

Electoral Observations in the Americas Series, No. 28

**Electoral Observation
in
Haiti**

**Legislative, Municipal, and Local Elections
February to July 2000**



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Foreword

Democratic ideals and principles have always been present in the inter-American system. The Charter of Bogotá, establishing the Organization of American States (OAS), formally proclaimed in 1948 that "the solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy." Forty years later, the Protocol of Cartagena de Indias emphatically reaffirmed this principle, including among the essential purposes of the Organization the promotion and strengthening of representative democracy. The signature of the Protocol gave rise to an unprecedented renewal of the commitment of the member states to defending and building democracy.

Within this context, the Unit for the Promotion of Democracy (UPD) is one of the instruments the OAS can draw upon to support member states in their efforts to strengthen and consolidate democratic institutions. Established by João Clemente Baena Soares, who was then Secretary General, as agreed at the 1990 General Assembly session, the UPD offers a broad program of support to member states which, in full exercise of their sovereignty, request advisory services or assistance in their efforts to preserve or strengthen their political institutions and democratic processes.

With regard specifically to elections, the UPD provides assistance and technical advisory services to national electoral agencies and organizes and dispatches electoral observation missions to member states that so request by applying to the Secretary General of the Organization. OAS activities in this field are based on the conviction that the electoral process is always an essential piece of the transition to or building of democracy.

The electoral observation missions of the Organization are intended to: (a) observe and report to the Secretary General on the electoral process, using as a reference point the constitution and electoral law of the host country; (b) express the international community's support for the electoral process; (c) work with government, electoral, and party officials and with the population in general to ensure the integrity, impartiality, and reliability of the electoral process; (d) foster an atmosphere of public confidence and encourage citizen participation; (e) discourage attempts to manipulate elections; (f) serve as an informal channel for

reaching a consensus if disputes arise among the various participants in the electoral process; and (g) make recommendations for improving the electoral system.

In order to meet these objectives, the OAS electoral observation missions deploy observers throughout a country to monitor the different stages of the electoral process and compile their comments in a final report.

In general, the work of the OAS electoral observation missions focuses on those aspects and mechanisms of the political and electoral process where differences or disputes among participants are more likely to arise or that could jeopardize the integrity and transparency of the results. The missions therefore closely follow both organizational and political aspects of the electoral process. On the organizational side, the missions pay special attention to the enforcement of election law, the actions of the electoral tribunal, logistical arrangements, civic education campaigns, and the observance of rules governing the registry of candidates and voters. On the political side, the missions look at promotional campaigns, the behavior of the mass media, activities linked to elections in nongovernmental organizations, and government actions that might have an impact on the course of the electoral process.

The observations and analyses by the electoral observation team, combined with the Organization's experience with elections, enable the mission to identify the weaknesses of a system with considerable accuracy and formulate possible solutions. As a result, mission reports generally include a number of recommendations for strengthening the electoral process.

This volume is part of a series designed to provide relevant information on some of the UPD's electoral observation missions, both to the general public and to readers with special interests. We trust that the study and analysis of these experiences will help to increase knowledge of circumstances in the countries in the region and promote democratic values and practices as the 21st century approaches.

Elizabeth Spehar
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Executive Summary

After several delays, the Republic of Haiti held legislative, municipal, and local elections on May 21, 2000. These elections were viewed as vital for the democratic consolidation of the country. Haiti had not had a working parliament since January 1999, and hundreds of millions of dollars of much needed development assistance had been held up as a consequence. The importance of these elections corresponded in direct proportion to the magnitude of the logistics. More than twenty-nine thousand candidates vied for some seventy-five hundred elected posts throughout the country.

The following is the Final Report of the OAS Electoral Observation Mission in Haiti. The Chief of Mission and his core group of advisors arrived on February 23, 2000. By early March, some twenty-two observers had established an office in Port-au-Prince and five regional offices in Cap-Haïtien, Cayes, Gonaïves, Hinche, and Jérémie. The observers met on a continuous basis with electoral authorities, political party representatives, and civil society leaders to assess the developments of the electoral process in its entirety. On election day, the Mission was supplemented with short-term observers provided by various governments, and it also coordinated with other international observer groups, such as that of the Caribbean Community (CARICOM) and the Secretariat of the Francophone Countries. In all, the OAS trained, deployed, and received information from more than two-hundred observers at more than one thousand polling stations on May 21. The information gathered by those observers contributed to this report.

One of the biggest challenges to the conduct of these elections was the national registration of voters. The registration of voters began on January 24, 2000, and ended on March 19, 2000. According to the statistics provided by the Provisional Electoral Council (CEP), 3,959,571 voters registered from a potential voting population of 4,245,384, or 93.27 percent. In a separate report issued on May 5, the OAS Mission concluded that registration had been adequately completed and that those who wished to register were able to do so. The following report recapitulates the findings of the OAS Mission during this process.

On May 19, 2000, the OAS Mission presented an interim report in Haiti that detailed the preelectoral situation. The interim report addressed specific themes, such as the consequences of the delays on the electoral process, administrative preparations, the security situation, and freedom of expression and the state of the media. With respect to security, the report indicated that violence, which appeared to be electorally related, had been noted during the preelectoral period. Specifically, the OAS recorded seventy acts of violence that led to seven deaths of political party candidates and activists.

The following report continues with the observations presented in the interim report and details the many administrative preparations and the challenges that were faced in the preelectoral period principally due to a lack of sufficient communication, transportation, and materials. It notes, at the same time, that candidate registration was successfully completed, with some twenty-nine thousand and five hundred candidates registering for an estimated seventy-five hundred positions. The CEP also completed the identification of the 11,238 *bureaux de vote* (BVs), or polling stations, and recruited poll workers to manage the BVs on election day.

Election day was postponed on at least three separate occasions, and the Mission estimates that these delays had a deleterious effect on the electoral process. Political parties marshalled their resources, anticipating another delay, and the electoral campaign never began in earnest. Despite the delays and their effects, however, the CEP eventually accomplished the major tasks necessary to conduct the May 21 elections successfully. The day was a great success for the Haitian population, which turned out in large and orderly numbers to choose both their local and national governments, and for the Haitian National Police, whose capacity had been questioned by the political parties, by the government, and by the press, but who had been able to keep order quietly and effectively.

As stated above, election day proceedings on May 21 represented the high point of the electoral process. An estimated 60 percent of registered voters went to the polls. Very few incidents of violence were reported. The Haitian National Police responded efficiently and professionally to situations that could have deteriorated into violence. Party poll watchers and national observers were present at almost every polling station observed by the OAS and performed their jobs, for the most part, in an objective manner. While voters had to wait in long lines, especially at the beginning of the day, they

were eventually able to cast their ballots free of pressure and intimidation. Most voters were able to find their polling stations with relative ease. The OAS report provides a breakdown of the election day findings from its observers deployed throughout the country.

Shortly after the vote count, however, the election process deteriorated in some localities. Armed groups of men broke into election offices in the Departments of the Center and the North and burned ballot boxes. The receipt of the tally sheets and other electoral materials was extremely disorganized, particularly in Port-au-Prince, Delmas, and Cap-Haïtien. Exhausted polling officials arrived in overcrowded electoral offices and threw their materials on the floor. The newspapers the following day showed ballots and official tally sheets strewn on the street. Even though most of the tally sheets were recovered and this situation did not appear to be generalized, confidence in the electoral process ebbed slightly as a result.

In the immediate postelectoral period, the OAS Mission witnessed the arrest and detention of various opposition candidates. The Mission visited several of the detainees in prison to assess the reasons for their arrests. While these opposition figures were eventually released, the Mission believes that these summary arrests further chipped away at the confidence achieved on May 21. With respect to incidents of violence, after election day, the OAS Mission confirmed at least three election-related deaths.

The Mission also observed a state of disorganization and a lack of transparency in the compilation of results and delays in posting these results in many of the communes. Days and even weeks passed and many of the communal offices still had not completed collecting the results. On many occasions, results were never posted at the communal level. Some high-ranking electoral officials left their posts and never returned to their duties.

The OAS Mission visited every communal electoral office (BEC) and every departmental electoral office (BED) and managed to collect most of the results at these levels. The Mission compared the results from the different electoral levels and discovered that there were some discrepancies that altered the outcome in some races, both in the Senate and the Chamber of Deputies. The Mission identified at least one other Senate and perhaps as many as three deputy candidates who should have participated in a second-round election but were declared winners in the first round on the basis of these discrepancies. To note one important example, in the Department of

the Northeast, the first-place independent candidate, Luc Fleurinord, lost one thousand votes, and the second-place candidate gained sixteen thousand votes from one electoral level to another, changing the order in which the senatorial candidates won. In these elections, the first-place candidate will serve a six-year term, while the second-place candidate will serve four years. Mr. Fleurinord lodged a formal complaint to the CEP, but the Mission is unaware of any action taken. Moreover, the Mission identified candidates who had been simply excluded from a second-round election. The Mission report devotes a chapter to the analysis of the results, focusing on the calculation of the Senate races, the transmission of results, and the treatment of challenges by political parties.

Another concern of the Mission is the perceived lack of transparency and impartiality in the treatment of challenges put forth by the political parties. For example, in the South Department, it appeared that the BED treated cases in a manner that favored one political party. In general, the OAS Mission was unable to obtain the information related to the number of challenges, the nature of their investigations, or the final decisions and their impact on the results. Moreover, there did not appear to be a systematic treatment of challenges at the departmental level.

The CEP called for elections to be reheld in three separate communes on July 2, 2000. In two of those communes, Bahon and Dame-Marie, there did not appear to be compelling reasons to redo the elections. Tally sheets, once believed to be lost, were recovered. The compilation of results was conducted in public and validated by party poll watchers. The original results in these two communes showed non-Lavalas parties winning. During the partial election in Bahon, OAS observers witnessed a serious disregard for electoral norms, including polling stations without voter registers, voters without proper identification, and results that appeared to have been falsified.

With respect to the municipal and local elections, the Mission's overall conclusion is that a series of irregularities appear to have affected an unspecified number of local elections in the country. However, since one political party won most of the elections by a substantial margin, it is unlikely that the majority of the final outcomes in local elections has been affected.

In the case of the legislative elections, the Mission considers that a number of irregularities did compromise the credibility of these elections, particularly with respect to the senatorial race. As noted in this report, the posting of results at the communal and departmental levels was sporadic and lacked transparency. OAS observers who were able to obtain results at these levels noted discrepancies affecting the results in both the Senate and the Chamber of Deputies.

The gravest irregularity observed by the OAS Mission was the calculation of results for the Senate candidates. The Constitution and the Electoral Law of Haiti stipulate that a senatorial candidate must receive an absolute majority of the valid votes cast. If not, the candidate must participate in a second-round election.

In late May, the director of operations of the CEP issued preliminary results in which the absolute majority was based on a limited number of candidates (usually the first four candidates with the most votes), instead of the total number of valid votes. By these calculations, nineteen senatorial races were decided in the first round, eighteen of which went to the Lavalas Party. If the calculations for an absolute majority had been based on the total number of valid votes cast, eight senatorial races would have had to go to a second round. On June 2, the Mission informed the members of the CEP of this error. The Chief of Mission and his core group also met with the members of the CEP to explain the error and offer their assistance in rectifying it. Various sectors of Haitian civil society, the national observers, and almost all of the opposition parties also supported the strict application of the Electoral Law in the calculation of an absolute majority in the Senate races and called on the CEP to change its methodology accordingly.

The controversy concerning the calculation of results had ramifications within the CEP itself. Two of the three opposition-appointed members were asked to resign by their party and did so. The CEP president left his post and the country instead of validating the Senate calculations, according to his public statement.

Since June 2, the Mission had treated the CEP calculation as a simple human error. The refusal of the CEP to modify the calculations, however, eventually led the Mission to conclude that the highest electoral authority of the country had knowingly violated its own Constitution and Electoral Law. By excluding some 1.1 million votes for approximately one hundred

senatorial candidates who were not in the top four, the CEP precluded the possibility of an election that allowed all participants the same consideration.

Given the failure of the CEP to conduct the second round elections for the Senate with the proper list of candidates based on Haitian Electoral Law, the OAS Mission was compelled to consider the very basis of the July 9 elections as fundamentally flawed. Numerous efforts to resolve this electoral crisis were attempted by various sectors within Haitian society as well as by important regional entities such as the (CARICOM). However, since several days before the election date no acceptable solution to the crisis had been found, the OAS Mission regretfully reported on July 7 of the suspension of all its observation activity for the second round.

It was the profound wish of the OAS Electoral Observation Mission in Haiti that a solution to the calculation of senatorial results in the first round of elections be achieved, in order that the will of the Haitian people as reflected during the May 21 elections be fully expressed, and so that the significant achievements of that day not be lost. In a letter dated June 20, the OAS Mission had offered its good offices to the acting president of the CEP to review the calculation of the Senate and deputy races and address any other issues that were of interest to the CEP.

The observations made by the OAS Mission in Haiti are meant to be constructive and contribute to building an electoral process in which all Haitians can have confidence. This is a critical step for the strengthening of democracy and the rule of law in Haiti. Through the coordinated efforts of the CEP, the government, the political parties, and civil society, the Mission is convinced that Haiti can yet achieve these goals.

CHAPTER I
STRUCTURE OF THE MISSION

In June 1999, the Government of Haiti, through its Ministry of Foreign Affairs, requested the deployment of an OAS Mission to observe the legislative, municipal, and local elections in Haiti. In a letter of response by the Assistant Secretary General in July of the same year, the OAS accepted the invitation and the Unit for the Promotion of Democracy of the OAS General Secretariat was instructed to begin preparations in that regard.

The legislative, municipal, and local elections were originally scheduled to take place on November 28, 1999. The OAS Mission delayed its deployment when the date was rescheduled for March 19, 2000. With a core group of seven observers, the OAS Mission arrived in the country on February 23, 2000 in order to observe the final stages of the registration process and other important electoral preparations. By the first week of March, the Mission grew to nineteen observers deployed in six regional offices in Port-au-Prince, Hinche, Jérémie, Cap-Haïtien, Gonaïves, and Les Cayes.

In the framework of separate formal agreements signed between the OAS Electoral Observation Mission (EOM) and the Provisional Electoral Council (CEP), on the one hand, and the Government of Haiti and the Secretary General on the other hand, both of which guarantee the unhindered access to people, places, and information relevant to the electoral process, the OAS Mission maintained contact with electoral authorities, political party representatives and civil society leaders. During the preelectoral period, the EOM observed the nationwide registration of voters, other electoral preparations, the security situation in the country, the campaign, and the organization of the domestic observation effort. The OAS Mission also followed closely the political conflict in the commune of Anse-d'Hainault in the Department of the Grand'Anse and offered its good offices to facilitate a peaceful resolution to this problem.

