

POHDH Preliminary Report on the Election Rollout of August 9, 2015

Plan:

- I- Context of the realization of the legislative elections
- II- General notes on the voting day of August 9
- III- Rollout of the process for each department
- IV- Behavior of other electoral observation missions
- V- Commentary on the electoral process and the voting day of August 9
- VI- Recommendations

I- Context of the realization of the legislative elections

The legislative elections to elect 119 new Deputies and 20 Senators finally happened, despite all the types of irregularities there were, on August 9 2015 with the 5th Provisional Electoral Council, passed a test which allows the Haitian people to understand at what level the country is following a democratic plan. These elections were held after over 4 years since Mr. Michel Joseph Martelly came to power, as President, without holding any elections. Since May 2012, the mandates of a third of the Senate (10 out of 30 senators) were already done. On the pretext that the President of the Republic was awaiting the publication of an amended constitution for him to build a Permanent Electoral Council (CEP) to realize the elections, the head of State dragged his feet until parliament became dysfunctional at the beginning of 2015. All of the magistrates and KASEK were replaced by interim executive agents who are representatives or extensions of the executive power.

But, if we agree that with Martelly the government rises and falls, the blackmail(?) of the Permanent Electoral Council replaced by the provisional electoral council more than 4 times, we also determined that the President didn't have any will to allow the elections to be held in the constitution delay made for this. In this sense, the State authorities, particularly the President of the Republic, violated the political rights of the Haitian people.

Despite everything, POHDH and other organizations take their hats off to the 5th CEP that was born during a period of crisis and political instability but managed to respect the August 9th date to realize the legislative elections. But when POHDH considers how the CEP treated the case of the pile of Deputy and Senate candidates, they could have already been involved in electoral violence and trickery. We'll recall that there were 1777 declarations for Deputy candidates, the CEP ended up keeping 1331 and kicking 446 out; There were 262 declarations for Senate candidates, the CEP ended up keeping 186 and kicking out 76 after contestations; when we also consider that more than 7 people lost their lives and a number of others were wounded in the electoral violence; the President of the Republic who violated the electoral laws in utilizing state materials to campaign for his party which is PHTK; violent acts and sexual assault of women particularly suffered at the hands of either Martelly or other candidates or their supporters; we believe it's a seed of violence that was growing to fruition as we determined on the day of Sunday August 9.

Facing these situations, POHDH, for 20 years has never been indifferent during electoral periods. This report is possible thanks to the work of more than 800 people POHDH accredited as observers who were deployed in the voting centers in various departments of the country. This work is done in collaboration with some member organizations of POHDH that didn't deploy elections observers themselves, and in collaboration with Solidarite Fanm Ayisyèn (SOFA).

II- General notes on the voting day of August 9th

In the process of the electoral observations we did on August 9, we saw the effort made on the part of the CEP to respect the 30% quota in the voting centers. Most of the voting centers had a woman. Even when there were places where 3 members were men, there were also places where all three members were women too. In this sense, that can compensate and allow the 30% quota to be respected at the voting centers altogether.

We also noticed that the Political Parties had several female *mandataires* representing the parties in the voting centers. We clap our hands in joy for these efforts, even though we think there's still a lot of work to be done. Because we didn't notice too many women who were supervisors or Presidents of electoral bureaus in the departments and communes. The Political Parties would have shown more effort if they had more women who participated in all of the electoral process and at all levels. Generally, POHDH and other organizations that observed on August 9th noted that there weren't many citizens who went out to vote. It's just a few citizens who voted. We also verified this in the "urne" which weren't even a third full around 1pm. The supervisors and *mandataires* recognized that not everyone came out to vote.

There are several reasons that may explain the citizens' behavior.

1. The citizens are starting not to believe in politicians anymore; many voters feared becoming victims of violence in confrontations between the candidates' supporters;
2. The lists of voters weren't posted in the voting centers 30 days in advanced, as article 33 of the electoral decree urges;
3. Most of the candidates didn't campaign to convince the voters about the programs they have and their political projects;
4. There were many voting centers relocated at the last minute, where the voters had to walk 2 to 3 hours to find the bureau where they were supposed to vote; many didn't have public transportation the day of the vote;
5. The voters don't have much confidence in the institutions that are realizing the elections (CEP, Government and others...). Come to find out that in the last elections, foreigners/the international community went and manipulated the election results to make them turn in favor of their candidates. We note that confidentiality in matters concerning the vote was not respected particularly in voting centers placed on porches or school hallways especially with pieces of cardboard they called isolators that were not appropriate. The voting centers were so close to each other in one classroom or in the yard, that one voter could easily see the choice of another voter. The voting centers were one on top of the other.

