

AFFIDAVIT OF Expert

I, **Expert**, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge.

1. I do not recall having ever met XX, YY in person. This affidavit is based on my review of Mr. YY's Asylum Affidavit. I am familiar with the broader context of Mr. YY's application for asylum, including the history of political violence in Haiti, especially violence committed against supporters of the *Lavalas* political movement and President Jean-Bertrand Aristide, including violence committed following the 2004 coup d'état, as well as the current security and human rights conditions in the Haiti.
2. I am not familiar with the *Organization*, but from Mr. YY's description it seems typical of local grassroots groups in Haiti. These organizations often, although not always, support the *Lavalas* movement or the *Fanmi Lavalas* political party. These groups typically focus on neighborhood projects and/or political advocacy through radio programs and street demonstrations, and therefore they often do not leave a significant written record.
3. A party affiliated with the *Lavalas* movement has won every election in Haiti it has contested since 1990. This electoral success has been met with brutal repression. In September 1991, a coup d'état overthrew President Aristide, and ushered in a 3-year dictatorship, known as the *de facto* regime. The dictatorship and its paramilitary allies, especially the Front for the Advancement and Progress of Haiti (FRAPH) killed an estimated 5,000 people, beat or raped tens of thousands more, and forced hundreds of thousands into hiding in Haiti or abroad.
4. Although democracy was restored to Haiti in 1994, a group of insurgents opposed to the *Lavalas* movement, comprised mostly of former soldiers and of paramilitaries from disbanded death squads, commenced armed attacks against Haiti's elected government and its civilian supporters in 2001. These attacks included coup attempts, attacks against police officers, assassination of government supporters and the destruction, often by arson, of the property of the government and its supporters. Some of these attacks were carried out by isolated civilians, some by a group of insurgents, most of them members of Haiti's demobilized army, which was based across the border in the Dominican Republic.
5. Haitian society in general became increasingly polarized. People who had tried to remain neutral were increasingly forced to choose a side—both camps adopted a "you are with us or you are against us" attitude. Members of the opposition openly called for the forced removal of President Aristide. Violence against *Lavalas* supporters increased. Many of the political opponents of *Lavalas* began resorting to violent provocations of the police, or violent attacks against the government and its

supporters. In many cases, houses were attacked and their contents ransacked and even burned. In 2003 a prosecutor I worked with had his house burned down, by government opponents. Two of our clients, both poor, had their houses burned because of their support for *Lavalas* in 2003.

6. One of the principal flashpoints for political conflict at this time, and in general throughout the last 20 years in Haiti, has been jobs at state-owned enterprises. There is no civil service system in Haiti, so the large majority of government jobs are political: obtaining the positions usually depends on political connections, and people holding the jobs are presumed to be government supporters. This was especially true at TELECO, the national telecommunications company, and ONA (*Office Nationale d'Assurance Vieillesse*).
7. Even management of the state-owned enterprises is political. Employees often successfully advocate for the dismissal of top management, on competency, honesty or political grounds. I am not familiar with *Organization*, but from Mr. YY's description it seems typical of a public employee organization.
8. President Aristide's appointments during his second term were particularly controversial. He provided many jobs to young men from poor areas such as neighborhood in TELECO and other state-owned enterprises. President Aristide justified the appointments as a way to keep young men off the street and give them hope during a time of economic difficulty. His opponents claimed he was buying the loyalty of the men, and of neighborhoods like .
9. In February 2004, the insurgency began a major campaign, attacking and taking cities and towns in the north of Haiti. Each time the insurgency attacked a city, it released all the prisoners held in jail, some of whom joined the insurgency. Often the insurgents executed police and other officials, and prominent supporters of the elected government or *Lavalas* party. The insurgents publicly declared that they would kill *Lavalas* supporters and officials and police who would not join them, and they have made good on that promise.
10. Eventually, the insurgents took over all of Haiti, culminating in the ousting of President Aristide, who was again forced into exile on February 29, 2004. The elected government was replaced by an unconstitutional interim government, which unleashed another wave of repression against the democracy supporters, especially the *Lavalas* movement. Although the arrival of international forces eventually limited their activities, they were never systematically disarmed, demobilized or prosecuted.
11. Many of the insurgency's leaders were previously implicated in human rights violations against the *Lavalas* movement during the 1991-1994 *de facto* dictatorship. For example, Jodel Chamblain was the second in command of the *FRAPH* death squad. Jean Pierre, alias Tatoune, was a local *FRAPH* leader in Gonaives. Both had been convicted for murder in the Raboteau trial in 2000.