Shortly before election day, contributing governments and international nongovernmental organizations provided the Mission with short-term observers who remained in the country for between five days and one month. Those governments and organizations included the Governments of the United Kingdom, the United States, Canada, Norway, Spain, France, and the Concertation for Haiti and the World Lutheran Federation (See Appendix I, List of Bilateral Delegations). While those governments and organizations covered the expenses of the observers, they were trained and deployed by the OAS Mission and reported directly to the OAS Chief of Mission.

Additionally, the OAS Mission provided training and deployment for a number of observers of other international organizations that arrived shortly before election day, including the Caribbean Community (CARICOM) and the Secretariat of the Francophone Countries. Those groups utilized the election day forms designed by the OAS and provided information to the Mission about election day proceedings.

The financing for the basic infrastructure of the Mission was made possible through generous contributions from the Governments of the United States, Canada, France, Argentina, Chile, and Japan. (See Appendix II, Donor Countries.)

After election day, the OAS observers remained in the regional offices to monitor the posting of results and their transmission to the CEP and the manner in which challenges to those results were investigated. The Mission did not observe the proceedings of the second round on July 9.

Since its arrival, the EOM issued numerous press releases about different aspects of the electoral process, a report on the state of voter registration, and an interim report detailing the proceedings of the preelectoral process. (See Appendix III, OAS Press Releases.)

The OAS Mission departed Haiti on July 14, 2000.

CHAPTER II

ELECTORAL STRUCTURE AND ACTORS

A. The Provisional Electoral Council (CEP)

1. The Electoral Structure

The Provisional Electoral Council (CEP) is an independent body responsible for the organization and control of the elections up until the proclamation of the results (Article 1 of the Electoral Law). It has administrative autonomy. Its independence vis-à-vis the executive power is guaranteed by the law although the CEP depends on the executive power for its material and financial resources and for the collaboration of ministries and state agencies at all levels (i.e., police, use of public places for registration, and voting sites, etc.). The CEP is composed of nine members, who for these elections were named by presidential decree after consultation with political parties and party coalitions. The choice of the members was a result of consensus among the parties concerned.

The CEP establishes a central litigation office for electoral matters (BCEC) to hear disputes already heard by departmental electoral offices. This body is composed of the CEP members who are assisted by two lawyers (Articles 11-12).

The CEP has the power to appoint (Article 9) the members of the departmental electoral offices (BEDs). It designated eleven BEDs for the legislative, municipal, and local elections of May 21, 2000; that is, one per department except for Grand'Anse and the West where, due to geographical and logistical considerations, there are two. Each BED is made up of three members: a president, vice president, and a secretary, all named by the CEP according to the criteria delineated in the Electoral Law. No political party is represented, but the political sensibilities or party allegiance of a member is not, by law, a factor to impede his or her eligibility. The members of the

BED hear all disagreements of an administrative nature. Aided by a lawyer, the BED convenes then as the departmental litigation office for electoral matters (BCED).

The CEP also appoints the three members of the communal electoral offices (BECs). The BECs have responsibilities and prerogatives similar to those of the BEDs, to which they refer matters that cannot be resolved at a local level.

The CEP designates all of the registration offices (BIs), placing at least one in each neighborhood, communal section, commune and town. In zones of high population density more than one office is opened, if possible within public buildings. Each BI has four members. The president of the BI is chosen and named by the CEP, while the three other members (one secretary and two clerks) are named by the CEP from a list of suggestions presented by political parties, coalitions, organizations, bureaux de vote and civil society. Two members of the same political party may not be in the same BI.

The *Bureaux de Vote* (BV) are installed at the same location as the BI or, otherwise, in close proximity of the BI where the register was filled. The BV is made up of three persons named by the CEP, one president, one vice president, and a secretary. The president is chosen and named by the CEP. He or she is responsible for the voting operations, the counting of the ballots, and all the electoral documents of the BV over which he or she presides.

2. Observations

Resulting from an agreement between the government and the political party group Espace de Concertation, the CEP was created on March 6, 1999, and was charged with the organization and the control of the elections throughout the country. According to the Electoral Law, it had administrative authority and was independent from governmental institutions. Nine members comprised the CEP. For the first-round elections, the nine members included Léon Manus, president; Debussy Damier, vicepresident; Irma Rateau, secretary general; Micheline Figaro, treasurer; Yva Youance; Ernst Mirville; Macajou Médard; Emmanuel Charles; and Carlo Dupiton. This CEP remained in place until June 16, when Léon Manus left the country and two members, Debussy Damier and Emmanuel Charles, resigned. On July 3, 2000, the President of Haiti

replaced the three departed members with Richard Chéry, Jean Alexandre, and Yves Bertrand. They were sworn in on July 6 by the Supreme Court. The political parties from the opposition requested that the Court not confirm those appointments.

For most of the electoral process, the CEP enjoyed the support of the political parties, civil society, and the international community. The CEP's decisions were based on consensus, so as to include the opinions of a majority of the political parties in Haiti. Although this choice of procedure by the CEP slowed the process, it also made its decisions acceptable to most candidates and political parties.

Although the CEP suffered from several logistical, technical, and financial difficulties, it eventually managed to accomplish the tasks required to hold elections. Despite criticisms, the CEP was able to register almost all eligible voters and provide them with an electoral card with their photograph. The electoral card was well received by the majority of Haitian society and understood as an acquisition, in particular by those Haitians in rural areas who found themselves for the first time with a picture identification card. This card ensured an increased transparency of the process and contributed largely to reducing the risk of fraud.

Nonetheless, the deficiencies of the CEP gradually worsened and eventually culminated with the departure and/or resignation of three of its members. From almost its inception, the nine members of the CEP failed to meet in weekly plenary sessions, as required by internal rules. Moreover, the members of the CEP and of its management often gave out contradictory statements to the press, creating confusion among electoral personnel and the public.

A lack of transparency further damaged the credibility of the CEP. For instance, the selection of polling officials at all levels required the participation of all the political parties. Many of the parties should be faulted for not providing timely or accurate information. However, part of the responsibility must be placed on the CEP, as it failed to communicate clearly the criteria to be utilized. Likewise, political parties complained to the OAS Mission that the treatment of challenges by the CEP appeared arbitrary and lacked transparency.

In addition, the relations among electoral offices seemed overly hierarchical, the higher levels rarely consulting lower levels. The CEP often issued orders disregarding the concerns of the BEDs; the BEDs duplicated this behavior with regard to BECs, and those offices did the same with poll workers. Every level suffered from lack of access and consideration from the superior level. Observers often noted among the members of BEDs, BECs, and registration and polling stations a sentiment of professional frustration that affected the daily work of organizing the elections.

Given the problem of communication, the CEP decided to appoint each of its members responsible for one department. This division of responsibilities was often theoretical and, in fact, other constraints prevailed.

Between the first and second rounds many electoral officials resigned or abandoned their posts. The presidents of the BEDs of the Departments of Grand'Anse, the North and the Center all resigned. (The BED president of the Center explained his departure by his refusal to condone the grave irregularities committed in his department.) Likewise, at least ten BEC presidents resigned on the eve of the second round due to a variety of reasons, including security concerns and alleged fraud. After the complementary elections in Baho on July 2, members at all levels of the electoral apparatus in the Department of the North resigned, citing their nonconformity with the conduct of those and other elections in the department. Most of these officials had not been replaced when the Mission departed the country.

3. Relations between the CEP and the Government

The channels of communication between the President of the republic and the president of the CEP sometimes appeared insufficient. For instance, when it became clear that the March 19 date could not be respected, the CEP formulated another electoral calendar and announced elections for April 9, citing the need to seat Parliament by the second Monday in June, as stipulated by the Constitution. The CEP, however, had not consulted the President, who had to issue an official decree. (See Chapter III, Delays in the Electoral Process.)

4. Relations between the Electoral Apparatus and the Mission

The relation between the Mission and the Haitian electoral apparatus, including the CEP, BEDs, and BECs, was generally positive, and observers were given full access to information without delay.

A debate ensued, however, following the publication of the letter sent by the OAS Chief of Mission to the CEP concerning the method of calculating the absolute majority for the Senate elections. The OAS Mission intended for this letter to be confidential, but upon arrival at the CEP office to discuss the issue, its contents were leaked to the media. Soon after the leak, the CEP member in charge of public relations accused the OAS Chief of Mission of making the letter public. The Mission persevered in its work and continued to contact the CEP confidentially each time it observed irregularities.

For the most part, the CEP continued to provide the OAS Mission with access to information, although there were some important exceptions. In June, the BED secretary of the Artibonite refused to provide information to OAS observers and requested that other members of the BED deny access as well. Similarly, in Jacmel, before the BED of the South refused access to OAS observers, its president had provided incorrect information on challenges to the results for deputy.

B. Haitian Political Parties

Since 1987, the democratic process of Haiti has been characterized by a multiparty system. Political parties are numerous; their size, geographical roots, and tendencies vary. They have scarce resources and other than receiving free airtime on national television and radio, receive no state support. Many of these parties merely represent individual candidates and have little popular support. With the exception of Fanmi Lavalas, most parties did not conduct many campaign activities during the electoral process. Political leaders opposing Lavalas usually transmitted their parties' messages through unpaid media such as news programs. With few exceptions, these parties did not present platforms, and their rhetoric focused primarily on discrediting the government and the Fanmi Lavalas Party.

According to a study conducted by a private-sector group, *Économie, Finances Gestion & Société* (ECOSOF), in November 1999, there were 19 active political parties and approximately thirty organizations considered political parties. Some regional and national political parties formed coalitions for the May elections while, at the municipal level, candidates to the mayoral position were grouped in cartels of three individuals, disputing the seats for mayor, first adjunct, and second adjunct.

Communication between candidates and the parties' national leadership was practically nonexistent. Frequently, regional representatives did not know about decisions taken by their leadership. Moreover, candidates received little or no financial or logistical support from their national leaders, and they were therefore hesitant to follow decisions that were unfavorable to them. For instance, most political parties opposing Lavalas announced their decision not to participate in elections in the Grand'Anse and in the second round. Nonetheless, they explained the participation of their candidates as personal stands adopted independent from the parties. Most of the candidates, who had made personal investments in the campaign and had an electoral base of their own, did not request to be excluded and participated in the elections.

Political parties opposed to Fanmi Lavalas alleged various irregularities in the electoral process, many of which could not be substantiated. The supposed expulsion of poll watchers from BVs is illustrative. In the BVs observed by the Mission, party poll watchers left at night due to fatigue and were not denied entry or expelled. The hurried and negligent position of these parties harmed their image. The view that they desired to delegitimize the process because they had lost the election gained credence. After the first round, the parties in opposition to Lavalas decided not to participate in the second round due to their belief that the increasing irregularities precluded a fair chance of winning. Their lack of effort to substantiate their allegations further discredited their position, especially in the view of the international community.

Organizasyon Fanmi Lavalas (OFL). Fanmi Lavalas was created in November 1996 by former President Jean-Bertrand Aristide, after the breakup of the coalition **Organisation Populaire Lavalas**. Fanmi Lavalas was the only party to have a presence throughout the country. There was heavy publicity at the national level aimed at familiarizing the electorate

with its number on the ballot, “Number 11,” and with the party symbol, “ the Table.”

Fanmi Lavalas presented the greatest number of candidates and won the vast majority of the elections contested. According to the results proclaimed by the CEP, Lavalas won eighteen of nineteen Senate seats, all elected in the first round. According to the CEP results, the party likewise won twenty-seven deputies in the first round, and forty-two candidates to deputy participated in the second round (excluding the results from the Grand’Anse, which had not yet been published by the time the Mission left the country). During the electoral process, the Mission met with its leader and several candidates to Senate and deputy.

Parti Louvri Barye (PLB). The Mission met its director, Renaud Bernardin; its secretary general, Willy Louis; members of its management; and a number of candidates, several times. The PLB presented three candidates for the Senate and thirty-nine for the Chamber of Deputies, of whom four candidates participated in the second round (excluding the results from the Grand’Anse). The PLB proposed the creation by the President of a national commission to evaluate the electoral process and to propose measures to resolve the electoral impasse.

Espas Solidarite Kan Popile (ESKANP) and Kowodisyon Resistans Grandans (KOREGA). ESKANP-KOREGA is an electoral alliance, which gathers members of the former anti-neoliberal parliamentary bloc and the KOREGA. The Mission met with its spokesperson, Kelly Bastien, Senator Maxim Roumier, as well as other candidates. The Mission also met with Father Joachim Samedy, leader of the KOREGA. The ESKANP-KOREGA, which denounced fraud during the elections in Grand’Anse on June 11, announced it would not participate in the second round.

Mouvement Organisation du Pays (MOP). The MOP is considered part of the Lavalas movement and was a member of the **Plateforme Politique Lavalas** during the 1995 elections. Gesner Comeau and Jean Molière are its principal leaders. Three MOP candidates for deputy participated in the second round. The Mission met several times with the MOP regional leaders and candidates.

Tet Ansamn Pou Sovtaj Ayisyen. This party, created in early 1999 by Gérard Blot, former minister of the Aristide administration, had two candidates running for deputy in the second round. The Mission met several times with the regional leaders of Tet Ansamn.

Espace De Concertation. The Espace de Concertation was officially founded in July 1999 as a political coalition. In March 1999, its leaders reached an agreement with the President of the republic in order to form a new government and to create the Provisional Electoral Council.

Espace de Concertation brings together Ayiti Kapab, a party founded by Ernst Verdieu and led by Robert Auguste since 1998; Génération 2004, a party directed by Claude Roumain and Daniel Suplice, who was candidate to the senate in the Department of the West; KID (**Konfederasyon Inite Demokratik**), a group created by Evans Paul, one of the main spokespersons of the Espace and former mayor of Port-au-Prince; KONAKOM (**Congrès National des Mouvements Démocratiques**), led by Victor Benoit, who was candidate to the Senate in the Artibonite, and Micha Gaillard, candidate for mayor in Port-au-Prince; and PANPRA (**Part National Progressiste Révolutionnaire d’Haïti**), led by Serge Gilles, former senator during 1991-1994 and candidate to the Senate in the Center.

The Mission met with the leaders of the Espace several times, either jointly in representation of the coalition or separately in representation of the separate parties. Observers visited candidates at all levels. The Espace presented ninety-two candidates to parliamentary elections, sixteen to the Senate and seventy-six to the Chamber of Deputies. None was elected in the first round; thirteen candidates to deputy were to participate in the second round.

To protest the irregularities of the electoral process and prior to the second round, the Espace requested that its ministers in the Préval government resign, which they did. After the first round, the Espace also demanded the resignation of its three CEP members. Two of the three left the CEP. The third, the CEP secretary general, was later excluded from the movement. The Espace called first for a commission of evaluation and then for the invalidation of the elections.

