

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

In the Matter of)
)
)
Respondent)
)
In Removal Proceedings)

DECLARATION

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

Elections in Haiti

1. Haiti's elections have often spawned violence. Virtually every election cycle I have watched or studied in Haiti has led to politically-motivated killings. Although some of the violence has appeared to be organized on a national level, much of it is local-supporters of a party or candidate in one area attacking or intimidating a local supporter of a rival candidate or party.
2. One cause of electoral violence in Haiti is the large stakes involved, especially at the local level. Haiti does not have a tradition of a civil service independent from elected politicians. Most government jobs are considered "political," in the sense that the person in the job is hired in part because of a connection with an elected official.
3. The lack of an independent civil service raises the election's stakes for supporters of a candidate or party. Haiti is a desperately poor country, where steady paying jobs are hard to come by. Having one's candidate elected provides the chance for a job, which can make the difference between children going to school or not, or a family member receiving life-saving medical treatment or not. The prospect of government jobs, therefore, gives elections an importance beyond the setting of government policies, and provides supporters and candidates an incentive to take extreme measures to ensure that they prevail.

4. President René Préval was elected in elections in 2006 as a member of the newly-formed *Lespwa* (“Hope”) party. At some point, I believe it was 2009, President Préval decided to form a new party, *Inite* (“Unity”) as a vehicle for his involvement in the elections that were eventually held in November 2010.

2010 Elections

5. Haiti ran first round elections for President, the House of Deputies and one-third of the Senate on November 29, 2010. These elections were marked by widespread fraud, especially by supporters of *Inite*, the part of President René Préval and the successor to *Lespwa*.
6. In these elections, *Inite mandataires* engaged in ballot stuffing that was so blatant that it was caught by Canadian Broadcasting Corporation film crews. They had pre-marked ballots that they stuffed into ballot boxes by the handful, in full view of other *mandataires*.
7. The November 2010 elections were so obviously fraudulent that 16 of the Presidential candidates called a press conference while the voting was going on to denounce the fraud and call for new elections. The Electoral Council, which had been handpicked by President Préval, declared that two candidates, Mirlande Manigat from the *Rassemblement Des Démocrates Nationaux Progressistes* (“RNDP”), and Jude Celestin of *Inite* finished in the top two positions, and should go to a runoff. Following large demonstrations that closed much of Haiti down and international pressure, the Electoral Council changed its decisions, and placed Michel Martelly in the run-off with Ms. Manigat.
8. Mr. Martelly prevailed in the March 20, 2011 runoff, and is now Haiti’s President. The *Inite/Lespwa* party is the largest Parliamentary block, with an outright majority in the Senate and a plurality in the House of Deputies.

Police Violence and Politicization

9. Haiti’s police force has been highly politicized, and has a history of political violence. Historically, the police force was part of the army, and was openly brutal in repressing opposition to Haiti’s rulers. In the Raboteau massacre case, the court convicted several police officials, including a Captain, for leading the massacre. In 1995, Haiti inaugurated a new, civilian police force that has had a better human rights record than the military police, but has not completely eliminated politicized police violence. Police officers have been implicated in violence on both sides of Haiti’s 2004 rebellion that led to the overthrow of the elected government. Several police officers were accused of violence against anti-government organizations, including a February 2004 massacre in the city of

St. Marc. Other officers have been accused of attacking government supporters, and the rebellion was led by Guy Philippe, a former police officer.

10. A mortality study for Port-au-Prince published in the British medical journal *The Lancet* calculated that police officers were responsible for 27% of an estimated 8,000 political killings between March 2004 and December 2005, and 20% of the assaults during the study period.
11. 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 are not accountable to the official police hierarchy or rules.
12. Neither the police nor the judiciary effectively investigate or prosecute political killings. 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.
13. Police have also been implicated in common crime. 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.
14. In February 2008 Human Rights Watch issued a report finding that "police lawlessness continues to contribute to overall insecurity. The HNP is largely ineffective in preventing and investigating crime. HNP 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 HNP officers in a cocaine seizure in May. Although the HNP has participated in some training sessions, the police continue to suffer from severe shortages of personnel and equipment. Police perpetrate abuses with impunity."
15. 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. Cap Haitian is the capitol of the North Department.