We also noted that the cards that identify members of the voting centers don't have photos. Is that because the CEP waited too long to deliver these cards? Anyway, that could leave room for trickery, for people to pass the cards to other people or push people who weren't trained to come play the role of voting center member. We noted that there were changes made in the voting center members at the last minute. That means that people who didn't follow the training at all became members of voting centers. Their incompetence was clear in the moment of exposing the vote and the time for them to prepare verbal processes.

We also noted that same thing for *mandataires* who did not carry cards with photos, laminated so their identities could be clear. But what was most important was the Party Name which wasn't too visible on the card. The lateness of the CEP in delivering these mandates explains this. The same way, there were many observers who didn't have accreditation cards. There are observers who only had shirts showing that they were participating in electoral observation.

In all of the voting centers we passed, we also observed the problem of people who came to vote but didn't find their names on the registry whereas it was posted on the door. In the voting center Licée Petionville, we observed voters who were explaining their frustration because they walked nonstop to go vote and they never got to vote. Whereas the CEP identified the voting centers with an indigo colored paper with 063 in white writing, there's another red piece of cardboard that identifies members of this voting center with No. 062. That caused much confusion for the voters. This situation was repeated in several places. That caused a lot of frustration and in a moment, tensions started to rise in that voting center. Whereas in several voting centers, we noted that there was a security device that kept track between them, by making people identify themselves with national identification cards before they entered the voting center. In the voting center at Croix des Bouquets, it was true disorder, everyone entering freely. That caused a lot of noise, threats made against some citizens who came to vote with the voting center members. We noted a lot of voting center members in that voting center were afraid that people would come steal the ballot boxes. They didn't feel safe. They deplored that the supervisor never passed by them. They were informed, they faced major death threats from some political party supporters when they stopped them from voting several times or when they intervened in the way they made threats to sway the voters' votes.

This security situation facilitated bandits and guns coming to destroy a good number of voting centers in several communes in the West department like Arcahaie, Gressier, Leogane, Petit Goave, etc... Together with these violent acts they caused several citizens who wanted to vote not to fulfil their civic duty. In many places that we observed, it's Police agents themselves who entered to cause trouble in the voting centers where they made people vote several times. There are places where it's them who entered and filled the ballot boxes. Regarding the restrictions the Police made, the POHDH observers noted that there were some that weren't respected. Like: Circulation of cars and motorcycles beside the voting centers, revocation of permits for people to carry guns, selling of alcohol, and more...on voting day. The Platform notes that there were no devices taken to respect these restrictions. In the Ganthier voting center, for example, cars that didn't even have permission

from the CEP managed to enter the schoolyard where the voting center was located without any problem.

On logistical plans, POHDH noted that in several voting centers the CEP wasn't yet ready to organize elections in a series of zones of the country. If it's about organizing Carnival, we note that there is major mobilization and preparation. For the August 9 election, there wasn't any preparation made to accommodate the voters in an adequate environment. In several zones we observed, we noted that there were several voting centers where in one classroom there were as many as 4 bureaus where people were voting one on top of the other with no secrecy. In Lycée Petionville, we saw a bunch of pieces of metal for people to build tents lying around the yard. There are some places where they put the Urne boxes on the ground. The isolators were installed on the ground too. If there was any little wind, the isolator would fly away. We must also say that the rooms were so dark that the voting center members had to use lamps to see even in broad daylight. There are some places where they put the ballot boxes on the ground.

POHDH will be present in the departments where the electoral observers unveiled the results of the irregularities and the incidents that were noted.

III- Rollout of the process for each department

In each department where POHDH observers were present, we present one or some communes as examples to explain the notes the Platform made for the voting day.