Mouvement Chrétien pour une Nouvelle Haiti (MOCHRENA) was created recently in order to mobilize Protestant churches. The Mission

met with its leader, Pastor Luc Mésadiéu; its spokesperson, Ernst Colon; several of its managers; and many candidates.

The movement presented eighty-one parliamentary candidates, fourteen to the Senate, and sixty-seven to the Chamber of Deputies, of whom Five candidates for deputy were to participate in the second round. The MOCHRENA officially contested the counting methodology and called for the repeal of the elections, the resignation of the President of the republic, and the organization of general elections.

Organisation du Peuple en Lutte (OPL), formerly **Organisation Politique Lavalas**. The Mission met its leader Gérard Pierre-Charles; its spokesperson Sauveur Pierre Etienne; former Senator Paul Denis; and many candidates. Seventy parliamentary candidates participated in the first round under its banner, sixteen to the Senate, and sixty-three to the Chamber of Deputies, of whom thirteen candidates to deputy were to stand for the second round. The OPL demanded the invalidation of the elections.

Mouvement Patriotique pour le Sauvetage National (MPSN), a union of conservative politicians bringing together the **Mobilisation pour le Développement National (MDN)**, **Mouvement National Patriotique 28 Novembre (MNP-28)**, and the **Alliance pour la Libération et l'Avancement d'Haïti (ALAH)**, **Parti Démocrate Chrétien Haitien (PDCH)** and a wing of the **Mouvement d'Organisation du Pays (MOP)**. The Mission met with its spokesperson, Hubert de Ronceray, and several activists and candidates. The movement fielded twenty-three parliamentary candidates, seven to the Senate and sixteen to the Chamber of Deputies, none of whom was elected. They also called for the invalidation of the elections.

Rassemblement des Démocrates Nationaux Progressistes (RDNP). Party created by former President Leslie Manigat, a well-known public figure who had an important presence in political debates in the country. The Mission met with him and with several candidates. This party presented fifty-five parliamentary candidates, ten to the Senate, and forty-five to the Chamber of Deputies, of whom only one was to stand in the second round. It called for the invalidation of the elections.

C. National Council of Observers (CNO)

Created by the Electoral Law, the National Council of observers (CNO) was established in January 2000 and served as a CEP-sanctioned umbrella organization for the forty-five Haitian organizations that observed the legislative, municipal, and local elections. Of its members, twelve groups provided most of the observers and resources and comprised the CNO coordinating council.^{1/} While collectively the CNO was nonpartisan, its members individually represented the many political tendencies in the country.

The coordinator of the CNO, Léopold Bélanger, headed the RCN, which brings together members of the business sector and other private institutions. (RENO) grouped several trade unions that had a presence in all of the communes in the country and trained departmental coordinators and instructors, who were then in charge of the training of all observers in the other departments. Another group, Democratic Initiatives, brought together likeminded businessmen. KOZEPEP, an organization linked to agrarian reform and funded by the Office of the President of the republic, also provided a number of observers throughout the country.

Human rights organizations were also active in the CNO. The network of the National Commission on Justice and Peace covered seven departments. The Catholic church already had commissions in each diocese, making up a network of human rights observation spread through practically every commune. Throughout the country, they held, jointly with the POHDT, training sessions for coordinators and instructors, then for observers.

The relations between the CNO and the CEP were generally characterized by a lack of dialogue. On February 25, the coordinator of the CNO and the president of the CEP, Léon Manus, signed an agreement in order to define the procedures of accreditation, but the CEP did not ratify

¹ The coordinating council includes Réseau Civique National (RCN), Réseau d'Observation du Bas-Artibonite (ROBA), Organisation Nationale pour l'Alphabétisation et la Formation des Adultes (ONAFPA), Coordination Nationale du Mouvement des Femmes Soleil Levé (CONAMOFS), Justice et Paix (JILAP), Comité d'Observation Electorale du Département de l'Ouest (COEDO), Fondation pour le Développement et le Progrès du Centre (FDPC), KOZEPEP, Réseau National d'Observation (RENO), Plateforme des Organisations Haitiennes des Droits Humains (POHDH), Réseau d'Observation Electorale du Nord'Est (ROEDNE) and Organisation des Jeunes Patriotes du Sud (OJPS).

this agreement, and doubts about accreditation and other procedures continued until the eve of election day. Eventually, the CEP provided accreditation, but only after much prompting by the CNO, including a public letter demanding immediate accreditation of its observers.

The CNO complained that it lacked financial support and relied primarily on the resources of its member organizations. The National Democratic Institute for International Affairs, a Washington-based nongovernmental organization, provided training to many of the groups participating in the CNO.

On election day, the CNO fielded approximately seven thousand observers throughout the country. OAS observers noted their presence in many BVs and indicated that they accomplished their tasks according to their mandate. The OAS Mission met with the principal groups of the CNO several times after election day. For the most part, the CNO and the OAS Mission concurred that, despite its shortcomings, the electoral process immediately after May 21 had proceeded positively.

During the elections in the Department of the Grand'Anse, the OAS observers noticed that many CNO observers did not appear to belong to the organizations that comprised its membership. Indeed, a select number of observers had communications equipment and transportation that appeared to be provided by the government.

After election day, differences among the CNO began to appear. In particular, the membership split on its assessment of the calculation of the senate results. On June 8, the CNO issued a press release in which it denounced the counting methodology as "illegal and unacceptable." Twelve days later, on June 20, eight of twelve members of the CNO organizations signed a resolution in which they announced that the CNO would not observe the second-round election. The letter cited that the method of calculation of the absolute majority for the Senate was illegal and expressed concern about the sudden departure of the president of the CEP. Four of the twelve members (JILAP, KOZEPEP, POHDH, and OJPS), however, did not sign the letter.

D. The Haitian National Police

On May 21 in eight departments and on June 11 in the department of Grand'Anse, OAS observers received few reports of violent incidents, thanks in large part to the work of the Haitian National Police (HNP). In the days immediately before election day, the actions of the HNP prevented or controlled potential incidents that could have degenerated into violence.

Prior, during, and after the vote, observers took notice of the hard work and the diligence shown by policemen who, for the most part, accomplished their tasks professionally and within their mandate. After the vote, the police helped to transport voting materials from polling sites to the BECs. OAS observers often witnessed that this operation, while perceived differently by opposition parties, protected electoral materials and personnel and ultimately had a positive impact on the process.

Likewise, polling officials performed many tasks in the police stations normally done elsewhere. It is important to emphasize that electoral officials themselves took the decision to utilize the police stations, as they believed their security to be in jeopardy in the polling stations. OAS observers did not note any irregularities or efforts to alter the results, although drafting official records and counting votes in the police stations caused a problem of perception in the eyes of many political actors.

Despite its professional and efficient work during election day and immediately after, the HNP sometimes did not provide adequate security or respond efficiently during the preelectoral process. Some of the incidents observed by the Mission in which there was minimal or inadequate police response include the demonstrations in Port-au-Prince on March 28-29, the fire at the headquarters of the Espace de Concertation, and the violent reactions that followed the funeral of Jean Léopold Dominique. (See chapter VI, "The Security Situation.")

During the preelectoral process, the HNP and the CEP were charged with drafting a comprehensive security plan. Unfortunately, middle- and lower-level electoral authorities were unaware of the plan. They often did not receive a response when they transmitted their concerns about the lack of security measures to departmental police directors. Despite the repeated demands of local authorities in the Grand'Anse, for instance, the police did not intervene during the violent incidents in this department.

The Mission also noted that high-level transfers within the administration of the HNP at departmental levels (i.e., in the South and Nippes) hindered the implementation of electoral security plans. Political parties in the South complained to the Mission about those transfers. In Port-à-Piment in the South, for example, the *commissaire* was transferred forty-eight hours before the May 21 election.

CHAPTER III

DELAYS IN THE ELECTORAL PROCESS

In January 1999, the Parliament of Haiti was dissolved, although elections to install a new parliament had not yet been contemplated. An important step towards having the elections was achieved in March 1999 when President René Prével reached an agreement with one of the opposition political party groups and created the new Provisional Electoral Council (CEP). Shortly thereafter, the President, after consultations with the CEP, decreed that elections would take place on November 28, 1999.

Because of administrative delays related specifically to the registration of candidates and voters, it soon became apparent that elections would not be held on the November date. Again, the CEP formulated a new electoral calendar, and the President decreed a new date of March 19, 2000. Most believed that the additional four months would provide ample time to complete the necessary preparations for election day. In this context, the OAS Mission was finally deployed on February 23, 2000.

Shortly after the arrival of the OAS Mission, it became apparent that actions did not accompany the declared commitment to the March 19 date. Deadlines on the electoral calendar lapsed, and efforts to rectify the delays were slow in coming or nonexistent. For instance, the departmental electoral offices (BEDs) complained that new registration materials arrived late, sometimes on the last scheduled day of registration, and they did not have the means to transport the materials to the communal electoral offices (BECs). The officials of the BEDs and BECs rarely had contact with the CEP and learned through the press, for instance, that the period for voter registration had been extended.

Oftentimes, the Government of Haiti did not provide in a timely manner the resources necessary for the transport of materials or payment of the salaries of the electoral authorities. (Additionally, the CEP did not seem

to know precisely whom from its offices it should pay.) Through its highest authorities, the government informed the public that it did not have the means to guarantee adequate security to electoral authorities. Few attempts were made to reach a political compromise or provide security for voter registration in Anse- d'Hainault, and even those attempts were well after the close of national registration and close to election day.

Of particular concern to the OAS Mission was the lack of fluid communication between the Office of the President and the CEP. When it became apparent that the March 19 date was impossible to maintain, the CEP yet again drafted a new electoral calendar and announced an April 9 election date. The CEP's president and secretary made this date public in a press release in March, stating that the elections must take place in order to allow for the seating of parliament by the constitutionally mandated second Monday of June.

According to Article 92.2 of the Constitution, the second parliamentary session lasts from the second Monday of June until the second Monday of September. The June deadline was introduced by the CEP in its press release announcing the new election date and was supported by the opposition political parties and the international community. The CEP, however, failed to consult with the President of the republic, who had to issue a decree in order to make that date official. The President of the republic questioned the CEP's readiness to conduct the elections and stated that it was more important to have well-run elections than respect the June date. The electoral process in Haiti entered a precarious stage in which a postponement of the March 19 date was inevitable, but a new date was not agreed upon.

After a period of uncertainty, the President and the CEP finally agreed on a new date. On April 10, President Préval issued a decree stating that the first round would take place on May 21 and the second round on June 25, the dates agreed to in his consultations with the CEP.

The Mission considers that the continuous delays in the holding of the elections had a deleterious effect on the electoral process. The inability of the CEP to respect its own electoral calendars had a negative impact on its image of professionalism. The government's vacillation also led some to question its commitment to the timely and transparent conduct of these elections.

The delays had economic and security-related consequences as well. The OAS Mission witnessed precious few campaign events, originally due to the doubts of the political parties that the elections would take place on the dates previously announced and later due to a lack of funds. The deteriorating security situation in the face of this uncertainty also impeded candidates from campaigning.

CHAPTER IV

NATIONAL REGISTRATION OF VOTERS

The registration of voters began on January 24, 2000, and ended on March 19, 2000. According to the statistics provided by the Provisional Electoral Council (CEP), 3,959,571 voters registered from a potential voting population of 4,245,384, or 93.27 percent.^{2/}

In a report issued on May 5, the OAS Mission concluded that registration had been adequately completed based on the following observations: 1) the high percentage of registered voters relative to the estimated voting population; 2) many new registers that had been distributed were not completely filled, indicating that those who wished to register were able to do so; and 3) the overall satisfaction expressed by the political party representatives and other actors in the electoral process. One political party did allege that there was a numerically important number of Haitians who had not been able to register. However, it was unable to cite numbers or provide documentation supporting this contention.

As noted in the OAS registration report, the process nevertheless had many flaws. Originally, registration officers could not meet the demand for cards due to a shortage of materials. When new materials arrived, the BEDs often could not distribute them quickly to the BECs or the registration offices (BIs) due to a lack of transportation. The BEDs complained that they rarely received official communications from the CEP. For instance, when the CEP decided to extend voter registration from March 15 to March 19, no

² The Mission understands that the estimated voting population was calculated on the last census taken in 1982, with a projected estimated increase in population. The Mission was unable to obtain the exact methodology for this calculation.

official notice was given to the BEDs or the BECs. The electoral authorities in the field all heard about the extension through the media.

For the first time, many BIs were grouped together in electoral registration centers, obliging the CEP to create corresponding *bureaux de vote* (BVs) in nearby geographical locations. In many cases, particularly in urban concentrations, this resulted in logistical difficulties in that it became difficult for the CEP to find suitable sites for the BVs, which require more physical space than the corresponding BIs.

Another difficulty in the process was the CEP's late payment of the salaries of the BI workers. In many locations, discouraged and skeptical BI workers observed erratic office hours, lengthening in some locations the long lines of voters waiting to register. Towards the end of registration, some BI workers retained the registers as a means of exerting pressure on the CEP to pay them, contributing to the CEP's delay in pronouncing a final registration figure. In the most extreme case, frustrated unpaid BI workers attempted to set fire to the Port-au-Prince BEC at the end of registration.

It was difficult to quantify the exact percentage of registered voters relative to the voting population. In an April 13 opinion poll carried out by a private polling company, SEMA in Port-au-Prince, 84.1 percent of respondents said they had registered. In almost every department observed, the voting population estimates appeared to be low. At the CEP's own admission, some voters registered more than once, which would inflate the percentage of those registered to the estimated voting population. It did not appear, however, that duplicate registration was significant on a nationwide scale.

The Republic of Haiti – Registration January 24 to March 19, 2000^{3/}

Department	Registered	Estimate	%	BI Est.	BI Total	BV Est.	BV Total
Artibonite	580,975	576,400	100.79%	504	514	1,441	1,565
Center	282,899	301,600	93.80%	242	244	674	754
Grande'Anse	196,865	206,800	95.20%	251	246	517	547
Nippes	138,431	144,800	95.60%	172	173	378	385
North	420,075	439,200	95.65%	482	483	1,098	1,219
Northeast	156,402	148,400	105.39%	98	116	370	422
Northwest	208,880	205,660		191	81	514	267
South	340,053	338,400	100.49%	391	393	870	962
Southeast	253,578	240,600	105.39%	226	245	601	672
Port-au-Prince 1	1,158,169	1,176,000	98.48%	470	833	412	3,110
Port-au-Prince 2	309,591	319,000	97.05%	280	290	570	787
TOTAL	4,045,918	4,096,860	101.08%	3,307	3,618	7,445	10,690

³ The numbers cited above were collected at the BED level by the OAS electoral observers. The OAS Electoral Observation Mission's total number of registered voters (3,933,165) varies slightly with the final number published by the CEP (3,959,571). Moreover, the OAS Mission calculated a total of 10,690 BVs on the BED level, although the CEP noted that there were a total of 11,238 BVs.

