. After a detailed evaluation of their needs, the OAS Special Mission has provided finance for equipment, specialized consultants, and appropriate training for workers throughout the country. A civil society organization active in monitoring human rights in the turbulent and indigent neighborhood of Cite Soleil has benefited from office equipment, and the Special Mission facilitated outreach activities of the Lawyers' Committee on Individual Liberties (CARLI) which aim to raise public awareness on international human rights law. The Catholic Church's Justice and Peace Commission also benefited from grants for training in human rights monitoring, as did the National Network for Defence of Human Rights, (formerly the National Coalition on Haitian Rights, NCHR). It has also provided technical advice to human rights organizations on how to prepare complaints for the Inter-American Commission on Human Rights. Further, the Special Mission has been monitoring, very closely, the situation regarding the cases of members of the former administration, information on which will be addressed in other sections of this report.

Pursuant to paragraph 14 of resolution AG/RES 2058 (XXXIV-O/04), the OAS Special Mission provided special logistical and communications support for two in situ visits to Haiti by the Inter-American Commission on Human Rights; one in September 2004, when it made visits to Gonaives and Cap Haitien. The most recent visit, in April 2005, focused on the administration of justice, and the Commission provided training for government officials on the Inter-American system, including the promotion and protection of human rights with particular emphasis on how to respond to requests for information from the Commission.

In conjunction with the Department of Democratic and Political Affairs of the General Secretariat of the OAS, the SM facilitated the participation of a delegation of three Haitian politicians from different parties in the Caribbean Meeting of the Inter-American Forum on Political Parties in Montego Bay, Jamaica from April 27-29, addressing the particular challenges facing Haitian political parties.

## POLITICAL SITUATION AND ELECTORAL PROCESS

A most positive development was the launch of voter registration in the city of Gonaives on April 25<sup>th</sup>. Political parties also held assemblies, in some cases nominating presidential and other candidates. Given the high number of political parties in Haiti, mergers of some was an encouraging

sign, in particular the merger of three parties to form the Social Democrats Fusion, a party linked to the Socialist International. These developments took place despite continuing serious security concerns, and a wave of kidnappings for ransom. The 24-hour kidnapping of Jean Enol Buteau, General Secretary of the Movement for National Reconstruction, was a matter for concern that was denounced by the Caribbean meeting of the Inter American Forum on Political Parties in Montego Bay.

Encouragement of the electoral process was the focus of the UN Security Council during a visit to Haiti from April 13-16. The Security Council congratulated MINUSTAH on its work to stabilize the country in preparation for elections, and recommended that its mandate be extended. The Security Council also called on the authorities to speed up due process in cases of lengthy pre-trial detention.

An Ad Hoc Advisory group of the UN Economic and Social Council visited Haiti for four days in mid-April, to gather information for its long term plan for Haiti. The Ad Hoc Advisory group declared on departure that its priorities for projects will be in education, environment and infrastructure.

A governmental decree declaring the launch of the National Dialogue was published on 6 April. The government announced the creation of a commission of 12 people to organize the dialogue, which will bring together Haitians of all sectors in all the provinces in the lead up to elections, aiming to promote depolarization and facilitate reconciliation. The National Dialogue format has however not been welcomed by all sectors.

Speaking from South Africa, former President Aristide continued to encourage his supporters to mobilize for his return. The Lavalas Family continued to be ambiguous as to whether or not it will participate in elections, with some of its members calling for a boycott, and others encouraging supporters to register, in case the party decides to participate. Added to Aristide's calls, heeded by many of his supporters in Haiti, the situation of former Prime Minister Yvon Neptune cast a serious shadow over the electoral process. At the time of writing, Neptune entered the third week of his second hunger strike, in protest at the judiciary's failure to respect constitutional guarantees following his imprisonment in June 2004. Lavalas supporters demonstrated several times during the period to demand Neptune's release and that of other pro-Lavalas prisoners who are accused of politically motivated crimes. The outcome of Neptune's situation can be expected to affect the electoral situation.

A Ministerial Meeting on Aid for the Reconstruction of Haiti, convened by the French Foreign Ministry in Cayenne, French Guyana, on March 18, mobilized 782 million Euros for 380 infrastructural and social projects. International donors agreed to relax disbursement procedures to speed up implementation of projects to satisfy the Haitian population's urgent needs. The meeting was a follow up to the July 2004 Donors' Meeting in Washington, in which US\$1.4 billion were pledged.