12. The insurgents worked closely with less organized groups. They found some allies in the prisoners they released from jail. They also worked with local political groups, which often provided informants to show the insurgents the homes of suspected *Lavalas* and Aristide sympathizers. Sometimes political groups carried out their own attacks, under the insurgents' protection.
13. Violence in Haiti during the two years following February 2004 has been well-documented, by Amnesty International, teams from Harvard and the University of Miami Law Schools, Refugees International, the Committee to Protect Journalists and the International Crisis Group, among others. All of the reports identify perceived support of *Fanmi Lavalas* as a significant risk factor for being targeted.
14. The persecution of *Lavalas* supporters included mass killings. The Port-au-Prince morgue reported disposing of over 1,000 bodies in March 2004 alone, many bearing signs of summary execution. A mortality study for Port-au-Prince published in *The Lancet* indicates the overall scale of the violence. The study calculated that over 8,000 people were killed in the first 22 months of the Interim Government of Haiti (IGH) (March 2004-December 2005), almost half of them for political reasons, and that there were high levels of assault, especially sexual assault, and destruction of property. Human rights groups like Amnesty International documented a pattern of illegal, politically-motivated arrests and detention of activists, especially *Lavalas* supporters. Dissidents were routinely arrested without a warrant and kept in jail without a hearing and without access to the courts.
15. The persecution of *Lavalas* supporters also included attacks on homes by armed men, especially in the first half of March 2004.
16. The institutions that should have protected Haiti's citizens from political violence were actually major contributors to the problem. The persecution included torture by both the insurgents, who often mutilated their victim's bodies before killing them, and the police, who used torture as an interrogation technique. The persecution was carried out by a wide spectrum of *Lavalas* opponents, including the insurgents in areas they control, Haitian police, and even top government officials such as the Minister of Justice. *The Lancet* study calculated that police officers were responsible for 27% of the killings, and 20% of the assaults during the study period.
17. The Haitian police force was sharply reduced after February 2004, because many officers considered loyal to the ousted constitutional government were killed or purged. The purged officers were replaced with an influx of former soldiers, many of whom had participated in the rebellion. This replacement violated police regulations for recruitment and promotion. It also swelled the force with a large number of officers with no civilian police experience or training, who were not accountable to the official police hierarchy or rules.