CHAPTER V

OTHER ELECTORAL PREPARATIONS

A. The Provisional Electoral Council

The Provisional Electoral Council (CEP) is responsible for the organization and control of the elections throughout the territory of Haiti and has administrative autonomy from the other branches of government. The CEP, which organized the legislative, municipal, and local elections, consisted of nine members and for the most part enjoyed the respect of the political parties and civil society. Its inability to respect deadlines and the postponement of elections on three separate occasions, however, sorely tested this credibility.

Probably one of the biggest reasons that the CEP had difficulties in accomplishing its tasks was the absence of middle management to administer the daily work of elections and maintain contacts with the departmental and communal offices. The consequences of this absence included too few registration officers and offices, poorly trained registration clerks, lack of a public awareness campaign, nonpayment of registration officers, nonpayment of rent for electoral offices, and the lack of a system for distributing registration materials.

OAS observers noticed that on many occasions, both in the CEP in Port-au-Prince and in the field, the responsibility of supervision reverted by default to the international consultants of the International Foundation for Electoral Systems (IFES) and the United Nations Development Program (UNDP).

Cooperation and open channels of communication between the executive branch and the CEP are essential for a smooth electoral process. In its observations, the Mission noted periodic difficulties in this

relationship, which at times inhibited the work of the CEP and added an element of uncertainty to the electoral process.

B. Candidate Registration and the Printing of Ballots

Probably the two most substantial challenges that the CEP faced in the preparation for elections were candidate and voter registration. The OAS Mission was not present for candidate registration, but the CEP informed the Mission that 29,490 candidates had registered for 7,526 positions for the Senate, Chamber of Deputies, mayors, and the members of the Assembly of Communal Section (ASECs) and the Administrative Council of Communal Section (CASECs). Candidate registration lasted from December 10, 1999, to January 9, 2000, and was extended for three additional days subsequent to that period. In a likely effort not to exclude candidates, few challenges to candidate selection were upheld, and few were disqualified.

A consortium of three Haitian printers was charged with printing the ballots: Henri Deschamps, Donatal, and Desanti. Henri Deschamps has printed ballots in every election in the country since 1987 except in 1995, when a California-based company was contracted. Originally, the printers produced approximately 4.4 million ballots and later produced another 2 million to cover the supplemental BVs added during the extension of registration.

The printers acknowledged that producing the ballots took much longer than expected due to the many errors in the CEP data base. Errors included names and/or faces appearing twice on the same ballot and incorrect or omitted logos. According to the printers, approximately 80 percent of the ballots on the original data base provided by the CEP contained one type of error or another. Eventually, the CEP set up an office on the printers' premises to review the ballots against the original documentation and make the necessary corrections. The ballots did not have consecutive numbering, and thus it was difficult to control their exact distribution.

C. Payment of Registration Workers and Registration Sites

A recurring problem during the registration process was the CEP's failure to pay the workers on time. As noted in the registration section of this report, many disgruntled workers seized registers, demanding payment.

Eventually, the CEP received the names of the workers from the BEDs and passed on the information to the Ministry of Finance. Moreover, the CEP was slow in paying rent for private homes used both as BIs and BVs. Private homes comprised an estimated 20 percent of all BVs.

D. The Lists of *Bureaux de Vote* and *Bureaux de Vote* Workers

Upon the completion of voter registration, the BECs and BEDs submitted the addresses of the polling sites to the CEP. According to the CEP, some 11,238 polling sites were entered on a computer data base. Additionally, the names of the poll workers (three members and one electoral security agent per polling station) were also computerized. The BECs posted the lists of the *bureaux de vote* and their corresponding workers in order for voters to locate exactly where they should vote.

For the first time in Haiti, the Electoral Law required the political parties to submit names of candidates to run the *bureaux de vote*. Some political parties were slow in submitting the names (and some never submitted them), which caused a delay in inputting this information on the computerized data base. Some political parties alleged that their poll worker candidates had been excluded from the BVs.

E. Training of *Bureaux de Vote* Workers

IFES technicians had recommended the design of the forms that were to be used to open and close the polling tables and to tally the votes. The CEP approved these forms and incorporated them into the manual of procedures to be used in the training of polling officials. IFES proceeded to print the forms and the manuals at an estimated cost of US\$30,000. On April 17, the CEP, with the assistance of IFES, began its training of BEDs, BECs, and supervisors (departmental trainers). After training had been completed in three departments, the CEP operations manager recommended changes in the forms.

The lack of consultation between the CEP and IFES about the utility of the different forms resulted in confusion and caused the suspension of the training program for one week. Eventually, the CEP opted to use modified forms and committed to retraining the officials in the departments where the original forms had been utilized. IFES continued to provide infrastructure

support to the training session, but it did not provide assistance in the interpretation or use of the forms themselves.

The OAS Mission did not review the forms and did not judge their utility. It appeared, however, that the timing of the changes was unfortunate, creating delays and wasting precious resources.

F. Security and Election Materials

With regard to the election materials, ample security measures appeared to have been taken to ensure that unauthorized persons did not obtain the materials. Where it was able, the Haitian National Police provided security for electoral materials in Port-au-Prince and in the departments. They also provided adequate security in the transport of materials.

The Mission maintained a continuous presence at the printers' and the CEP's warehouses where the ballots were stored. It can attest that adequate security was present at both of these sites.

CHAPTER VI

THE SECURITY SITUATION

A. Overview

While violence escalated in the days leading up to the elections, the overall environment in the departments was that of calm, accompanied by a fear that the situation could deteriorate at any moment. In several communes, protests ignited violence that led to loss of life and property damage. The violent acts underscored the fragility of the security situation and demonstrated the real possibility that those acts could repeat themselves on a nationwide scale.

The political conflict in Anse-d'Hainault manifested why the political environment in the Department of Grand'Anse was particularly precarious. In addition to the crisis in Anse-d'Hainault, that department suffered attacks on half of the BECs, a fire in the house of the BED president, and the forced closure of the BED and the BEC in Jérémie by groups of armed men. In the Nippes area of the Grand'Anse, the BECs of Miragoane and Petit Trou de Nippes were set on fire by unidentified assailants two days before election day, and all registers were destroyed.

In the Department of the South, many political parties questioned the objectivity of the BEC officials in Roche à Bateau, Côteaux, and Port-à-Piment. In the latter commune, the protests of the parties eventually led to demonstrations, which ended in fighting among Fanmi Lavalas, MOCHRENA and Organisation du Peuple en Lutte (OPL) supporters. While the authorities eventually reported a normalization of the situation in these communes, the climate of uncertainty led to fear of a possible repeat of these events.

In the Department of Artibonite, the communes of Marchand Dessalines and Saint Marc required special attention. The OAS Mission

received reports of several violent incidents that appeared to be related to the electoral process and could have had repercussions during election day.

In the department of the North (in the communes of Borgne, Grande Rivière du Nord, Trou de Nord, and Pignon) and in the Department of the Northeast (in the communes of Monbin-Crochu, Caracol, and Trou du Nord), the OAS Mission observed with concern various incidents of intimidation and aggression by political bosses who appeared to act with impunity.

In the commune of Maïssade in the Central Department, political party representatives demanded the removal of the president of the BEC for alleged irregularities in the registration. After being closed temporarily, the BEC reopened with the vicepresident and the secretary assuming the daily responsibilities of the office. Several political parties, however, continued to threaten to impede elections from taking place until the president was formally removed from office.

B. Political Parties

On several occasions, through its press releases and in individual interviews, the Mission called for the use of moderate language so as not to incite violent confrontation. Nevertheless, some party leaders utilized aggressive language that contributed to the deterioration of the electoral environment. The Mission was especially concerned by the declarations made by one of the political leaders in Port-au-Prince on March 29, in which the people were incited to defend themselves by running aggressors over and creating “*brigades de vigilance*.”

While not to minimize the deteriorating security situation, the Mission also noted that some political parties and the media exaggerated events and even distorted facts surrounding certain incidents to dramatize the security problems. Moreover, some political parties and the media attempted to portray incidents of common crime as politically motivated and related to the electoral process in the country.

C. Incidents

Most of the election-related violence occurred in Port-au-Prince and its surroundings. Groups known as “popular organizations” appeared to be the perpetrators of much of the unrest, especially during the violent street protests in Port-au-Prince.

Other violent incidents included attacks perpetrated against the candidates to the Senate for the West Department, Mirlande Manigat (RDNP) and Marie Laurence Lassegue (PLB), both of whom were interviewed by the OAS Mission. In the first case, a truck with men armed with machetes blocked the way of the Manigat vehicle when she was traveling in the section of Palmes in Petit-Goâve. In the second case, about seven armed men surrounded and pounded on the vehicle of Ms. Lassegue when she was leaving her party headquarters.

On April 9, Jean Dominique, a renowned Haitian journalist and close friend of the President, was murdered just in front of his office. Following the funeral of Dominique, violent protesters from the popular organizations burned the headquarters of Espace de Concertation.

Other journalists, too, were subject to threats and violence. Through its press releases of March 28 and 30, and April 3, 4, 9, and 24, the OAS Mission expressed its concern about those incidences of violence and called upon the civil and judicial authorities to reestablish order and to bring those responsible to justice.

Since its arrival, the OAS Mission catalogued different reports of violent incidents during the electoral process. The incidents were reported to the Mission through its observers, political party representatives, concerned citizens, and press releases. In most cases, the Mission interviewed the victims or their families and inquired about measures taken by the appropriate authorities. In the majority of the cases, no significant progress had been made and there were few arrests. By election day, the Mission recorded seventy incidents of violence that had led to seven deaths of candidates or political activists.

The most direct consequence of the violence or threat of violence was the curtailment and the eventual suspension of the campaigns of several

candidates. On several occasions, the preelectoral violence also interrupted preparations undertaken by the electoral authorities.

On May 2, the Prime Minister assured the public that the Haitian National Police had completed the preparations and training necessary to guarantee security on election day. He further called on dialogue among the government, civil society, and the CEP to coordinate efforts to prevent violent interruptions in the voting process and the subsequent vote count.

CHAPTER VII

THE MEDIA AND THE ELECTORAL CAMPAIGN

A. Civic Education and the Media

In the absence of an official civic education campaign carried out at the local level, the population largely relied on the media to be informed about the elections and candidates' campaigns. Haitian observers also pointed out that the days of mass political rallies in which candidates sought to develop personal contact with the electorate had gone, and candidates now relied on the media to diffuse their message. Additionally, security concerns and a lack of sufficient financing for a campaign period prolonged by repeated postponements of elections contributed to candidates' reliance on the media. This reliance is a heavy burden for the Haitian media, which operate under a series of infrastructural and operational constraints. Those include the centralized political and economic structures of the country, with a news focus on the capital of Port-au-Prince, as well as the standards created by poorly paid, trained, and equipped provincial correspondents and the country's poor communications infrastructure.

Journalists nationwide complained of the lack of access to sources of objective information. This problem was particularly in evidence during the electoral campaign. Although the CEP had one member who was officially responsible for providing information to the press, Haitian journalists complained that, in practice, it was often impossible to obtain clarification of news.

B. Campaign Coverage

While most political parties had some complaints about the media, especially the state-run media, they concurred that there has been an overall improvement in freedom of the press since the election of President René Préval and that the media were able to cover opposition parties' campaigns.

Under the July 1999 Electoral Law (Article 112), state-run media were obliged to provide equitable coverage of the electoral campaign. Throughout the electoral campaign, the state-owned *Télévision Nationale d'Haïti* (TNH) and *Radio Nationale d'Haïti* both offered one hour of air time to each of the thirty-three parties participating in the elections. Parties, however, complained that this time was insufficient, especially given the protracted length of the electoral campaign.

Parties also objected that the state media offered viewing time in the middle of the day to some of the opposition parties, rather than during peak hours. Some opposition parties refused to appear on TNH panel discussions or debates because they considered the hosts biased.

Throughout the campaign, the OAS Mission observed that the Fanmi Lavalas Party received the most coverage on state television News programs generally gave more coverage to items involving Fanmi Lavalas, and advertising on state television and radio was dominated by the advertisements for this party and those of popular organizations with known affiliations to Lavalas, such as KOZEPEP.

The length of the electoral campaign negatively affected candidates' advertising, on both state and private media. Parties complained they could not continue to finance expensive national advertising, with smaller parties being the most seriously affected. The U.S. Association for Rural Development provided a total of US\$500,000 in advertising and assistance to political parties for campaign advertising expenses, but the parties deemed the amount insufficient. The National Democratic Institute for International Affairs, a Washington, D.C.-based nongovernmental organization, also provided "electoral information centers" throughout the country as a resource for political parties.

C. Coverage of the Campaign by Privately Owned Media

Private media contributed positively with civic education campaigns during the pre-electoral period, a contribution that became all the more important when the CEP was unable to conduct its own education campaign. Almost all radio and television stations organized special programs to cover the electoral campaign, including debates, panel discussions, and increased news coverage. This programming was offered free of charge to the

political parties. Of note were efforts by the business sector's Groupe Croissance, which organized a weekly prime-time seventy-five-minute program, "*L'Heure des Choix*," which invited candidates and parties to be questioned about their electoral platform. "*L'Heure des Choix*" was shown on the private television station Télémax and broadcast simultaneously on fifteen Port-au-Prince private radio stations, with relays to the provinces, reaching an estimated one million people.

As the lengthy campaign continued, the privately owned media complained that audience interest was declining in election-related broadcasts and that it was becoming more and more costly for them to continue this "patriotic effort." Télémax administrator Pierre Richard Desmornes told the OAS Mission on April 12 that by covering the campaigns of all the candidates and all the major electoral issues, the private station was losing potential advertising revenues. Advertisers, Desmornes said, were less inclined to place commercial spots around those broadcasts, preferring instead entertainment programs.

D. Freedom of Expression in the Electoral Campaign

Since its arrival in late February, the OAS Mission monitored the state of freedom of the press through interviews with Haitian journalists, human rights groups, and political parties. The political instability and uncertainty surrounding the electoral process negatively affected the freedom of the press and illustrated the precariousness of freedom of expression in Haiti. Some Haitian journalists commented that the increasing polarization and intolerance observed over the past year, and especially during the electoral period, resulted in decisions to suspend critical analysis and commentary.

The most publicized violation of press freedom in Haiti during this period was the murder of the director of Radio Haïti-Inter, Jean Dominique, well known for his progovernment positions. Dominique's style of news analysis was unique to Haitian journalism, and he had expressed strong opinions on the electoral process on his daily programs. The journalist was also well known for his passionate advocacy of the government's land-reform program and campaign against impunity in relation to human rights crimes. Dominique and the radio station's janitor, Jean-Claude Louissaint, were shot dead on April 3 in the radio station's courtyard by an unidentified gunman who was waiting for Dominique to arrive to broadcast his 7 A.M. daily news program.