- West Department

The Platform noted that the Haitian observers were closed outside the gates of the center while a bunch of whites, EU observers and foreign journalists entered without constraint. Many voters didn't find their names on the electoral list while at the same time, others didn't know the number of their voting center. And there were more *mandataires* in the bureaus than voters. Around 10am, some voting centers were destroyed and people started demonstrations. This is counter to the electoral decree.

Similar to many other places in the country, the election rollout in the commune of Petit Goave was marred with violence, fraud and irregularity.

Firstly, ever since Saturday (the eve of elections) there started to be major complaints from several political parties when it was around 10pm and the parties didn't have their mandates while PHTK had already distributed mandates to all its *mandataires*.

Secondly, since all the PHTK *mandataires* already had their mandates in hand, they were ready nice and early on voting day to invade all the voting centers. In the observations we made in several voting centers like Ecole Nationale du Sacré-cœur, Ecole Communautaire de Fort-Liberté and Lycée Faustin Soulouque (to name just a few), we recorded various cases of violence and irregularity.

- In the Community School of Fort Liberté, it was already 7:30 when the people responsible for the center were put in place, placing tents before starting the voting operation. We also noted, in one little classroom there were 4 bureaux. A situation that gave the voters a lot of difficulty to vote. It was in the heat, noise and dust that the voters had to vote. In the same center, it was around noon when a group of bandits came very close to the voting center with big heavy guns and shot many rounds, a situation which created a lot of worry and where many people who were going to vote turned around and left;
- In the Vèje voting center in the 11th section, it was around 11am when bandits with guns came to the voting center and created concern where the police appeared powerless, and those in charge had to close the voting center that had 4 bureaux in it;
- In the Lamadlèn voting center, men with guns shot many rounds, a situation that caused much concern in this voting center;
- In the first section of Sous Pino, someone was wounded with a knife while people were running out of the voting center.
- In the 10th section of Lèpal someone was gravely wounded with 3 rounds when a group of men with guns came to that voting center.

For the commune of Arcahaie, there were 14 voting centers. All of these voting centers received materials that allowed them to open their doors around 6 or 7am. Only the political parties LAPEH, Fanmi Lavalas, KANAAN, PHTK and VERITE received mandates for their *mandataires*. It was a big fight for the other candidates in this circuit who didn't get mandates from the CEP. The POHDH observers noted that this lack was because of the stuffing of the urns in the 5th section of Delis-Ka Michel for the PHTK candidate. There were many guns, machetes, rocks and bottles being thrown. That made everyone run and leave the voting process. That made part of the population angry, combined with several supporters of candidates who were already frustrated because they didn't get mandates, and they walked around destroying all the other voting centers. Like: 3 o'clock Vaz, 6 o'clock Mate, 1 o'clock Boukasen, Santvil and more. Out of 14 voting centers in the Arcahaie commune, only 4 made it through the day.

- Center Department

We passed in the "Kolèj Gran Fonis" voting center high in the Central Plateau and there were 80 people. In the area of the high Central Plateau there was a lot of disorder, one person pushing the other in line, lots of pressure, lots of running, lots of panic. Many bandits with guns in hand who were not police officers. The Savanette *mandataires* were fighting. That's why there were people who stayed out but there were some who went to vote anyway.

The electoral day was marked with lots of violence in Savanette. 2 adolescents were riddled with bullets in the street in broad daylight. Lindor Paul, who was 18 years old, and Abner Meus, 16 years old, died at the hands of assassins. Other incidents happened in Savanette: a Toyota belonging to a candidate gravely hit a woman named Formule Mercila. People police haven't yet identified set fire to a Renmen Ayiti candidate's car in the area. There are several people who were wounded by bullets and rocks.

Four (4) voting centers in the commune who are in Wòy, Sant Vil la, Kowòs and Koray-Grann, a total of 36 bureaux closed pretty early in the morning because of violence and confrontations between supporters of APLA and Renmen Ayiti candidates.

In the Tomond, Boucan Carre, and Saut d'Eau communes, POHDH observers noted many irregularities and incidents that caused a lot of violence on the election day.