18. Neither the police nor the judiciary effectively investigate or prosecute political killings and other politically-motivated crimes in Haiti. Although the government has made arrests in some high profile incidents, in most cases these arrests were illegal, and no evidence has been presented against the accused. In the one case where an adequate investigation was done—the August 2005 football game massacre—the police implicated in the killings were released. As a result, the justice system provides almost no deterrence to would-be political killers.
19. The court system has often been an instrument of repression instead of a protection against it. The IGH forced out many judges, and replaced them with hand-picked successors, willing to obey the government's whims rather than the rule of law. The most notorious example happened in December 2005, when the Prime Minister fired five Supreme Court judges who had issued an unfavorable ruling, and replaced them with his own candidates.
20. The IGH also systematically fired employees at state-owned enterprises, including ONA and TELECO, that it considered *Lavalas* loyalists.
21. In 2006 Haiti held elections and inaugurated an elected President and legislature. This democratic transition arrived without widespread violence, and the human rights and security conditions in Haiti did subsequently improve. But several dangers for *Lavalas* supporters have survived the democratic transition.
22. **The first remaining danger** for those believed to be *Lavalas* supporters is the fact that the perpetrators of past anti-*Lavalas* persecution remain at large. The IGH or the rebels freed every person imprisoned under the democratic governments in connection with human rights violations in February and March 2004. The insurgency's leaders—including those who were implicated in human rights violations against the *Lavalas* movement during the 1991-1994 *de facto* dictatorship—are at large. This includes Jodel Chamblain, the second in command of the *FRAPH* death squad, and Jean Pierre, alias Tatoune, a local *FRAPH* leader in Gonaïves before 1994. Both were convicted for murder in the Raboteau massacre trial in 2000. Mr. Chamblain even ran for the House of Deputies in 2006.
23. Guy Philippe, the rebels' leader and former soldier, set up a military base that he later converted to a political party, the FRN (National Reconstruction Front). Although he apparently provided a few token weapons to a UN disarmament program, he and his soldiers are believed to retain significant weapons. The U.S. Drug Enforcement Administration attempted to arrest Mr. Philippe in Haiti in July 2007, and again on March 25, 2008. Mr. Philippe's ability to elude two DEA arrest operations indicates that he has extremely good allies within the Haitian National Police. In an interview published in March 2007, Mr. Philippe admitted that some of his former soldiers are still in the police force. Mr. Philippe ran as a candidate in the 2006 Presidential elections.

24. Franck Romain, a Duvalierist and former mayor of Port-au-Prince, spent 16 years in exile fleeing formal charges that he masterminded the 1988 “St. Jean Bosco Massacre.” St. Jean Bosco was the church of Jean-Bertrand Aristide at the time, and the focal point for organizing what subsequently became the *Lavalas* movement. On September 11, 1988, thugs reportedly under the control of Mr. Romain attacked the church during a mass celebrated by Fr. Aristide, killing many of his supporters and destroying the church. Mr. Romain ran for President in 2006..
25. The former insurgents and their allies were never systematically disarmed, so they retain their ability to strike at their enemies. Although the UN Peacekeeping Mission proposed several disarmament programs, none of them led to significant disarmament of the former insurgents. Those who persecuted *Lavalas* supporters during the IGH’s reign have not been disarmed or pursued by the police for their crimes. In many cases, they continue to intimidate, threaten, attack, and even kill *Lavalas* supporters and activists.
26. **The second remaining danger** for those believed to be *Lavalas* supporters is the unreliability of the police force, and a high level of criminality within the force.
27. The police force’s Director General, Mario Andresol, publicly conceded that a quarter of his officers might have been involved in criminal activities. The head of the Judicial Police, Haiti’s main investigative unit, Michael Lucius, was fired and arrested in November 2006, for his involvement in kidnappings. He was released in December, 2007, against the protest of the judge who issued the original arrest order.
28. In February 2008, Human Rights Watch issued a report finding that “police lawlessness continues to contribute to overall insecurity. The PNH is largely ineffective in preventing and investigating crime. PNH members are responsible for arbitrary arrests, as well as excessive and indiscriminate use of force. They also face credible allegations of involvement in criminal activity, including drug trafficking, as indicated by the arrest of five PNH officers in a cocaine seizure in May. Although the PNH has participated in some training sessions, the police continue to suffer from severe shortages of personnel and equipment. Police perpetrate abuses with impunity.”
29. On July 10, 2008, the head of the investigative police of the Northern Department of Haiti, Darnley Louis Jean, was arrested for participating in kidnappings in the area. An arrest warrant was issued for one of his subordinates as well.
30. The police force’s capacity was further reduced by the earthquake. The main police headquarters and several police stations were destroyed, and many officers were killed.
31. The police are unable to stop politically-motivated violence at the local level, especially against *Lavalas* supporters. Police often do not investigate reports of

persecution, and there is little deterrence against politically motivated attacks and killings by these groups.