The daylight murder of the renowned journalist had a dramatic effect on public confidence in the government's capacity to guarantee security during the electoral period. The killing was also largely interpreted as a chilling message to journalists covering political issues, including the electoral process. As a result of Dominique's assassination, the station closed for a month. When Radio Haïti-Inter resumed broadcasting in early May, the station dropped its daily editorial and decided to forego in-depth reporting on a variety of election-related issues.

The OAS Mission issued a press release on April 3 condemning the violence and urging the government to bring the perpetrators of this crime to justice. At least one person was arrested for questioning in the murder. The suspect died while being treated in a private hospital after being taken into police custody.

A spate of threats against the radio station and against newsroom director Daly Valet and Leontès Dorzilmé, host of the phone-in show "Vision 2000 à l'Écoute" resulted in the two journalists going into hiding. The radio station stopped airing news for five days and suspended the program "*Vision 2000 à l'Écoute*" indefinitely. After the journalists of "Vision 2000" wrote an open letter to the Minister of Justice denouncing the threats, police sent a contingent of the CIMO (riot squad) police to stand guard outside the radio station, on April 7. On April 8, the radio was visited by a mob who had just burnt down the headquarters of the Espace de Concertation coalition. The mob threw stones and threatened to burn down the building. They eventually left without doing any serious damage. As the result of continuing threats, newsroom director Dalet Valy left Haiti during the month of May. Reporter Leontès Dorzilmé resumed working for "Vision 2000" in June, after the first-round elections.

During this period, Espace de Concertation leader Evans Paul called for violence against those holding up vehicles at barricades (*chimères*). He recommended that drivers held up by the *chimères* should run their vehicles straight over them. This interview was aired by "Vision 2000" as well as several other main radio stations. It is worth noting that this call to violence was made in a prerecorded taped interview, and could have been cut out by editors without altering the message of the interview. In the context of mounting violence, this might have been an appropriate measure to take.

News presenter Gary Pierre-Paul Charles also received threats after his coverage of the March 26-28 demonstrations. According to staff at the private Television channel, Charles's coverage of the barricades was analytical and critical. The Television presenter had called for respect of lives and private property. On April 3, after the murder of Haïti-Inter director Jean Dominique was announced, Charles received two telephone calls in which an anonymous caller warned him that he would be next on the list. Charles decided to stop presenting the news for a period. He returned to work on April 15.

Petit-Goâve Radio Echo 2000 stopped newscasts after an incident on March 22 in which OPL candidate for deputy Sergo Erly Philistin was threatened as he spoke on a live electoral coverage program. A vehicle drove by the radio station several times as Philistin spoke, calling out threats that they were waiting for the OPL candidate to come out so they could kill him. Philistin returned to his home in Grand-Goâve under police escort. After the incident, staff at the radio station reported receiving a number of telephoned threats. Newsroom director Brignolle Lindor and journalist Jean-Pierre Louis were specifically threatened. The radio station decided to suspend newscasts.

During the night of April 3, unidentified individuals broke into the community's Radio Unité and stole all of the station's equipment. Many believe this incident was an attempt by some members of the opposition parties to silence a radio station whose director was the Fanmi Lavalas mayoral candidate. Director Etienne Oles told the OAS Mission that he had received threats from other candidates and their supporters, who had said that the pro-Fanmi Lavalas radio station must close. Throughout the campaign, Oles said, the radio station had only aired advertisements from the Fanmi Lavalas candidates and those of the Parti Louvri Baryè.

In Gonaïves, an anonymous leaflet, in Creole, was posted during the week beginning April 24 under the doors of several radio stations, referring to the fate of Jean Dominique and the threats against "Vision 2000" presenters Daly Valet and Leontès Dorzilmé.

CHAPTER VIII
SUMMARY OF OBSERVATION

A. Recompilation of Data Collected on Election Day

On election day, observers were provided with information forms to fill out, which were intended to cover many organizational aspects of the conduct of elections. They obtained this information by observing and interviewing poll workers at specific BVs. Usually, the observers interviewed poll workers from only one BVs in each polling site. Thus, the proceedings at many other BVs were also observed, but not recorded.

The following global summary includes data from the nine departments, from observations carried out during both the May 21 elections in eight departments and the June 11 elections in the Department of the Grande'Anse.

OAS observers conducted interviews at 1,109 BVs, which represent approximately 10 percent of all the BVs in the country. Of these, 96 percent were functioning at their officially designated locations. Only 34 percent opened on time, although most opened less than an hour late. Delays were generally due to the time taken to prepare the BV and count ballots, sometimes due to problems in receiving materials - 8 percent of BVs observed were missing materials. In 97 percent of BVs observed, all three authorized BV members were present, and in 83 percent of BVs no unauthorized people were present.

Political party representatives (*mandataires*) were present in almost all BVs observed, with FL participating more than any other political party. FL representatives were present in 638 BVs observed, Espace de Concertation representatives in 384, OPL in 372, MOCHRENA in 359, ESKANP in 152, PLB in 150, RDNP in 125, Tet Ansanm in 124. Other parties were represented in fewer than 100 BVs. A mixture of independents

were represented in 390 BVs. National observers were present in 85 percent of the BVs observed.

In terms of security, national police were present in slightly more than 50 percent of BVs observed. Those BVs tended to be in the towns, and police were rarely seen in rural BVs. Electoral security agents were present in 96 percent of BVs. Security problems affecting the polling were observed in 30 BVs (4.5 percent) and reported but not observed in forty-five BVs. Armed individuals were seen in twenty-nine BVs (3.5 percent). Lines of voters were generally well controlled (84 percent), although in 11 percent of BVs, observers stated that voters had problems accessing the BV.

In 91 percent of BVs observed, voting procedures were followed, although in 38 percent of BVs, ballot boxes were not correctly sealed. The failure to seal the ballot boxes appeared to be due to a lack of training and not deliberate. The BV president gave impartial instructions to the voters in 79 percent of the polling stations observed. In 23 percent, party representatives also gave instructions to the voters.

Irregularities were neither observed nor reported in 37 percent of BVs. Normal operations but minor irregularities, which were not considered to affect the integrity of the process, were observed or reported in 39 percent of BVs. Normal operations but many irregularities, still not considered to affect the integrity of the process, were observed or reported in 15 percent of BVs. Major irregularities which may have affected the integrity of the process were reported in thirty-three BVs (3.4 percent) and observed in fifty-three BVs (5.4 percent).

Other irregularities included acts of intimidation (observed in 3.8 percent of the BVs), illegal political activities (observed in 5.1 percent of the BVs), and the presence of people trying to disturb the polling (observed in 2.3 percent of the BVs).

**Compilation of Election Day Results
(Sample of 1,109 interviews)**

OBSERVATION OF <i>BUREAUX DE VOTE</i> (BV)	%⁴	NUMBER OF BVs
At their original location	96%	1,052
Opened on time	34%	352
Received all voting materials	92%	808
All members were present	97%	1,078
No unauthorized people were present	83%	895
National observers were present	85%	820
Haitian National Police were present	50%	481
An electoral security agent was present	96%	920
Security problems affecting the vote were observed	4.5%	30
Armed individuals were seen	3.5%	29
Lines of voters were well controlled	84%	873
Voters had access problems	11%	108
Voting procedures were followed	91%	955
Correctly sealed ballot boxes	62%	655
BV president gave impartial instructions to the voters	79%	739
Party representatives gave instructions to the voters	23%	203
Acts of intimidation were observed	3.8%	23
Acts of intimidation were reported but not observed	5.6%	34
Illegal political activities were observed	5.1%	35
Illegal political activities were reported but not observed	18%	123
Presence of people trying to disrupt the polling was observed	2.3%	14
Presence of people trying to disrupt the polling was reported	3%	18
Irregularities were neither observed nor reported	37%	358
Operations were normal, but there were minor irregularities	39%	374
Operations were normal, but there were many irregularities not affecting the integrity of the process	15%	148
Major irregularities that could affect the integrity of the process were reported	3.4%	33
Major irregularities that could affect the integrity of the process were observed	5.4%	53

⁴ Percentages given relate to the number of responses provided to each question rather than to the number of BVs observed. In some interviews, observers did not obtain answers to all of the questions on the form.

B. Regional Incident Reports from May 21, 2000**1. West**

BVs visited: 369 (10 communes out of 18)

Although the voting took place in an atmosphere of calm and enthusiasm marked by high voter turnout, overall electoral operations were poorly managed. The majority of polling stations in the metropolitan area of Port-au-Prince opened late while, in provincial towns they fared somewhat better, with approximately 50 percent opening on time. In addition, the tardiness or absence of poll workers added to delays. According to BED officials, this was due to last-minute changes in the list of poll workers on or just before May 21. Thus, the BED estimated that 30 percent of poll workers present had not received any training at all. Another common irregularity noted was the violation of the secrecy of the vote, mostly due to attempts by various party poll watchers to influence voters' choices. In most of the polling stations in the capital, officials permitted voting after 5:00 P.M., even if they were not informed of the CEP's decision to extend voting hours until 6:00 P.M.

The Haitian National Police (HNP) played a fundamental role during election day in this department. The police presence insured that people could vote without fear of violence. Despite the limited number of police available for duty (estimated at three thousand five hundred nationwide), observation teams saw police officers in 50 percent of the BVs visited. In Port-au-Prince, the HNP also provided most of the urban BVs with transport to their respective BECs or, in the case of Pétionville, the police station.

The police transported election officials and materials so quickly that the BED officials could not handle the sudden influx. Long lines of polling station officers waiting to turn in their results quickly grew. Unfortunately, those lines gave way to frustration and the eventual abandonment of materials in the streets of the capital. According to the BED, only 30 BVs, out of a total of 1,220, were not accounted for, but the OAS observers questioned the accuracy of this number. Furthermore, the provision of transport by the HNP compromised the transparency of the process, as party representatives were not informed of the pickup plan, and poll watchers were not allowed to accompany BV workers on their ride to the BEC. In many cases, BV officers had not completed the count and made the final

tallying of the results upon arrival at their destination in the absence of poll watchers.

One violent incident marred a generally peaceful election day. At approximately 1:00 p.m., a group of armed men attacked five polling stations in the Bois Neuf neighborhood of Cité Soleil, commune of **Delmas**. They first entered into three BVs located in Zouk Disco and demanded to vote without electoral cards. According to poll workers, they were refused until they brandished guns. In the ensuing chaos, the assailants seized a register and marked and stuffed ballots in one or more ballot boxes. They then moved to a nearby private home, which housed two BVs, and repeated the operation. The five BVs affected remained closed from 2:00 P.M. to 5:00 P.M., when poll workers moved to the police station to carry out the count.

Following the election, a candidate to town delegate for the Rassemblement Citoyen Patriotique was killed in suspect circumstances, while several other candidates from the opposition were arrested. In **Petit-Goâve**, Jean Limogène, candidate to deputy for Espace de Concertation, was jailed following a day of violent protests during which he was accused of disturbing the peace. According to the police, he had led a group of Espace supporters in barricading the streets, throwing rocks at the police, and shooting at the police from a radio station he owns. He was arrested with a warrant, incarcerated first at the Carrefour police station, then detained on a judicial order in the National Penitentiary. Espace claimed the arrest was unprovoked.

In **Thomazeau**, Moise Jean, a PLB mayoral candidate, was arrested after two rooms of the BEC were set on fire. The police accused him of having threatened to burn the BEC on May 22 during protests organized by PLB supporters.

The PADEMH candidate for mayor of Pétionville visited the OAS Electoral Mission to denounce grave irregularities in that race. The candidate stated that the number of votes she obtained were altered in order to favor the Lavalas candidate. She presented as proof, copies of a number of *procès-verbaux* (PV) (election records) and tally sheets for compilation. The Mission verified that according to those documents, there were inconsistencies between the numbers recorded in the PV and the data registered in the tally sheets for compilation. The Mission also confirmed that the differences in such documents reduced the number of votes obtained

by this candidate. The Mission visited the competent electoral authorities to verify the information received, but the observers were denied access to the necessary documents.

2. **Artibonite**

BVs visited: 106 (7 out of 15 communes)

The OAS regional office confirmed a number of violent incidents reported after election day, some of which may have affected local results. In addition, technical problems, such as insufficient ballots, could have also affected races in two communes.

In **Marchand Dessalines**, elections for town delegate took place even though the emblem of one of the *cartels* was missing on the ballots, while elections for CASEC in this commune's third section were not held due to the omission of the OPL logo on ballots.^{5/} In addition, ten polling stations located in the commune of **Saint-Michel de l'Attalaye**, out of a total of 197 for the electoral jurisdiction (or approximately 5 percent of the polling stations), did not receive ballots for the deputy race.

In Verrettes, BEC officials confirmed that unidentified armed men stopped the vote at approximately 9:00 A.M. and stole and burned the electoral materials for nine out of the twelve polling stations in the sixth section. (Local elections in this section were to be reheld during the second round.)

In the first section of **Grande Saline**, the BEC reported that Fanmi Lavalas supporters marked ballots and stuffed ballot boxes in two polling stations. However, the results of only one of those polling stations was annulled. Likewise, the Mission confirmed that in **Petite Rivière** unidentified individuals removed the ballot boxes from one of the twenty polling stations in the second section and returned with them already filled. Polling station workers submitted a report to the BED, requesting the cancellation of the results. The Mission was not informed of the BED's decision.

⁵ CASEC elections were scheduled to be reheld in this section during the second round.

Observers also confirmed that one violent incident took place during the vote count. In two polling stations located in the first section of **L'Estère**, armed Fanmi Lavalas supporters interrupted the count and forced poll watchers to leave. Opposition parties further alleged that the assailants marked unused ballots for Fanmi Lavalas candidates and stuffed ballot boxes in the presence of the BEC president. The police, dispatched to the site following complaints made by poll watchers, seized all the electoral material. The next day the BEC president was beaten, supposedly due to his intention to annul the results for both polling stations, by an individual he identified as affiliated with KOZEPEP.

Reception of voting materials was disorderly and without a thorough control in six of the seven BECs visited between election night and May 22. BEC officials in **Saint-Marc** initially reported to observers that they had misplaced *procès-verbaux* for 11 polling stations. However, at a later date, the BEC president told observers that the *procès-verbaux* for all of those polling stations had been found. The Mission's regional team was not able to verify their recovery. Observers also witnessed polling station workers filling out additional copies of *procès-verbaux* at the BECs, allegedly from the original *procès-verbaux* or the tally sheets, often at the request of BEC members.