- North Department

In the Cap Haitien area, materials to let people vote didn't arrive early. There were lots of protests. For the Plaisance commune, there were more people who went to vote. Even so, there were some irregularities recorded like: some bureaux that didn't have ink for imprints, there were voter lists that weren't posted outside the bureau not did the list make it inside the bureau, 3 Electoral Security Agents (ASE) for 13 voting centers, many PHTK and Bouclier members circulated in cars freely and even reached the yards of the voting centers, in some bureaux, the voting center members let the *mandataires* freely bring people to vote in the isolators, especially PHTK and Bouclier *mandataires*.

Other incidents the POHDH observers relay are that on every road and in the voting center yards, candidates' supporters were orienting the votes of the voters.

- Northeast Department

According to what the observers report, the Northeast was one of the departments where the elections more or less went well, even though there were some cases of irregularities. But there wasn't a lot of violence.

- Southeast Department

There are several communes in the Southeast department where the election went well. But in some others, there were irregularities, electoral fraud and some cases of violence. For the commune of Benè the election had some irregularities but there wasn't major violence like there was in some other communes. We observed in the Benè commune 3 voting centers that had in total 15 bureaux. We noticed many irregularities like: delays in the process, people who didn't find their names on the electoral registry even though their names were on the list outside, the presence of other observers who were causing trouble in the St. Bathelemy voting center in the 3rd section, the presence of many *mandataires* who caused a lot of problems, the lack of information from many voters who had trouble choosing their candidates and caused a lot of ballots to be annulled, the presence of 2 State cars bringing people to vote, a white SE Pickup 02080 with a white _____. We must say that in contrast to other places, many people went out of their way to come vote.

- Nippes Department

In voting center #3 in the lekòl nasyonal Oragrìn voting center, in Pèryen (Anse-à-Veau), the *mandataires* blocked the voting rollout. They said they didn't want observers. Later on in the day, in

the lise Boirond Tonnerre voting center (Anse-à-Veau), the voters started to get physical with a supervisor due to accusations of fraud the voters were denouncing. There were several people who were voting 3 times and more. The observers heard the sound of 2 cartridges outside the voting center. In the voting center that's inside lekòl matènèl, in Bakonwa, in Kay Bèt, it's furniture made for children that was available for people to vote (little tables, little chairs, ...). In the fundamental school of Bakonwa, the voters didn't have anyone to orient them so they could vote in the voting centers where their names were registered.

- L'artibonite Department

For the Artibonite department, bandits with big guns occupied the voting centers and the police who were there did nothing. In a Vèrèt voting center, supporters of the AAA political party set fire to the ballot boxes. In the 4th section of Vèrèt, a child around 11 years old took a ballot box and ran away with it. The bureaux were open at 1pm while the *mandataires* blocked it because they ignored what the electoral decree said about the role of voting center members and supervisors. The police did nothing.

Petit Rivière de l'Artibonite in the first section, police arrested a dozen people. More than 80 bureaux for 8 Voting Centers were eliminated because of fierce violent acts by bandits from Bouclier, AAA and LAPEH.

For Machan Desalin, POHDH observers reported that there was distribution of many guns, starting from the eve of the election. They put people in place to control the election. There's information that lets one know that there was a lot of trickery to fill the ballot boxes in favor of PHTK candidates. The Myèl voting center, the first circuit of Desalin, had bandits that were shooting a lot.

Since Monday, there were demonstrations in several communes in the Artibonite department where people demanded the annulment of the election for the department, because this was an electoral masquerade, not a true election.

IV- BEHAVIOR OF OTHER ELECTORAL OBSERVATION MISSIONS

POHDH, in the course of its observations, noted that there were several organizations that deployed a bunch of women and young men as observers with t-shirts on. The Platform denounces the behavior of these Organizations that invaded the voting centers so they could vote several times, change shirts, intimidate other observers and influence the voters in the choices they were making.

POHDH observed in some voting centers, when the bureaux closed in order to count, these observers kicked some political party *mandataires* out so they wouldn't participate in the exposition. This is counter to the disposition of the Electoral Decree in article 223 that says "the Voting Center Presidents should make sure that the presence of national and international observers alike does not upset the functioning of the Voting Center".