## SECURITY SITUATION, HAITIAN NATIONAL POLICE (HNP) AND DEMOBILIZED EX-SOLDIERS

Urban violence continued throughout the period under review. The Provisional Electoral Council (CEP) was the target of two attacks in early April, one in which an explosive device was thrown at the building, causing damage to electrical installations, and another in which armed men opened fire on the building during daytime working hours. No one was injured. Armed men also fired on the vehicles of the mayor of the Carrefour neighbourhood of Port-au-Prince, Gerard Mathieu, on March 28. During the same period, bandits set fire to the popular downtown Croix des Bossales market, causing extensive damage. The non-governmental organization Médecins sans Frontières reported in April that it treats about 100 victims of gunshot wounds per month at its Port-au-Prince clinic.

MINUSTAH troops also suffered casualties in the urban violence; on April 14 a Filipino soldier was shot dead as he patrolled in Cite Soleil.

HNP officers continued to be the target of attacks by demobilized ex-military and gangs; the prisons administration reported the murder of four of its officers since an incident on February 19 when a commando unit stormed the prison and released hundreds of detainees. A police officer guarding the residence of Justice Minister Bernard Gousse was shot dead on March 22, and on March 28, two officers and a security guard were shot dead in an ambush in the Delmas neighbourhood of Port-au-Prince. The murder was allegedly the work of an alliance between the self-proclaimed demobilized soldiers' leader Remissainthe Ravix, and of former Lavalas militant Rene Jean Anthony (Grenn Sonnen).

Following the serious spate of gun violence that rocked several neighbourhoods of the capital late March /early April, HNP carried out an operation to arrest Remissainthe Ravix and Rene Jean Anthony over the weekend of April 9/10. The operation resulted in a shoot-out and the deaths of Ravix and Anthony, which brought a lull in the violence in the city.

In other incidents, on March 20, MINUSTAH forcibly dislodged former military occupying the police station in Petit Goave, resulting in the deaths of one MINUSTAH soldier. The same weekend, a further MINUSTAH soldier was killed in the Central Plateau by members of the former Armed Forces of Haiti (ex-FADH), in reprisal for the Petit Goave incident. Also in the Central Plateau, an announcement by ex-military leader Joseph Jean-Baptiste that his group would disarm did not materialize, as there was tension between the ex-FADH and the HNP and MINUSTAH after arrests of ex-FADH on April 25.

Throughout the month of April, there was a spate of kidnappings of high profile individuals, including a prominent cardiologist, school directors, Jean-Enol Buteau, general secretary of the Movement for National Reconstruction, a Russian civilian employee of MINUSTAH and an unnamed HNP officer. This phenomenon has also been observed in Cap Haitien. Most kidnapping victims were released on payment of ransoms, with some managing to escape or be released by the police with the assistance of MINUSTAH. Former victims' accounts suggested that some HNP officers may be involved in some kidnapping activities. The interim government declared that kidnapping will be a crime punishable by life imprisonment, and the HNP anti-kidnapping unit stepped up its actions to apprehend those involved in such acts. By mid May, over thirty arrests had been made of individuals

implicated in kidnapping, including that of one active police officer arrested in connection with kidnappings in Cap-Haitien.

## HUMAN RIGHTS AND THE ADMINISTRATION OF JUSTICE

The detention of former Prime Minister Yvon Neptune continued to be a cause of major concern, with a sharp divide between the international community and the Haitian authorities on the issue. The former has called for a prompt fair trial for Mr. Neptune, or his immediate release, while Haitian authorities insist that the investigating judge is the only person with any authority to order a release or continued detention. OAS Acting Secretary General, Luigi R. Einaudi, expressed the view that the case of the former Prime Minister poses a fundamental and political threat to the evolution of events in Haiti and also expressed concern regarding the health and the general situation of Mr. Neptune, as the latter entered into the third week of his second hunger strike. After almost nine months in prison, the authorities took Mr. Neptune to the Court in St. Marc for the first time, in violation of the Constitution, which sets out that a Judge must rule on the legality of an arrest within 48 hours. However, the hearing did not take place as the Judge had not summonsed the defendant that day, neither had Mr. Neptune been given any time to prepare a defence. At the end of April, in response to a rapid deterioration in Neptune's health, the government proposed that the former prime minister should be transferred to the Dominican Republic for medical attention. Mr. Neptune refused to be evacuated without charges against him being dropped; he has vowed to continue his hunger strike if this condition is not met. On May 4<sup>th</sup>, the Acting Secretary General proposed to the Permanent Council that a mixed Haitian-international commission, consisting of a Haitian jurist, an international jurist and a forensic expert, should be formed in order to break the impasse in the case, in the hope that both the Government of Haiti and Mr. Neptune would accept. The Inter-American Commission on Human Rights also expressed concern regarding the case, and at the lengthy pre-trial detention of the majority of other prisoners in the country. Other defendants in the case of La Scierie were brought before the investigating Judge for the first time after several months' imprisonment. Former Interior Minister Jocelerme Privert and former Lavalas deputy Amanus Mayette were taken to St. Marc with a few hours' notice, failing to provide sufficient notice for them to ensure the presence of their lawyers. The latter complained to the Special Mission that his prolonged illegal detention was preventing him from presenting his candidacy and campaigning in the elections. As of the preparation of this report, communications continue, but there has been no formal response from the Government or Mr. Neptune.