On May 24, for security reasons, the BED instructed all BECs to move compilation proceedings, which had already begun in most communes, to the main police station in Gonaïves. At least seven BECs (L'Estère, Ennery, Grande Saline, Petite Rivière de l'Artibonite, Saint-Michel de l'Attalaye, Marchand Dessalines, and La Chapelle) finished their work there in the presence of few party representatives. During the compilation, observers noticed a variety of irregularities in the *procès-verbaux*: inconsistencies between the totals of ballots received and the totals of used and unused ballots, omission of results for some posts, and no signatures or several signatures in the same handwriting.

On May 26, the BED completed the compilation for senate and deputy races. Since BED officials did not announce in advance the date and the venue for the final compilation of those races, party representatives were not present.

The regional office staff was unable to obtain official information on missing *procès-verbaux* for any polling stations, electoral incidents, nor the

electoral process in general, following a decision by the BED secretary to no longer collaborate with the Mission.

3. Center

BVs visited: 50 (9 communes out of 12)

Observers reported violent incidents in the rural sections of the communes of **Hinche**, **Savanette**, and **Thomonde**, which took place during the vote and after the closing of the polls.

As for technical errors, elections for CASEC in the first section of **Cerca-la-Source** were not held due to the omission of the OPL cartel on the ballots, while ASEC elections did not take place in **Lascahobas** due to errors on the ballots.

At least twelve polling stations in the commune of **Hinche**, including six in the second section of Marmont, three in the first section of Juanaria, and three in the fourth section of Aguahedionde, were annulled due to the interruption of the vote by armed groups, who forced BV workers to abandon their stations and stuffed ballot boxes in favor of Fanmi Lavalas candidates. The cancellation of six out of the fifteen polling stations (or 40 percent of the total) in Marmont called into question the validity of local elections in this section. According to eyewitnesses interviewed by observers in the field, the perpetrators included several Fanmi Lavalas candidates and police officers. BEC officials later told observers that the results for all those polling stations were annulled.

BEC officials in **Thomonde** reported to departmental electoral authorities that armed individuals entered two polling stations in the first section, forced party poll watchers to leave, and overtly influenced voters. It is not clear if ballot-stuffing occurred during those attacks, if the assailants tried to coerce people to vote for a specific party, or if they simply attempted to discourage voting. At least one of the polling stations in that section was not able to complete the count on site. The BEC in this commune later moved compilation operations to the main police station.

Two polling stations in the second section of the commune of **Savanette** were annulled after armed individuals attacked the stations during the vote, forcing poll workers to flee and abandon voting materials.

In **Cerca-la-Source**, the president, secretary, and security agent of one polling station alleged that the vicepresident and a party poll watcher put ballots marked in favor of MOCHRENA into ballot boxes, leading them to request that the results of the polling station be annulled.

On the evening of Tuesday, May 23, an armed group attacked the **Boucan Carré** BEC, expelled the president and vicepresident from the premises, and destroyed an unknown but significant number of *procès-verbaux*. According to the official report filed by the first justice of the peace who arrived on the scene on the morning of May 24, empty ballot boxes, scattered and ripped-up ballots, and *procès-verbaux* were found strewn throughout the BEC offices. This report also contained a statement by the BEC president that the armed attackers had first pressured him to alter vote results and then began ripping up *procès-verbaux*. However, the report filed by a second justice of the peace, who visited the BEC in the afternoon of the same day accompanied by police officers, indicated that plastic bags containing *procès-verbaux* for an unspecified number of polling stations were found in the BEC offices. This report also contains a statement by the Mirebalais police commissioner attesting to the recovery of the *procès-verbaux* for all fifty-five polling stations in this commune. Although the president and vice-president of the BEC doubted the authenticity of the *procès-verbaux*, a CEP member visiting the BEC in the department of the Center decided that the *procès-verbaux* should be considered legitimate.

In the commune of **Maïssade**, tensions ran high in the main township from the start of the vote. Well before election day, political parties accused Espace de Concertation of fraud involving electoral officials linked to that party. Those allegations led to the arrest of the Maïssade BEC president on charges of falsifying voter registration cards.

The security situation at the Maïssade BEC quickly deteriorated after the closing of the polls. In the case of one polling station, workers seeking increased safety moved vote-count operations to the BEC but were unable to proceed because of harassment by representatives of several political parties. On the morning of May 22, a group of armed individuals attacked poll workers transporting voting materials from a station located in the third section to the BEC, stealing all the ballot boxes. The same morning, while workers for some polling stations continued the vote count at the BEC, demonstrators threw stones and threatened to burn down the BEC. As a

result, BEC members fled the premises and poll workers, fearing for their security, abandoned voting materials in the courtyard. Members of an international observer delegation from Canada submitted a report to the BED in which they stated that during the afternoon of May 22 they found several hundred ballots in the streets of Maïssade and witnessed the burning of ballot boxes behind a private house, as well as the arrests of Espace, Fanmi Lavalas, and OPL candidates. Demonstrations and threats of violence continued on May 23, leading to the decision to transfer under police escort all voting materials remaining at the BEC, whether counted or not, to the BED in Hinche.

According to information provided by BEC officials to the Mission, by May 22 the Maïssade BEC had only recorded delivery of materials for thirty polling stations, out of a total of sixty-six, where votes had been fully counted for all races and *procès-verbaux* completed. Materials for most or all of the other thirty-six polling stations had apparently been delivered to the BEC by this time but had not yet been completely counted nor officially recorded. It is not known how many of those materials, if any, may have been destroyed or lost in the confusion of the events of May 22 and 23. After the transfer of remaining materials to the BED, the Mission could not obtain access to any *procès-verbaux* for this commune, despite claims by the BED vice president that materials for all sixty-six polling stations had been recovered and subsequently counted. Results posted later at the Maïssade BEC were allegedly torn down by residents and could not be verified either.

At the BED, the operations of compilation and transmission of results were performed in the absence of the president, who abandoned his post on May 23. During an interview in Port-au-Prince with members of the OAS Mission's central office, he informed the Mission that he feared for his life and thus had gone into hiding.

The regional observer team was not able to corroborate the exact number of missing *procès-verbaux* at the level of the BED. However, the authenticity of results for ninety-nine polling stations (fifty-five from Boucan-Carré and at least thirty-six from Maïssade), out of a total of 754 in the department, is at the very least questionable.

4. North

BVs visited: 58 (7 communes out of 19)

Voting in **Limbé** took place in an atmosphere of intimidation. Observers witnessed campaign activity by pro-Fanmi Lavalas groups in this town and blatant attempts by Fanmi Lavalas representatives to influence the vote. While observers noted the presence of up to seven accredited Fanmi Lavalas poll watchers in several polling stations, other parties reported to the Mission that their poll watchers had been expelled. In one case, observers themselves were not allowed to enter a polling station.

Observers confirmed that several violent incidents occurred during and after the vote count in areas throughout the department. In the commune of **Bahon**, the ballot boxes for seventeen polling stations out of a total of thirty-five for the commune were burned by unidentified armed groups which forcibly entered the BEC on May 22 and, 24. In the case of four polling stations, *procès-verbaux* were also destroyed, meaning that all results were lost for those polling stations. Although the BED had initially decided to re-hold elections in this commune, its members reported in mid-June that copies of all *procès-verbaux* had been gathered from party representatives and thus, legitimate results could be compiled for the entire commune. In early June, a recompilation of results, based on recovered *procès-verbaux*, was done at the BED in the presence of candidates, party representatives and the press. Results showed OPL winning by a solid margin in deputy, municipal and local elections. Nevertheless, the CEP ordered BED to rehold elections in this commune on July 2. (See Chapter IX, Complementary Elections.)

In **Bas Limbé**, six armed men interrupted the count in one polling station at approximately 9:00 P.M., marked an unknown number of ballots for OPL and an independent candidate, and put the ballots into ballot boxes. It was alleged that an OPL CASEC candidate was among the perpetrators. The results of this polling station were later canceled by the electoral authorities.

A group of armed individuals entered a polling station in the third section of **Grande Rivière** and stuffed the ballot box for the deputy race with unmarked ballots during the count, while in the town of **Dondon** unidentified armed men interrupted the count at one polling station and stole

the ballot boxes. Also in Dondon, a polling station moved vote-count operations to the police station after polling station workers heard shots in the surrounding area.

In **Grande Ravine**, the fourth section of Acul-du-Nord, the number of votes recorded in the first, second, and third polling stations was higher than the total of registered voters. As a result, the BEC decided to annul the results for all three polling stations. In this section, observers also confirmed that an armed group stole ballot boxes from one polling station. The cancellation of results for four out of a total of thirteen polling stations (or 31 percent) for the section may have had an impact on the final results for ASEC and CASEC races. Also, BED officials informed the Mission that in the commune of Acul-du-Nord, numerous individuals had stuffed the ballot boxes of two polling stations in the section of Buisson, which were later annulled by the BEC.

In the commune of **Le Borgne**, the BEC cancelled seven out of a total of eighty-five polling stations (or 8.2 percent) due to a variety of irregularities, including the fact that ballots were found that had been filled out with markers rather than the pens provided by the CEP. The suspect ballots were discovered during a recount at the BEC.

5. Northeast

BVs visited: 53 (4 communes out 13)

In the commune of **Mombin Crochu**, poll workers refused to open polling stations on the morning of the vote after learning that the president of the BEC had resigned and, fearing arrest, had gone into hiding the night before.^{6/} After the police persuaded poll workers to begin operations, stations in this commune began functioning normally at 10:00 A.M.

In the commune of **Terrier Rouge**, one violent incident took place during election day. BEC officials confirmed that unidentified armed

⁶ On May 20, the Commission on Security (composed of the police director, the commissaire du gouvernement, and the president of the BED) had ordered the arrest of the BEC president of Mombin Crochu for his alleged involvement in a plot to burn down the BEC. In addition, the commission had confiscated ten voter registers for Mombin Crochu considered to be fraudulent, an allegation that the regional EOM team was not able to verify.

individuals entered two polling stations located in the main township and destroyed ballots. Given the contradictory reports of this incident provided by the justice of the peace, BEC officials, and party representatives, observers were not able to verify whether the incident occurred before or after the vote count, and if the *procès-verbaux* for these two polling stations were destroyed during these attacks. However, during the compilation of results on May 23, BEC officials were able to produce one of the *procès-verbaux* for one of those polling stations. Fanmi Lavalas representatives challenged its authenticity as well as that of one of the *procès-verbaux* for a third polling station in the township, which was incomplete and unsigned by poll workers. Fanmi Lavalas demanded that results for all three of those polling stations out of a total of fifteen located in the town of Terrier Rouge (or 20 percent) be annulled. The Mission could not confirm the decision taken by the electoral authorities. Cancellation of those three polling stations could have altered results for municipal elections in the town of Terrier Rouge.

On May 23, the BEC of **Mont Organisé**, along with the Tribunal de Paix and half of the market, was burned down. *Procès-verbaux* for only six out of the twenty-six polling stations in this commune were salvaged by BEC officials. Fearing for their safety, BEC officials then fled to Fort Liberté, where they were arrested on the orders of the departmental director of the police. The departmental director told observers that he found it suspicious that BEC members were unable to save all the *procès-verbaux*. Although the BED initially asked the CEP to decide whether elections here should be annulled, the OAS Mission's regional office was informed in mid-June that copies for sixteen out of the twenty destroyed *procès-verbaux* had been recovered from party poll watchers and thus, new elections were not necessary. Observers were able to consult the recovered *procès-verbaux*, but could not confirm their authenticity. The BED president objected to the legality of using the recovered *procès-verbaux* to compile results for this commune. The Mission believes that the results obtained for at least sixteen out of the twenty-six polling stations in this commune (or 61.5 percent of the total) may be questionable.

In **Ouanaminthe**, OPL challenged the validity of results for thirteen out of the eighty-one polling stations (or 16 percent of the total) in the commune. At the BEC, observers verified that in the case of at least one of the contested polling stations, the number of votes cast exceeded the number of ballots received. BED officials later told observers that many of the

ballot boxes for the thirteen contested polling stations contained between 450 and 600 ballots.

6. Northwest

BVs observed: 88 (10 communes out of 10 total)

Observers reported virtually no major incidents or irregularities, except in one polling station in the commune of **Baie de Henne** during the vote and in one polling station in Port-de-Paix during the vote count. Relatively minor delays in the opening of polling stations were common throughout the department, as all of the polling stations visited reported to have opened approximately one hour late.

Three polling stations functioned only partially in **Jean Rabel**, because the owner of the house where they operated forced them to close due to nonpayment of the rent by the BEC. One polling station did not open at all in Port-de-Paix as a result of the loss of the voter register by the BEC. In Jean Rabel, the BEC president stopped the count at 6:00 p.m., when it started getting dark, and moved operations to the police station, which had a generator.

There were challenges filed in the communes of **Saint Louis du Nord**, **Môle Saint Nicholas**, and **Jean Rabel**, after most polling station workers failed to fill in the *procès-verbaux* immediately after the count, leaving this for the next day. Observers reported that on May 25 a recount for the commune of Saint. Louis du Nord took place in the Port-de-Paix BED in the presence of candidates, poll watchers and national observers. The recount revealed exactly the same numbers that had already been compiled at the Saint. Louis du Nord BEC. Compilation for the communes of Jean Rabel and Môle Saint Nicholas also took place at the BED.

7. South

BVs visited: 115 (14 communes out of 18)

Receipt of materials in most BECs was orderly and calm. However, on May 22 BEC officials in **Port-à-Piment** did not permit observers to enter working areas. There, observers also witnessed a representative for an independent candidate being denied access. The BEC completed

compilation of results in the sole presence of Fanmi Lavalas representatives and observers from KOZEPEP.

Following election day, the security situation in the South deteriorated. Five BECs (Chantal, Ile-à-Vache, Les Anglais, Côteaux, and Roche-à-Bateau) had to close their doors for several days for security reasons, while two others (Saint Louis du Sud and Aquin) initiated compilation proceedings in a tense atmosphere and under heavy police protection. As of May 30, the BEC of **Ile-à-Vache** had still not begun compiling results for local elections. A few BECs compiled results for Senate and deputy seats, while others were ordered by the CEP liaison to postpone compilation, which took place later at a central location set up by the BED in Les Cayes.

OAS observers witnessed various irregularities during compilation at the BED: missing *procès-verbaux*, blank or partially filled-in *procès-verbaux*, extensive use of correction fluid, incorrect additions, *procès-verbaux* filled for some posts and not others, large discrepancies in the number of voters voting in different races in the same polling station, differences between spelled-out figures and the recorded figures, erasures of figures, scotch tape on several *procès-verbaux* covering candidates' names and figures, no signatures or several signatures in the same handwriting. BED officials also confirmed that results showed one polling station in Aquin with a 100 percent turnout in favor of Fanmi Lavalas candidates.