32. **The third remaining danger** for those believed to be *Lavalas* supporters is the justice system, which still contains prosecutors and judges placed there by the IGH, including the illegal Supreme Court justices. These judges have demonstrated a willingness to continue persecuting *Lavalas* activists. Although some *Lavalas* political prisoners have been released since the return of democracy, many remained in prison until the January 12, 2010 earthquake. Although the judiciary has kept political prisoners in jail, it has made no effort to recapture any of the people convicted of persecuting *Lavalas* supporters during the *de facto* dictatorship or other period.
33. **The fourth remaining danger** for those believed to be *Lavalas* supporters is Haiti's politics, which continue to be hotly contested, unpredictable, and potentially dangerous.
34. On October 29, 2009, the Haitian Senate voted a "no-confidence" measure, which led to the automatic resignation of the Prime Minister Pierre-Louis. A new government was installed within two weeks, but that is the fifth government in five years in Haiti.
35. Elections for 1/3 of the Senate in April and June of 2009 were controversial, after the Provisional Electoral Council disqualified the *Fanmi Lavalas* party on a technicality. FL called for a boycott of the elections, which was mostly respected- the official participation rate was low enough -- only 11% -- but most observers believed the actual rate was below 5%. But the electoral council certified the voting anyway, and the winning senate candidates have been installed.
36. Additional elections for 1/3 of the Senate and all seats in the lower house of Parliament were supposed to be held in November and December 2009, but the electoral council entrusted with running them was not named until October. Those elections were scheduled for February 28, 2010, but were postponed because of the earthquake. The electoral council had announced that fifteen parties, including *Fanmi Lavalas*, would be excluded from the February elections.
37. In May, June and July, there were weekly demonstrations throughout the country organized by groups from across Haiti's political spectrum, calling for a new electoral council to run the next elections, scheduled for November 28, 2010. Those elections are now much more important, as they will be for the entire House of Deputies, 1/3 of the Senate, and President.
38. The upcoming elections, combined with frustrations left over from problems with the 2009 elections, pose a risk of political violence. If *Lavalas* is excluded from the 2010 elections, it is likely that party supporters will respond much more forcefully than they did to the exclusion in 2009. Several party supporters have told me that they felt they gave peaceful opposition a chance in 2009, but the government's insistence on

recognizing the election results anyway demonstrated that more disruptive tactics are necessary.

39. If *Lavalas* is not excluded, there is a good chance that the party will win most of the seats that are at stake. If that happens, *Lavalas* opponents are likely to take aggressive steps, both legal and illegal, to prevent *Lavalas* from exercising power. This could lead to a violent response from *Lavalas* activists.
40. It is likely that politics in Haiti will become even more hotly contested in the coming months and years, due to the anticipated return of former President Jean-Bertrand Aristide, currently in exile in South Africa. President Aristide is a polarizing figure: his supporters will go to great lengths to support him, while his opponents, will go to great lengths to oppose him. He has announced his intention to return to Haiti, and has the constitutional right to return at will. He has requested a passport from the Haitian government, but the government refuses to deliver it. But as President Aristide's supporters become increasingly discontent with current government policies, there is an increasing mobilization for his return. If he returns, or if it appears likely that he will return, opponents of *Lavalas* may try to block his return through violence and intimidation of *Lavalas* supporters, which could feed another cycle of violence targeted at both opponents and supporters of *Lavalas*.
41. Political strife has been violent in the past in Haiti, and it continues to be so. For example, on August 12, 2007, Lovinsky Pierre-Antoine, a prominent *Lavalas* activist and announced Senate candidate in the upcoming elections, disappeared. He remains missing. Wilson Mesilien, who has replaced Mr. Pierre-Antoine at the head of their grassroots organization, has been receiving threats that have forced him into hiding. On October 28, 2007, Maryse Narcisse, one of the top *Lavalas* officials in Haiti, was kidnapped on her way home from a political meeting (she was freed after a few days).
42. **The fifth remaining danger** for those believed to be *Lavalas* supporters is the precedent of 2004—where political violence overthrew an elected government. This precedent will encourage those left out of the government to seek power through violence. If they do, they will likely start by attacking people perceived as *Lavalas* supporters.

Signed this day of July 2010, in .