The Supreme Court overturned 14 convictions in the Raboteau case, a 1994 massacre in a poor neighbourhood of Gonaïves in which 37 former military and paramilitaries were found guilty and convicted in 2000 in a high profile trial that benefited from extensive international technical assistance in the preparation and forensic investigations. The Supreme Court overturned 14 of the convictions on the grounds that the defendants were found guilty by a jury. The Court maintained that the trial should have been held without a jury, citing a 1928 law that is at variance with the 1987 Constitution, which sets out that all murder cases (*crimes de sang*) must be tried by jury. The Court ordered the release of the 13 men (one having died in prison.) However, the original charges against the 14 have not been dropped, and the Court has ordered a retrial. Progress in the retrial will be a barometer of the authorities' real commitment to ensure justice for the victims and their families in this case.

Throughout the period under review, both the Inter-American Commission on Human Rights and the UN independent expert on Haiti, Louis Joinet, expressed concerns about the practice of lengthy pre-trial detention in Haiti. During the visit of the former in April, the Commission observed that of 1054 detainees held in the National Penitentiary, only nine had been tried and convicted. Haitian human rights organizations also charged in mid-May that none of those held in the prison in Petionville had been convicted.

Haitian human rights organizations decried loss of life of innocent civilians in police operations. On April 27, nine people were shot dead when police opened fire at a pro-Aristide demonstration. There were contradictory versions, but the Lawyers' Committee for the Respect of Individual Liberties (CARLI) reported that the demonstration was infiltrated by armed individuals and that the police fired into a crowd, killing some unarmed people. Journalist Robenson Laraque died in hospital in Cuba on April 4, after being caught in crossfire in the armed confrontation between MINUSTAH and former military in Petit Goave on March 20. The HNP was also criticized for excesses in operations to apprehend kidnapping suspects. The OAS Special Mission also raised with police authorities a situation in St. Raphael, North, where the presence of unofficial police attaches has been observed. At the same police station, the SM noted three individuals accused of crimes who were held irregularly in police cells for 43 days; during this time they reported being severely beaten by HNP.

## ELECTIONS

Preparation for elections in Haiti continued, albeit at a slow pace. Against the backdrop of conjecture and rumors that the elections would certainly be delayed, key figures such as the Interim Prime Minister and members of the CEP came out to defend the electoral calendar and underscore the determination to hold elections on time.

The most important advancement during this period was the launching of voter registration on April 25 in the city of Gonaives, Department of L'Artibonite, a location chosen by the CEP for its national symbolism as the birthplace of Haitian independence. To date, thirteen registration offices have been successfully opened across the country, with at least one office opened in each provincial capital and some rural localities, which together will cover registration for close to 20% of the voting-age population. The CEP has expressed general satisfaction with the development of the process in the centers that are already functioning and reports from the media have been favorable. In support of this process, the Electoral Technical Assistance Program of the OAS in Haiti (ETAPH) has been working intensely to deploy the necessary equipment to the sites, train the required registration personnel that are being recruited by the CEP for the process, and follow registration activity in the field to ensure smooth technical operations.

Registration centres have reported very few technical problems. The rate of registration in operating centres is good, despite there having been little available public information on the process, since the CEP launched its information campaigns only on May 16. Equal participation by all age groups has so far been noted. However, less than 25% of those registered so far are women. The OAS Program has raised this publicly, and encouraged companies contracted by the CEP to conduct public information campaigns to promote greater participation by women.



The OAS plan, adopted by the CEP, was designed to provide the Electoral Council with the field capacity to register up to 4.4 million voters over a 4-month period, with approximately 400 registration centers operating around the country and the possibility of opening additional centers over time, if necessary. Haitian electoral law puts the deadline to complete registration at August 9, 2005, a full two months before the first elections, which are municipal elections, scheduled for October 9th. With registration beginning at the end of April, the time available for registration has been reduced to a little over three months, with the majority of sites still unopened around the country.

This slow pace of center openings is due to delays primarily in preparing infrastructure, the lack of adequate security personnel to provide static security to sites, and the lack of sufficient personnel for operations. The CEP has set up a Security Commission, and MINUSTAH, through the support of UNOPS, has been working on preparing a security service for the registration period and the elections themselves, principally through the recruitment of "Electoral Security Agents". In the meantime, basic security needs for the current registration sites are temporarily being covered by MINUSTAH-military, CIVPOL and HNP. Definitive security plans and the scope of coverage will depend on the financial resources ultimately available. UNOPS has also been sub-contracted to assist the CEP with preparing adequate infrastructure for the registration centers, many of which will later be used as departmental and communal electoral offices.