Observers also confirmed a number of serious incidents that took place during or after the vote count. Several of those incidents raised doubts about the legitimacy of vote results for different races in certain communes.

The arrest on May 23 of **Paul Denis**, OPL Senate candidate and a prominent member of OPL's national coordination, further destabilized the security situation in the department. Denis was arrested at his home in Les Cayes by police from the National Palace Security Unit based in Port-au-Prince, taken before the *commissaire du gouvernement* in Les Cayes who issued a warrant for his arrest and then transferred to the Pétionville prison in the capital. According to the police, a number of heavy-caliber weapons intended for use in violent protests were found during the search of Denis's home, a fact denied by eyewitnesses interviewed by the OAS election observers. Following Denis' detention, the OAS Mission's regional office received dozens of complaints by OPL supporters and candidates who feared

for their security, particularly those residing in **Saint-Louis du Nord**, where a warrant had been issued against the OPL mayoral candidate, allegedly for assaulting a poll worker on election day.

In the commune of **Côteaux**, registers and four ballot boxes for two polling stations located in the sixth section were stolen and burned after the count. Although observers were originally told that both polling stations would be annulled, on May 29 the president of the BED reported that the results of those polling stations would be included in the compilation because someone had managed to save the *procès-verbaux* posted on the polling stations' doors. Although the two polling stations were located in close proximity to the BEC, both *procès-verbaux* were delivered to the BEC late on the morning of May 22. The opposition contested the authenticity of the *procès-verbaux*.

Electoral authorities also confirmed that, in one polling station located in Sinai in the fourth section of Côteaux, the security agent collected twenty-nine electoral cards, ran to the BEC, and accused the BV president of confiscating the cards. Although all poll watchers and voters present at the time denied it, the BEC president and vicepresident believed the security agent's version and ordered the BV to close around 3:00 P.M. The problems in this polling station also resulted in the early closing of a nearby polling station, where it is alleged that the polling station president had threatened voters with a gun. Because the count was not done for either one of those polling stations after closing, it was agreed that the count would take place at the BEC on May 22. However, following several demonstrations that required the intervention of the antiriot police, the president and vicepresident of the BEC decided to leave for Les Cayes with all the voting materials. At the request of the president of the BED, they returned to Côteaux on May 24. That night they took all voting materials to their homes, including ballots. Both officials were accused of being pro-Fanmi Lavalas. In January, opposition parties had filed a formal complaint with the CEP concerning their partisan affiliation.

The president of the BED subsequently informed the OAS Mission's regional office that only the results for the two Sinai polling stations would be annulled in the commune of Côteaux. However, the fact that all voting materials for the commune remained overnight in the private homes of two BEC officials casts doubts on the transparency of the process in this commune.

In the commune of **Les Anglais**, the chain of custody of electoral material was broken on May 22 when an independent candidate for deputy and his supporters took over the BEC, expelled BEC members, and remained alone with the voting materials until noon the following day. The incident took place after BEC members publicly announced that a verification of *procès-verbaux* and a possible recount of ballots would take place. After anti-riot police retook control of the BEC, Fanmi Lavalas representatives formally requested that BEC officials annul the votes for the independent candidate in the six polling stations originally reported as having been lost prior to takeover of the BEC. The president of the BED ordered BEC members to annul all results for all races in those six stations.

In addition, observers confirmed that a BEC supervisor closed two polling stations in Les Anglais during the vote. In one of them, he claimed the polling station president was marking ballots for MOCHRENA. The president of the BED told observers that as many as eight polling stations in the commune may have been closed in an irregular fashion during the vote.

In **Ile-à-Vache**, BEC members reported to observers that, on the morning of May 22, the Fanmi Lavalas mayoral candidate requested that ballots for one polling station in Balais Raise be recounted. Notification of the recount was sent to the other two cartels participating in the mayoral election, both independent candidates - one identified by a boat emblem, the other by a fish emblem. Members of the boat cartel then demanded that all fourteen polling stations in the commune be recounted. As the recount proceeded, it was clear that the boat cartel had won the race for mayor. When Fanmi Lavalas supporters started gathering around the BEC, BEC members requested police protection to leave for Les Cayes with all the *procès-verbaux*. The president of the BED confirmed that the security of BEC members was at risk. He also confirmed that several BEC workers, who had gone into hiding, had been harassed by the police because of accusations that they had committed fraud on behalf of the boat cartel.

The Fanmi Lavalas mayoral candidate continued to demand the annulment of several polling stations, particularly two in **Balais Raise**, alleging that voters had been allowed to vote several times in these polling stations. Fanmi Lavalas also alleged that a number of polling stations in the commune had allowed voting to continue until 8:00 or 9:00 P.M. and that the BEC vicepresident had plotted with the boat cartel to steal the vote from

Fanmi Lavalas. The president of the BED sent the case to the CEP, which decided in late June to annul the results of the two polling stations of Balais Raise.

In the commune of **Tiburon**, observers confirmed that, while materials for one polling station were delivered to the BEC on the evening of May 22, one poll worker fled with two ballot boxes, one for the CASEC race and one for the ASEC race. The next morning, after he returned the boxes to the BEC, BEC officials, with the consent of party representatives, decided to annul the ballots for CASEC and ASEC.

In **Camp Perrin**, four masked persons, identifying themselves in the dark as BEC members, intercepted members of one polling station located in Haut Levy, stole the five ballot boxes and burned them. Three individuals were arrested on charges related to this incident. One of them, a PDI mayoral candidate, was later released. In the commune of **Roche-à-Bateau**, the antiriot police reestablished order after armed groups attempted to steal voting materials from poll workers on election night. In addition, policemen and BEC officials in the commune of **Chantal** confirmed that a supervisor found 156 marked ballots, belonging to a polling station located in Rivière des Mornes, under a bed in the private house where the polling station had operated.

8. Southeast

BVs visited: 75 (6 communes out of 10)

With the exception of one commune, most of the polling stations observed reported to have opened on time or with some minor delays. In the first section of **Belle-Anse**, however, polling stations opened with delays of up to six hours, due to the late arrival of materials. Because poll workers were not informed of the CEP's decision to extend voting hours, the eight BVs located there closed at 5:00 P.M.

Elections for town delegate in **Bainet** did not take place due to the omission of one candidate on the ballots. Also, one polling station in the third section of Cayes-Jacmel received ASEC ballots intended for the Northwest Department.

The reception of materials in the commune of Bainet was disorderly. On May 23 OAS electoral observers saw unused ballots, unsealed envelopes, *procès-verbaux*, ballot boxes, and registers tossed in a heap in the cramped and unsecured BEC office. Meanwhile, a crowd of approximately eight-hundred persons had gathered in front of the BEC, requiring police to cordon off the BEC, while candidates met with the Commission on Security.^{7/} Opposition parties requested the annulment of the election in this commune alleging, among a number of irregularities, the falsification of a number of *procès-verbaux* and BEC officials' complicity in fraud. All the opposition parties and independent candidates signed a formal request to cancel the election results in this commune. Given the magnitude of the allegations and the lack of confidence in BEC officials, the commission transferred compilation proceedings to the BED.

Compilation of results for the commune of **Bainet**, partially observed by the Mission, finally began on May 27 under the supervision of BED officials and in the absence of almost all opposition candidates and representatives. Recounts were first done for the fourteen polling stations located in the first section of the commune and the twenty-three polling stations in the ninth section. As the compilation advanced, it became clear that the independent cartel "pigeon" had won the mayoral race. OAS electoral observers witnessed the Fanmi Lavalas mayoral candidate declare that proceedings should be halted, and then knock over the table and the results. The recount for the mayoral race was begun again and the independent candidates ultimately offered their votes to the Fanmi Lavalas cartel, stating that "pigeon and table are one".

In the commune of **Belle-Anse**, candidates and party poll watchers reported numerous incidents of armed intimidation, threats and vote buying in several rural sections during the vote and at the closing of the polls, leading them to call for the cancellation of all election results in this commune. Following the presentation of these complaints, some of which were confirmed by electoral authorities, the Commission on Security also moved compilation of results for the commune of Belle Anse to the Jacmel BED. The BED president reported to OAS electoral observers that the results for a minimum of five polling stations out a total of sixty for the

⁷ The commission was composed of the departmental delegate, the departmental director of the police, the *commissaire du gouvernement*, and the BED president, as in other departments.

commune (or 8.3 percent) were questionable and, therefore, not included in the compilation of results.

Opposition parties also requested the cancellation of the results for the communes of **Cayes-Jacmel**, **Marigot**, and **Jacmel**. In Cayes-Jacmel, approximately thirty out of fifty-one *procès-verbaux* contained major inconsistencies that required a recount, which was partially observed by the OAS regional electoral team. A recount of results, ordered by the BED president, for certain contested polling stations began in the Cayes-Jacmel police station on May 23, in the presence of international and national observers as well as one representative for each political party concerned. The recount continued for several days.

9. **Grand' Anse (June 11, 2000)**

BVs visited: 90 (12 out of 12 communes)

On December 22, 1999, the BEC president of the commune of Anse-d'Hainault in the Department of the Grand'Anse removed from the list of candidates Georges Simon, the then mayor and a ESKANP-KOREGA candidate for reelection. Simon's removal was based on an allegation by the Espace de Concertation candidate that the mayor had made threats against his party during an interview on Radio Pipiritte. Following the BEC president's decision, persons claiming to be supporters of Simon ransacked the BEC office and burnt a vehicle belonging to the International Foundation for Electoral Systems (IFES).

In early January, the CEP reinstated Simon's candidacy, but Simon refused to recognize the legitimacy of the BEC in Anse-d'Hainault or the BED in Jérémie. On April 3 a group of unidentified men burned down the house of the BED president. The next day, a group of armed men closed the BED and BEC in Jérémie. By this time, electoral authorities had completed registration in all the communes except Anse-d'Hainault.

Both electoral offices remain closed until May 12, when the CEP installed a new BED. On May 15, a new BEC in the commune of Anse-d'Hainault was also installed. Elections in the Department of Grand'Anse were postponed until June 11 to allow for the registration of voters in Anse-d'Hainault.

Because of previous political problems and violence, the government deployed a significant number of police to maintain order on June 11, 2000. The presence of police from other departments helped to lessen the incidence of violent outbreaks, especially in the commune of Anse-d'Hainault. However, the large number of police officers, including the CIMO riot squad, created an atmosphere of fear among some parts of the local population.

The Prime Minister and the chief of police traveled to the department the day before the elections and remained until after the elections were completed. While the OAS electoral observers noted some crowd-control problems (according to reports, two BVs in Galette, Potonier, third section of **Les Irois**, were closed by the area supervisor), the voting proceeded relatively normally.

In order to avoid the confusion of May 21 during the vote count and the compilation of results, the Prime Minister ordered the police to transfer BV staff to a common compilation center in Jérémie. However, because of the relocation, many party representatives were not present at the compilation of results. Additionally, since polling officials had relocated, they did not post results on the main entrance of the BV, as stipulated by law. The OAS Mission did not witness any attempt to alter the results or the count in this exercise, although it noted that the decision to transfer the BVs had been made by the Prime Minister rather than the electoral authorities.

The most serious incident occurred in the commune of **Dame-Marie**, where various BVs were attacked on election night, resulting in the destruction of the *procès-verbaux* and boxes of ballots. In one BV at Plonket, Barriadelle, first section, a Lavalas candidate stole the ballot boxes for ASEC and CASEC races. Additionally, a Fanmi Lavalas candidate and ten of his supporters stole all of the ballot boxes and *procès-verbaux* from BV staff in Tet Plance, first section. The men were armed with knives and tear gas. The *procès-verbaux* posted at the BV appeared to have been salvaged. In La Haie, fourth section, two BVs were ransacked by armed assailants. Although no material had arrived at the BEC, staff believed that the *procès-verbaux* may have been saved. In Farouge, third section an ESKANP supporter allegedly shot his rifle into the air while he held the BV president by the neck. The ESKANP supporter and his companions took the boxes of ballots, *procès-verbaux* and some personal belongings from the BV president.

Around midday on June 11, in **Les Irois**, a fight broke out in a city hall BV and a Fanmi Lavalas supporter allegedly stole the list of voters from the BV security guard. The list was recovered shortly thereafter, and the BV was reopened some hours later. In Galette, Potonier, third section, the election supervisor closed two BVs in the mid-morning for security reasons when the population became uncontrollable. Polling booths were reportedly kicked over by voters who pushed and shoved their way into the BV, interrupting operations. In the third section of Jorgue, the election supervisor for the area closed a BV where there had been problems among the personnel. The secretary, a Fanmi Lavalas member, had previously walked out together with a Fanmi Lavalas poll watcher and had left the ESKANP president and OPL vice president to run the BV.

On June 12, a crowd of OPL and ESKANP supporters entered the Les Irois BEC and destroyed the radio, removed the battery and solar panels, and destroyed *procès-verbaux* as well as boxes of ballots and other materials in the building. This action was a consequence of the BEC members' reluctance to accept the ballot boxes from the Jorgue BV, which had closed at 4:00 P.M. on June 11. The remaining two BV members reportedly arrived at the BEC between 8:30 and 9:30 P.M. on election night. The BEC members refused to accept the boxes because, according to them, they had not received any official report on the closing of the BV and could not proceed to count the votes in the absence of the Fanmi Lavalas secretary. The antiriot police who were called in to restore order, arrested three men who, according to members of the three political parties contesting seats in that commune, had nothing to do with the ransacking of the BEC.

In **Les Roseaux**, the Mission was informed of the alleged beating and kidnapping of a Tet Ansam party poll watcher on the morning of June 12 in Leon (second section of Jérémie), allegedly by an individual wearing a CNO observer T-shirt who was in a vehicle marked "Press." On June 11, the poll watcher had asked a BV president in Bois Sec, second section of Roseaux, to expel a Fanmi Lavalas poll watcher who was reportedly influencing the voters. According to a Tet Ansam chamber of deputies candidate, the observer had threatened to kill the poll watcher after the vote.

10. Area of Nippes (June 11, 2000)

BVs visited: 88 (6 out of 6 communes)

For logistical reasons, the Nippes area of the Grand'Anse constitutes an independent electoral jurisdiction made up of six communes. During the electoral process, this region was not affected by the political and electoral problems observed in the rest of the Grand'Anse. Therefore, electoral authorities were unaware until late on Saturday, May 20, that the cancellation of the election in Grand'Anse covered the region of Nippes. Electoral authorities confirmed that, due to lack of communication and infrastructure, they were unable to inform all poll workers. Thus, 50 percent of BVs operated normally on May 21; of those, 75 percent reported results. The Mission also verified that an unconfirmed number of unused ballot boxes from the May 21 election were never returned to the BECs.