16. On November 12, 2008 in the city of Port-de-Paix, police searched the house of Alain Desir, who had been arrested in Florida on drug charges. According to government officials, several million dollars disappeared during the search. On January 11, 2009, the Assistant Departmental Director of the Northwest Department (which includes Port-de-Paix), Jean Raymond Philippe died under suspicious circumstances following his transportation to Port-au-Prince for questioning by Haitian and U.S. police regarding the missing money.
17. On November 28, 2008, Monique Pierre, the girlfriend of Ernst Dorfeuille, the Police Commissioner of Gonaives, was kidnapped and killed. The investigation revealed that she had a large amount of cash in her home, and links to drug dealers. The police found enough links with Commissioner Dorfeuille to arrest him in early December.

Attacks Against Préval Regime Opponents

18. On August 12, 2007, Lovinsky Pierre-Antoine, a prominent critique of the Préval administration and potential Senate candidate in elections then scheduled for 2008, disappeared. The day after his disappearance, his car was found abandoned, and the day after that his family received a ransom demand. Although the family started negotiations, kidnappers cut off contact on August 17, 2007. There have been no communications from the kidnappers or signs of Mr. Pierre-Antoine since then. The circumstances of the disappearance, Mr. Pierre-Antoine's profile and the course of the "negotiations" indicate that Mr. Pierre-Antoine was taken because of his political activities, and that his disappearance was most likely related to the Senate elections.
19. Several individuals and organizations complained that the police did not vigorously investigate Mr. Pierre-Antoine's disappearance, including Amnesty International, the UN Peacekeeping Force, and Mr. Pierre-Antoine's friends and family. Although President Préval had worked with Mr. Pierre-Antoine to establish his grassroots organization in 1997, President Préval did not publicly demonstrate any leadership or interest in the investigation of Mr. Pierre-Antoine's death.
20. Wilson Mesilien, who replaced Mr. Pierre-Antoine at the head of their grassroots organization, received threats that forced him into hiding. Amnesty International has issued two urgent action alerts for his protection, including one on January 9, 2008. Amnesty also noted that the government has not heeded its calls to provide Mr. Mesilien with protection.
21. On October 28, 2007, Maryse Narcisse, the top official of the *Fanmi Lavalas* and a Préval Administration critique, was kidnapped on her way home from a political meeting. She was released a few days later, reportedly after a ransom was paid.

Attacks Against RNDP

22. On March 8, 2011, three men believed to be RNDP activists putting up posters for RNDP Presidential candidate Mirlande Manigat were found dead in Port-au-Prince, their bodies apparently mutilated.
23. According to press reports, RNDP supporters and leaders suffered the following additional attacks:
- on November 21, 2010, a dozen armed men carrying posters of *Inite* candidate Jude Celestin attacked a campaign meeting of Mirlande Manigat, the RNDP candidate for President, by throwing teargas. The same day in the city of Les Cayes, another Manigat campaign meeting was interrupted by supporters of Michel Martelly who rode motorcycles through the crowd; and
 - on December 9, 2010, gunshots were fired in front of the house of an RNDP official in Fort Liberte.
24. Although the *Inite/Lespwa* movement is technically independent from the executive branch, in practice the distinction is not as clear. Although *Inite* members in Parliament do oppose the administration on some issues, *Inite* members provide important support on other matters. The Coordinator of *Inite*, Senator Joseph Lambert, recently received the endorsement of President Martelly for the next elections. On February 18, *Inite* Senator Edwin Zenny announced that he would leave the *Inite* party to support a pro-Martelly organization.
25. It is likely that politics in Haiti will become even more hotly contested in the coming months and years, due to the unsettled political situation and problems created by the fraudulent elections of 2010 and 2011. Elections for 1/3 of the Senate are already overdue, with no date for voting yet announced. Both the Executive and Legislative branches of government have very low public approval. Neither the *Espwa/Inite* group nor President Martelly would likely win a fair election, a situation that has in the past led to incumbent office holders using violence or fraud to maintain their power. In addition, a special Parliamentary Committee is investigating charges that President Martelly has U.S. and/or Italian citizenship, which would make him ineligible for the Presidency. If those charges are proven, they would provoke a potentially violent constitutional crisis.