The CEP, after a slow start, has accelerated recruitment of registration personnel. The OAS ETAPH has, in the interim, adjusted its equipment deployment plan to provide additional equipment for the opening of more registration posts in the larger registration centers, thus enabling registration of more persons in less time at those centers, while awaiting the opening of more registration sites. The OAS Program has also been working closely with the CEP and the UN to draw up a list of priority sites for the next center openings, which will be set up in the areas of highest population density to cover the largest pockets of citizens to be registered, while also working towards an accelerated opening of smaller centers in the less densely populated areas to provide equitable access to registration to those in more remote and sparsely populated locations. Finally, the OAS Program was satisfied to note that the civic education and public information campaign was launched on May 16.

The OAS ETAPH is currently participating in daily meetings with the CEP and the UN in order to get voter registration fully off the ground. Local representatives of the international donor community have also expressed their strong interest in frequent meetings with the CEP and the technical support organizations in order to obtain up-to-date information on the process and the challenges and to further support the electoral process in Haiti.

The elections budget itself has been an important issue requiring full collaboration among partners during this period. Together, the executing organizations worked extensively with donor countries and institutions on reviewing and detailing the budget, which marked an increase from US\$44 to 61m, required for additional costs in security, civic education, infrastructure, ground transportation, and information technology equipment, under-budgeted in the original budget projections or which became more costly as the time available for registration and the preparation of elections themselves became shorter. On May 12 a project document for the management of elections funds by the UNDP was signed by Prime Minister Latortue, the CEP, and the local heads of OAS, UNDP and MINUSTAH. The document is an updated version of the January 10 project, to include

the revised \$US60.7m budget and acknowledge the deposit of the EU contribution of 10 million Euros.

The ETAPH met during this period with three Canadian consultants, sent on elections-related missions to Haiti to evaluate the developing situation. Mr. Ron Gould was specifically charged with the task of examining, reviewing, and reporting on the elections budget situation and the overall electoral process. Mr. Gould recommended that voter registration and the issuance of National Identification Cards be highly prioritized. Since Mr. Gould's report, various government entities involved in the registration of citizens and the issuing of ID cards, together with the CEP and assisted by the UN and the OAS, have already drafted and submitted to the Council of Ministers for approval, a decree denoting the ID Card referred to in the electoral law as an obligatory document, and specifying its additional use (other than for voting) for everyday civil, political and commercial activities. The adoption of this decree would be of great significance for the registration process, since the possibility of obtaining, free of charge, a durable, reliable and multi-purpose identification card would be an added incentive for many to register.

## CONCLUSIONS

The performance of the transitional government will be evaluated primarily on the credibility of the elections, scheduled for October and November 2005. An essential condition for acceptable elections is the creation of an enabling environment that will assure the population that they could go to the polls without hindrance or fear. The government needs to develop a comprehensive security plan that would provide a reasonable level of security for the elections. Progress made so far in the registration of voters is an encouraging sign, however the pace of registration centre openings must be sharply accelerated if the CEP is to meet the August deadline for the conclusion of registration. The Secretary General reiterates the commitment of the OAS to the process and calls on the CEP, UN, as well as the Government—to work together to eliminate as quickly as possible the existing obstacles to increasing the pace of voter registration center openings and thus accelerating the registration process. It is imperative that collaboration among the key partners conducting and/or supporting the registration process continues to be strengthened in order to get voter registration fully off the ground.

The transitional period provided a unique opportunity to break with the practices of the past and to build a judicial system upon the foundation of the Constitution of Haiti and key Inter-American and international civil and human rights instruments. The Secretary General reiterates his concern at the persistent phenomenon of lengthy pre-trial detention and other practices that amount to flagrant violations of human rights in Haiti.

Finally, the economic situation that still adversely affects the lives of the majority of Haitians is a matter of grave concern. The Secretary General reaffirms article 11 of the Inter-American Democratic Charter, which proclaims that democracy and social and economic development are “interdependent and are mutually reinforcing.” It is in the spirit of this declaration, the Secretary General calls once again on donors to honor their pledges made in Washington in 2004 and again in Cayenne earlier this year, and to speed up the disbursement of vitally needed funds for development projects. At the same time, he calls on the Government of Haiti also to take necessary and required steps to facilitate the disbursement of funds by putting in place whatever procedures or mechanisms are necessary to meet the requirements of the international donor community.

In keeping with the mandates of the General Assembly and the Permanent Council, the General Secretariat will continue to make available to the Government and people of Haiti all necessary and available resources to foster the full restoration of democracy in Haiti.