V- Commentary on the electoral process and the voting day of August 9th

We'd like to spend some time particularly on the question of participation. Participation in elections is a guarantee of the legitimacy of the person who comes out in the election results who will represent the population in Parliament, to make laws and vote for laws that will engage the country, transform the mentality and change the mode of functioning of people in the society. From the beginning, we think that the results of this election can't offer this guarantee.

We're conscious that there are many political sectors that didn't want the election to happen. But we also noted how the head of government together with the electoral Councilors were determined for the election to happen by any means. But what did they do about that? It seems their efforts were not enough.

Ever since several human rights and women's rights organizations stood up to denounce the assassins who were released from prison and demand the executive take every measure to create a climate of security in arresting assassins who were in the entourage of those in power, we see that nothing was done. That could have been an element that created fear in the society. When in the entire electoral campaign, there's violence left and right, people die, the President is committing major violence against women who are exercising their political rights, and the CEP doesn't take any firm measures, the population doesn't feel confident.

Adding to this, on voting day, as for a few years now, the Electoral Council adopted a strategy of concentrating several voting centers in one place, and they don't put in place any means of transportation for the people to get out and vote, we can't expect another result. Not to mention that there's no civic education campaign done by the CEP to sensitize the voters, nor did the candidates manage to convince the voters to vote based on political programs. But it's propaganda that the candidates are doing all day, carnival floats making noise all over the street with loud music. Thus, the climate of insecurity and the assassins released in the street, on top of all the violence that buried the electoral campaign, and the lack of a civic education campaign on the importance of the legislative elections—it's all of these situations together that explain why the population didn't go out to vote.

For the second round of the election to go well, the Executive must establish a climate of security by arresting and putting sanctions against everyone who participated in violence whether in the electoral campaign or on voting day, and intensify the civic education campaign on the importance of the legislative elections.

We still believe that it's important for the CEP in collaboration with the justice system to give information to allow the police to take every measure to arrest and imprison everyone who ruined the election by stuffing ballot boxes, threatening voting center members and voters, voting several times, and using guns to commit violence. It's a clear signal that the CEP should give to make the Political Party supporters adopt citizens' behavior at the time of the election rollout and gain the population's confidence so it can participate truly in the second round of legislative elections and other elections that will happen in the country.

VI- Recommendations

When we consider how the August 9th day of elections went, POHDH is formulating these recommendations to concerned authorities and other actors concerned about election questions:

For the Provisional Electoral Council (CEP);

1. Attentive to various criticisms and recommendations of actors concerned with the electoral process;
2. Sanction female and male candidates implicated in violent acts and electoral fraud on the day of August 9th;
3. Annul elections in the circuits where the voters didn't have a chance to fulfil their civic duty because of the many cases of irregularity and violence that were recorded; Like in Savanette, Jeremie, Cité Soleil, Boucan Carre, Petit Rivière de l'Artibonite, Port-à-Piment, Desdunes and others...
4. Sanction members of the CEP personnel, members of the BED and BEC, supervisors and members of the voting centers who were implicated in electoral fraud;
5. Take sanctions against a series of electoral observation organizations that didn't respect the electoral Decree, that had no ethics in observing the voting day of August 9, 2015;
6. Evaluate the electoral process of August 9, 2015 with both female and male actors and together, define the steps remaining in the process.

For the Government of the Republic,

1. Sanction public function employees who were implicated in electoral violence,
2. Accompany the families of victims of violence on August 9, particularly in Savanette, Plaisance, Jeremie, Port-au-Prince, Mole Saint Nicholas, and more...

For the Heads of the Pakè Tribinal Premyé Enstans,

1. Put a public action in place against each person implicated from near or far in crimes committed during the day (filling "urne", acts of assassination, beating and wounding people);
2. Recommending sanctions to the CSPJ for the Justice of the peace who refused to address the verbal process note during the electoral violence and fraud on the day of August 9, 2015;
3. Act quickly on the cases of people the police summoned on August 9th because of presumed implication in the electoral violence and fraud, while they're respecting the procedures the Law lays out for this.

For the Candidates and Political Parties

1. Put out a call for Peace to your supporters so they can prevent there being more violence after the election;
2. Take sanctions against the members who are implicated in electoral violence and fraud;
3. Respect the Electoral Decree and the Law of the country. This could show that you can make a good leader of the State.