

**UNITED STATES EXECUTIVE OFFICE OF IMMIGRATION REVIEW  
OFFICE OF THE IMMIGRATION JUDGE**

**SUPPLEMENTARY AFFIDAVIT OF BRIAN CONCANNON JR., ESQ. IN SUPPORT  
OF XXX 'S APPLICATION FOR ASYLUM, WITHHOLDING OF REMOVAL AND  
PROTECTION UNDER THE CONVENTION AGAINST TORTURE.**

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

1. I submitted an affidavit in support of Mr. YY XXX's application in ZZZZZ. My statements in that affidavit remain true and pertinent to Mr. XXX's application, with the exception of a few changes (the parliamentary elections described in paragraph ## have happened, President Aristide is no longer in exile as described in paragraph ##). In addition, there are several recent developments that have added to the risks that Mr. XXX would face should he return to Haiti. This affidavit was prepared to supplement the previous submission and provide an updated assessment of the risk of future persecution.
2. Since the filing of my previous affidavit, Haiti has experienced a series of significant political developments, many of which further endanger Mr. XXX should he returned to Haiti. These recent developments have created a charged political environment which will most likely lead to turmoil—especially between those who support President Michel Martelly and those who support the *Lavalas* movement that Mr. XXX has supported. Taking into consideration Haiti's history, moreover, leads to the conclusion that this conflict will likely become increasingly violent and fought both in the political sphere and on the streets.
3. My original affidavit in this case discussed the illegal exclusion of the *Fanmi Lavalas* party, which represents the *Lavalas* movement, from Senatorial elections in 2009. The party was also excluded from the Parliamentary and Presidential elections that were held in November of 2010 and March 2011. *Fanmi Lavalas* is the most popular party in Haiti, and has won every election it has contested over the past fifteen years, by a landslide.
4. As a result of the exclusions of *Fanmi Lavalas*, the 2010 and 2011 elections had historically low turnouts- the first round had the lowest turnout for a Presidential election in the Americas in over 60 years -- and led to the election of many officials with no prior demonstrated electoral support. This includes the new President, Michel Martelly, a singer who had never run for office.
5. Mr. Martelly does have a history of support for dictatorships that have attacked the *Lavalas* movement. He supported the Jean-Claude Duvalier regime as a youth, and was a very public and unapologetic supporter of the 1991-1994 *de facto* military dictatorship that killed over 3,000 Haitians. Mr. Martelly was particularly supportive of Michel Francois, an

army officer notorious for leading the army's most brutal unit while also running paramilitary death squads, later indicted in the U.S. for drug trafficking.

6. The Electoral Council originally announced that Mr. Martelly had placed third in the November 28, 2010 first round election, which would have excluded him from the second round. But a group of his supporters, mostly young men, took to the streets with signs and clubs, breaking car windows, lighting fires and closing down Port-au-Prince for five days. This disruption contributed to the Electoral Council's decision to reverse the original official results and allow Martelly into the second round.

7. President Martelly's appointments and policies since his May 2011 inauguration have been consistent with his history of support for dictatorships. Francois Nicolas Duvalier, Jean Claude Duvalier's son, is a consultant to President Martelly. Daniel Supplice, an ambassador and former minister of social affairs under Duvalier is the Minister for Haitians living abroad. Thierry Mayard-Paul, whose father Constantin Mayard-Paul was a lawyer for Claude Raymond, a feared army lieutenant general under Jean-Claude Duvalier, is Minister of the Interior. Martelly's second choice for Prime Minister was Bernard Gousse, who as Minister of Justice was the architect of repression by the justice system under the 2004-2006 interim regime. His third, and ultimately successful choice, Garry Conille, is the son of a minister of sports and youth for the Duvalier dictatorship.

8. One of President Martelly's principal announced initiatives is the revival of the brutal Haitian army that has been demobilized since 1995. The army has never defeated a foreign foe, but it has repeatedly attacked innocent civilians, supported dictators and overthrown non-compliant governments. President Martelly has announced that the official remobilization will start before the end of the year; already many armed groups are training in anticipation.

9. President Martelly has shown limited tolerance for dissent in the five months of his presidency. On October 27 he arrested Arnel Belizaire, a member of Parliament who had criticized Mr. Martelly's governance, in violation of Mr. Belizaire's Parliamentary immunity. After protests by Parliament, civil society and the international community in Haiti, Mr. Belizaire was released on October 28. President Martelly has made several well-documented threats against journalists who provided critical coverage of him. He has banned demonstrations in the very large area in front of the National Palace, a traditional meeting point for demonstrations over the past 25 years, and arrested demonstrators who disobeyed the ban.

10. On January 16, 2011, Jean-Claude Duvalier returned to Haiti after twenty-five years of exile. Mr. Martelly, at the time a candidate, announced that he would amnesty Mr. Duvalier. He has subsequently revised that public opinion, but under his leadership the formerly aggressive prosecution of Mr. Duvalier has stalled, and Mr. Duvalier is frequently seen in elegant restaurants and clubs in Haiti.

11. On September 22, 2011, Amnesty International held a press conference at a hotel in Port-au-Prince for the release of its report on the Duvalier prosecution, *You Cannot Kill the Truth*:

*The Case Against Jean-Claude Duvalier.* The press conference was interrupted by two of Jean-Claude Duvalier's lawyers and a group of supporters, who entered the room, disrupted the press conference and prevented it from continuing. The Duvalier victims who had come to the conference felt intimidated, many left the conference, and the journalists were not able to effectively cover the event. There was no response by the police or justice system to this attack.

12. In March, 2011, President Aristide returned to Haiti. Although he has not been openly involved in politics since his return, his physical presence has emboldened his supporters. His presence also makes it more difficult for the electoral authorities to exclude *Fanmi Lavalas* from elections.

13. Haiti's elections for local officials are now over a year overdue. The government recently announced that they will happen in 2012, but the Electoral Council has still not been constituted. When the elections do happen, they will become a flashpoint for violence unless the Martelly administration aggressively controls its supporters and the police. It is likely that *Fanmi Lavalas* will present candidates at local elections, and vigorously challenge any attempt to exclude it. If *Fanmi Lavalas* runs candidates, it will likely win a landslide as a result of widespread discontent with the parties currently running Haiti. *Lavalas* opponents, as they have done repeatedly in the past, will attempt to prevent this landslide through violence against *Lavalas* supporters.

14. Over the past two months, there have been growing protests against President Martelly and his government. Those protests have been met with increased repression. I expect that the protests will continue as discontent with the regime's policies grow, and that they will trigger increased violence from the police. If Mr. Martelly is able to remobilize the army, I expect that the army will resume its role of systematic and lethal repression of dissent.

I declare under penalty of perjury that the foregoing is true and correct. Executed on