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December 30, 2009

Ban Ki-moon  
Secretary General  
United Nations  
First Avenue at 46th Street  
New York, NY 10017

Dear Secretary General Ban Ki-moon,

We, the undersigned lawyers and Professors of Law, are concerned with the administration of the upcoming 2010 Parliamentary elections in Haiti. Haiti's Provisional Electoral Council (PEC) has excluded 15 political parties from the elections without providing adequate legal justification. This exclusion violates voters' rights guaranteed by both domestic and international law. We encourage the United Nations (UN) to refuse to participate in these illegal elections and to withdraw all of its financial and other support unless the PEC agrees to conduct elections that comply with the law.

The 1987 Haitian Constitution and binding international instruments – including the UN's International Covenant on Civil and Political Rights (ICCPR) and the Organization of American States' (OAS) American Convention on Human Rights – guarantee the right to vote in free and fair elections. Senate elections held earlier this year in Haiti illustrate the devastating effect that unjustified exclusion of legitimate parties can have on this basic guarantee. In April 2009, the PEC disqualified several political parties from the elections, financed in-part by the UN, which led to a widespread popular boycott.

The UN and other members of the international community abandoned principled objections to the flawed elections of 2009 and should not make the same mistake again. Statements by government officials have failed to provide an adequate justification to support the exclusion of the 15 political parties. Further, the PEC lacks Constitutional legitimacy to make such a decision. The provisional Council, made up of members hand picked by President Préval, is not the independent Permanent Council that the Constitution requires.

The UN continues to remain silent in the face of this violation of Haitian voters' rights. Political parties from across the spectrum as well as civil society and human rights groups have denounced the exclusion as illegal. By continuing to finance and support exclusive elections, the UN is complicit in a severe violation of Haitian voters' rights. Moreover, direct support provided by the UN Stabilization Force in Haiti (MINUSTAH) for the elections runs counter to MINUSTAH's mandate to "promote an all-inclusive political dialogue" and assist in the administration of "elections

consistent with Haiti's constitutional and legal requirements." *See* S.C. Res. 1892, U.N. Doc. S/RES/1892 (Oct. 13, 2009).

UN support for seriously flawed elections in Haiti would undermine the UN's founding principles of respect for equal rights and self-determination of all peoples. As lawyers and professors, tasked with upholding and teaching the law, we would be troubled to see the UN disregard the very principles it is responsible for defending. The UN should take urgent and immediate action to advance Haiti's nascent democracy and development. The citizens of Haiti deserve nothing less.

Sincerely,

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