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**NATIONAL HUMAN RIGHTS DEFENSE NETWORK**

## **NEWS RELEASE**

### NEWS RELEASE

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### **Presentation of Preliminary Observations by RNDDH and the CNO on the electoral process**

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On the official opening of the electoral campaign, the National Network for the Defense of Human Rights (RNDDH) and the National Observation Council (CNO) would like to draw everyone's attention to a series of events marking the electoral process which, if not addressed in a timely fashion, are likely to jeopardize the upcoming elections and to generate a post-election crisis.

RNDDH and CNO remember that on October 16th, 2009, a new *Provisional Electoral Council* (CEP) was established due to the allegations against the former electoral structure, criticized by members of the political class and its Vice-President, for favoring the candidate of those in power to the detriment of opposition candidates, during the senatorial elections of June 2009.

At its inception, the new CEP was charged with the mission to realize the partial parliamentary elections. The responsibility for organizing the presidential elections would also be assigned to the CEP a few months later. However, since its inception, the new CEP has come to be seen by many as being totally dependent on those in power.

This impression was reinforced by the decision of the CEP to set aside, at the outset of the electoral race for positions in the Deputation and the Senate; recognized political parties, accustomed to participation in past elections, including *Lavalas*, and *UNION*, thus proving that procedural fairness and legal certainty are not the

basis of eligibility for parties, groups, or other groupings of political parties wishing to participate in elections. In addition, the CEP decided to register in violation of the Law, the political Platform of the powers that be **INITE**, under the same name as another already registered party.

### ***Profile of approved candidates***

*Nineteen* (19) presidential candidates, *ninety-six* (96) in the Senate and *eight hundred twenty-seven* (827) to the Provincial Council, were approved by the CEP. Several of them are subject to prosecution for conspiracy, arson and pyromania, murder, escape from prison on the 19<sup>th</sup> of February 2005, drug trafficking, rape, auto theft, etc. Remanded in custody for the most part, they were released without receiving a trial. They now propose to occupy important positions in the country, despite the precariousness of their situation. Meanwhile, deputies and senators criticized for their alleged involvement in acts of corruption during the 48th Legislative session are candidates for succession.

### ***Considering candidates for the Presidency***

The examination of candidates for the Presidency has been carried out with total disregard of the Haitian Constitution of 1987. Indeed, on the 3<sup>rd</sup> of August 2010, the CEP issued a statement illegally authorized the presidential candidates, former managers of public funds, to submit only the favorable report of the ***Supreme Court of Auditors and Administrative Disputes*** (CSC / CA) in lieu of the certificate of discharge, which is in violation of the 1987 Constitution (which provides in Title V, Chapters 2 and 3) as one of the criteria for applying for elective posts to be filled, ***the candidates have been relieved, where appropriate, as managers of public funds.***

It is clear that the press release dated August 3<sup>rd</sup>, 2010 has been made in order to favor the filing of nomination for officials connected to the powers that be, who were responsible for public funds. Indeed, all the candidates close to the powers that be have been approved, while some candidates have been excluded from the race, despite their submission of complete records to the CEP, proving that a policy of two weights, two measures, is being implemented in the context of reviewing applications.

In addition, the importance of the documents in candidates' files is under the complete discretion of the CEP. In this sense, it should be noted that several of the candidates have been approved by the CEP, despite the fact that they provided non-compliant documents.

## ***Election Campaign***

In the electoral calendar, it was decided that the campaign would be launched September 27th, 2010. However, several candidates had opened their campaign well before the official date. We can, for example cite, Jude Celestin, Charles Henri Baker, respectively as candidates under the banners of the platform party **INITE** and **RESPE**.

Of the Deputies and Senators who are candidates for succession under the **INITE** banner, several are still in possession of state resources, normally attached to their former function, which are currently being used to conduct their election campaign.

## ***Technical bodies of the CEP***

In general, the **Departmental Electoral Offices** (BED) and the **Communal Electoral Offices** (BEC) are not well resourced to work, even if the employees appear to be, in some places, motivated and experienced.

Furthermore, the CEP has installed **Centers of Operation and Verification** (COVs) that are expected to: receive reports of lost national identification cards, help displaced voters choose a station where they can fulfill their civic duty to vote, confirm the center for potential voters, and register eligible voters.

The work of the COVs coincides closely with that of the **National Identification Office** (ONI), raising the question of the importance of this newly established body. In fact, the funds for operation of VOCs estimated at several million U.S. \$ could be used for capacity building of the ONI.

Furthermore, to date, the response of the population vis-à-vis the COVs is minor, as few voters are aware of their existence, or are unsure of its usefulness. For example, the Department of Southeast has *one hundred twenty five* (125) COVs, *one hundred twenty five* (125) voting centers, at the rate of one COV per voting center.

*Six* (6) COVs, visited Friday, September 17th, 2010 by an RNDDH and CNO delegation, it was observed that to date a total of *only five hundred eighty eight* (588) people have been registered, when only an average of *nineteen* (19) working days remain to serve the needs of the entire population of potential voters in the Southeast.

RNDDH and the CNO would like to emphasize that the scope of this work is massive, as the necessary information regarding newly potential voters once

collected, must be directed to the **Directorate of the Electoral Register** (DRE) to update the Partial Electoral List (LEP) before its publication.

It should also be noted that the existing Electoral List, as it stands today, must be made current, due to the thousands of registered voters who appeared on the old list who were killed during the earthquake of January 12th, 2010.

### ***National Office of Identification (ONI)***

The ONI is not up to the task at hand, namely, providing a national identification card for each citizen who files the request. To date, several decentralized offices were scattered across the country to meet the expectations of population of the eligible voters. However, long lines can be seen near the headquarters of ONI and around the decentralized offices. Very few new applications have been processed. People, who filed applications several months or even several years ago, have still not been processed.

If the thousands of cards in stock since 2005 are still unclaimed by their owners, no effort is being made by those responsible to deliver them. By way of illustration, the officials of NOI in **Jacmel, Gonaives, and Cap Haitien**, respectively hold *two thousand and eleven* (2011), *eight thousand* (8,000) and *eight thousand five hundred* (8,500), totaling *eighteen thousand five hundred and eleven* (18 511) cards not yet issued cards to their owners. In the 6th communal section of Petite Rivière de l'Artibonite, more than *eight hundred* (800) cards are still unclaimed.

Meanwhile, staff at the ONI works in difficult conditions that do not facilitate an efficient and effective performance. Their offices are housed in police stations, in city halls and in some places in tents, which often are in poor condition. In addition, the number of staff is insufficient to meet the multiple demands of the population. The office of the ONI located in **Quartier Morin**, today has one employee doing the work completed in 2009 by *nine* (9) people.

Haitian and foreign officials boast of having made every effort to achieve a free, fair and democratic election. However, the reality on the ground is quite different and the observations made by the CNO and RNDDH show that already, the electoral process is marred by serious irregularities and major problems which could affect the upcoming election on November 28th, 2010 and, by extension, the country's stability. If, as the United Nations Representative has said that the Haitian State should *not* punish candidates for not possessing the constitutionally required

certificates of discharge, would the State then dare to punish and bar from participation the potential voters who have requested and been waiting months and even years for their identification cards to arrive?

Port-au-Prince, September 27th, 2010



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