Several incidents of violence took place on the days before the June 11 election. Firstly, the BECs of **Petit Trou de Nippes** and **Miragoane** were set on fire two days before election day. Nonetheless, the personnel of the Nippes BED managed to supply electoral authorities in those communes with duplicates of registers, thus ensuring the normal conduct of the election. In addition, on June 10, armed individuals stole ballot boxes for eight BVs in **Anse-à-Veau**. An independent candidate for deputy was later arrested for this crime.

A few minor incidents marred a peaceful day. In the commune of **Barradères**, at approximately 4:00 A.M., unidentified individuals attacked poll workers from one BV and stole the register and ballot boxes. Also in Barradères, two individuals stoned poll workers and stole voting materials from two BVs in Fond Palmiste, causing their early closing at 11:00 A.M. In the rural area of Miragoane, armed individuals entered one BV and forced members of one BV to flee, leaving voting materials abandoned. BED officials confirmed the results for that BV were annulled. In Anse-à-Veau, none of the BVs of the fifth communal section operated, as three out of six BVs did not receive materials. Additionally, in the area of Brossard, an armed observer from Fanmi Lavalas attacked the president of a BV.

11. Maniche, South Department (June 11, 2000)

BVs visited: 20

The Mission visited twenty out of the forty BVs that operated in the commune of **Maniche** and concluded that elections were fairly well managed. One incident took place in the communal section of Melon, where two candidates for deputy were arrested after being accused of disorderly conduct. The candidates were released after the closing of the poll.

C. Table of Elections Affected by Irregularities

Department	Commune	Communal section	Race	Date	Situation
- Artibonite	- Verretes	Sixth, (Terre Natte)	CASEC ASEC	May 21	9 out of 12 BVs had election materials stolen and burned. Election was to be reheld; the Mission did not confirm repetition of the election
- Center	- Hinche	Second (Marmont)	CASEC ASEC	May 21	Operation of 6 out of 15 BVs canceled due to the interruption of the vote by armed groups
- Center	- Boucan Carré	All	CASEC ASEC Mayor Deputy	May 21	Doubtful legitimacy of <i>procès-verbaux</i> for all BVs
- Center	- Maïssade	All	CASEC ASEC Mayor Deputy	May 21	Doubtful legitimacy of <i>procès-verbaux</i> for a significant portion (at least 50%) of BVs
- North	- Acul-du-Nord	Fourth (Grande Ravine)	CASEC ASEC	May 21	Results from 4 out of 13 BVs annulled (more ballots than registered voters in three BVs; ballots for one BV stolen)
- North	- Limbé	All	CASEC ASEC Mayor Deputy	May 21	Attempts to influence the vote by OFL representatives
- North	- Bas Limbé	All	CASEC ASEC Mayor Deputy	May 21	Attempts to influence the vote by OFL representatives
- Northeast	- Mont Organisé	All	CASEC ASEC Mayor Deputy	May 21	Doubtful legitimacy of at least 60% of <i>procès-verbaux</i>
- Northeast	- Terrier Rouge	All	CASEC ASEC	May 21	Results of 20% of BVs may have been annulled. Armed attack on two BVs

- Northeast	- Ouanaminthe	All	CASEC ASEC	May 21	13 BVs out of 81 BVs found to have between 450 and 600 ballots
- South	- Les Anglais	All	CASEC ASEC Mayor Deputy	May 21	6 to 8 BVs out of 41 may have been irregularly closed on election day. Independent candidate to deputy and supporters occupied BEC for over a day
- South	- Ile-à-Vache	All	Mayor	May 21	Irregular cancellation of two BVs resulted in alteration of results
- Grand'Anse	- Dame-Marie	All	CASEC ASEC Mayor Deputy	May 21 July 2	Irregular cancellation of results following OPL's victory on May 21. Elections on July 2 were plagued with irregularities. (See Chapter IX, "Complementary Elections.")
- North	- Bahon	All	CASEC ASEC Mayor	May 21 July 2	Initial loss of results for 17 out of 25 BVs on May 21; recovery of <i>procès-verbaux</i> and cancellation of results following OPL's victory. July 2 elections plagued with irregularities (See Chapter IX, "Complementary Elections.")

CHAPTER IX
COMPLEMENTARY ELECTIONS

A. Les Irois, Grand'Anse

On Sunday, July 2, complementary elections were held in Les Irois. These elections became necessary following the invasion of the BEC on June 12 by a crowd of angry OPL and ESKANP supporters, during which all of the ballot boxes and *procès-verbaux* from the twenty-six polling stations were allegedly destroyed.

All of the polling stations visited started late. This was due to the late arrival of voting materials in Les Irois at around 7:00 A.M. on July 2. However, the late start did not cause undue problems throughout the rest of the day, and by 4:00 P.M. most of the polling stations visited were virtually empty. Members of the HNP were present outside most of the BVs visited, and they helped to maintain law and order in an area where the population is politically polarized.

The electorate voted in a peaceful manner. There were no major incidents or crowd control problems. However, due to the very polarized nature of local politics, heated arguments between polling station members over how the voting process should be conducted, especially the manner in which instructions should be given to the elderly and illiterate voters, were observed. In some cases, voting had to be stopped while the BV members sorted out their differences.

Generally, polling officials correctly followed the procedures for the vote count, and political party representatives were present at most of the BVs observed. OAS observers noticed a high percentage of spoiled votes, as many as 20 percent in some cases. Most of the *procès-verbaux* were properly filled out and duly signed.

The presence of the president and other members of the BED and two members of the CEP contributed significantly to a very well organized postelectoral operation. By 8:00 P.M. on July 3, the compilation of the results at the BEC level had begun, and by 11:30 P.M. the whole process was completed.

Half way through the count, the police interrupted the process to transport poll workers and materials to a school, where the count continued. While the poll workers were inconvenienced, the transfer appeared to be professional and facilitated the vote count. Shortly after the BV workers and party poll watchers arrived at the school they were provided with tables, chairs, and adequate lighting to facilitate their task. Due to the transfer, though, copies of the *procès-verbaux* were not posted on the doors of the BVs.

B. Dame-Marie, Grand'Anse

On Thursday, July 6, complementary elections were held in the commune of Dame Marie. These elections were organized following a decision of the Grand'Anse BED to annul fifteen of the forty-one polling stations after the June 11 elections.

The OAS Electoral Mission did not have strong evidence that it was necessary to hold complementary elections in Dame-Marie. On June 11, the OAS observers in this commune reported that armed individuals had attacked five polling stations. A few days later, however, the BEC president of Dame-Marie claimed that fifteen had been destroyed. At the same time, OPL, which had won in almost all the BVs, presented thirty-four *procès-verbaux*, which had the special code of the BED president, but the BED did not review this evidence. Some of those *procès-verbaux* had been handed over to the OPL representatives in the presence of two OAS observers assigned to Dame-Marie.

During the June 11 elections, the OPL candidates for the chamber of deputies, Riche Andris and Arthur Papillon, obtained 5,074 and 3,266 votes, respectively, while the two Fanmi Lavalas candidates, Gerard Gilles and Clones Lans, obtained 786 and 581, respectively. Based on those results only Andris would have been elected in the first round. Only ESKANP-KOREGA and Fanmi Lavalas fielded poll watchers. OPL, which had won on June 11, was not present in any of the twenty polling stations visited. No

ballots for the post of senator were sent to the polling stations because, according to the BEC, the two senators had already been elected.

An extremely high number of votes were cast in many polling stations after only three or four hours of voting. For instance, OAS observers visited a polling station in Docan, fourth section, at 9:15 A.M. and noted that 145 persons had already voted. Similar high numbers were observed in Desormeaux, Lesson and in the town of Dame-Marie. The OAS electoral observers also noted voters not registered at the BVs, but claiming to be national observers, forced the BV workers to allow them to vote. Poll workers noted their names and card numbers on the back of the register. As early as 11:00 A.M., BV members were seen carrying electoral materials to the BEC because supposedly everyone registered had already voted.

At 10:15 A.M., OAS observers visited a polling station in a remote area called Montagnac, in the third section where there were no ballots for deputies left on the table. The polling station workers told the observers that two groups of armed men had invaded the BV and filled the ballot boxes. After inspecting the ballot box, the OAS observers discovered that all the ballots at the top had been cast in favor of Fanmi Lavalas. Those ballots were not folded. In another polling station, all four ballot boxes had been filled, and there were no remaining ballots on the table.

The deployment of the HNP did not take into consideration the areas that had been affected during the June 11 elections. Consequently, four polling stations (two in Farouge, one in La Haie, and one in Tete Planche) that had been attacked on June 11 were once again the objects of attack during the July 6 complementary elections.

Based on information obtained from the BED, there were cases of fraud, serious irregularities or armed attack in at least eighteen of the forty-one polling stations. It is important to note that complementary elections were held because of problems in fifteen polling stations during the June 11 elections.

C. Bahon, North Department

After the burning of seventeen ballot boxes and one of the *procès-verbaux* in Bahon on May 21, the North BED succeeded in obtaining *procès-verbaux* of thirty-four of the thirty-five total BVs. Under intense

pressure from all sides, compilation of results from those *procès-verbaux* was organized in the North BED on June 12. Political party representatives, electoral officials, and journalists were present for the compilation of results. The three BEC members signed the compilation sheets. Nevertheless, Nawoon Marcellus, the Lavalas candidate for deputy, alleged fraud and demanded a new election. On May 25, one of Marcellus's supporters entered the BED with an Uzi, while his candidate was in the BED and other supporters carried hand weapons. On May 26, in the presence of OAS electoral observers, Marcellus threatened to kill the BED president and the three members of the Bahon BEC.

The complementary elections in Bahon were held on July 2 and were tainted by numerous irregularities. Voters did not cast ballots for senator since, according to the CEP, the number of votes could not alter the results for senator from May 21, although the results for senator had not yet been posted. Additionally, the BED failed to send the *procès-verbaux* for the thirty-five polling stations; therefore none of the polling stations was able to record the opening of the voting. Of the fifteen polling stations observed, only one received a complete register (as all of the other registers were allegedly destroyed). Ten polling stations used copies provided by the BED, of which three were not complete. Two polling stations did not receive any register at all. A polling station in Saint Maurice did not have a BV number, and it had a register that was assigned for another polling station in Lea.

In about half of the polling stations observed, people voted despite not being registered at that site. In Haute Bourge College BV, for example, twenty-seven people not appearing in the register voted. According to the secretary of the BV, many of those who voted were actually registered in Grande Rivière and not in Bahon.

Throughout the three communal sections observed, aggressive supporters (*chimères*) strategically mobilized groups of people to vote multiple times. A voter told observers that he had voted in Glacis Bourri, and he was found outside a polling station in Nicolas, another communal section several miles away from Glacis Bourri. The voter's thumb was clean, indicating that the voting procedures were not properly carried out. The rate of voting was mysteriously rapid. Observers spent a minimum of half an hour in each polling station. During the thirty minutes spent in the polling stations, nobody voted. However, after returning only an hour later, OAS electoral observers noticed that approximately two-hundred people

voted. Only two of the fifteen polling stations observed had a line of about twenty people waiting to vote.

Two polling stations observed ran out of ballots for the deputy election. By 11:15 A.M. more than four-hundred ballots had been cast for deputy despite only eighty-eight people being registered at that particular station. At the other polling station, some ninety-five people had voted, but all of the four-hundred ballots for deputy had been used.

In all of the fifteen polling stations observed, the polling station members had been replaced from those who had worked on May 21. The new polling station members received training on Saturday, July 1, for three hours.

The majority of the polling stations in the communal section of Bahon arrived at the BEC between 3:30 P.M. and 4:00 P.M., as all registered voters had already voted. All of the polling stations were instructed to conduct the vote count in the school next to the BEC in Bahon. The OAS Electoral Mission observed the count in two polling stations and did not observe any irregularities.

The compilation of results was relatively well organized. As each BV finished counting, the BV members were instructed to transport the ballot boxes next door to the BEC. Once the BV members arrived at the BEC, the electoral material was taken from them and the BV number and address were recorded. During compilation, OAS observers noticed an anomaly in at least one BV, in which all 357 voters cast their votes for deputy for Fanmi Lavalas. At the end of the compilation, the results were not posted on the door of the BEC.

According to the results of the July 2 complementary elections, Marcellus, Lavalas candidate for deputy, won the election in the first round with 7,919 votes. On May 21, he had received 1,297 votes. According to the official results from July 2, some 89 percent of registered voters cast ballots (an increase of about a third from May 21).

CHAPTER X

ANALYSIS OF THE RESULTS

A. Introduction

According to the Electoral Law, the process of transmitting results entails the following: once the vote is over, poll workers count the votes, election by election, then take note of the results for each candidate on the tally sheets. At that time, complete results are obtained for each polling station with the number of votes for each candidate. The poll workers also write in the *procès-verbaux* or election records all the relevant information, including incidents that took place throughout the voting procedures. Poll workers take the results to their respective BEC. For each polling station, the BEC obtains a copy of the *procès-verbaux*, containing the results of each election.

With these *procès-verbaux*, the BEC compiles the results for all of the elections in the commune. After this task is accomplished, it is possible to determine the winners of the local elections (mayor, ASEC, CASEC, and town delegate) and have the number of votes received by senator and deputy candidates for that commune. BEC members are supposed to post all the results on the BEC's door (Article 161). BEC members must also forward to the BED compilation sheets for the elections for deputy and senator as well as all the results for their communes. BEC members also annex a report containing all pertinent information on incidents that may have had an impact on the results.

For the deputy race, it is at the BED level that the compilation of results for the different communes forming a district (*circonscription*) takes place. Similarly, the BED compiles the results of all communes for the senator race. Once the compilations are completed, results for deputy and senator are obtained and posted by the BED.

The Electoral Law stipulates that within forty-eight hours, the results must be forwarded to the CEP. The results transmitted by the BED must be accompanied by a report mentioning “relevant facts stated in the *procès-verbaux*, as well as the challenges of candidates, political parties, and coalitions” (Article 162). The results are not final and can still be legally changed by the CEP. In order to change the results, however, the CEP must respect certain conditions as specified in the report submitted by the BED.

B. The Transmission and Processing of Results

On the evening of May 21, the count proceeded with little incident. However, the transporting of the materials to the BECs, and in particular, the storage of the materials at the BECs, were extremely disorganized. The lack of organization was evident in the way in which the *procès-verbaux* and the rest of the materials were stored in several BECs. The OAS electoral observers reported that the compilation of the results for the senate and deputy races in the BEDs was generally carried out with a certain degree of transparency. Additionally, the procedures for the transmission and processing of the results were more or less respected at the BV, BEC, and BED levels, and the problems observed by the OAS electoral observers did not appear to be intentional. The discrepancies and irregularities pertaining to the transmission of results appeared more often at the level of the CEP.

According to Article 162 of the Electoral Law, each BED must publish the results of the elections in its respective department after having first examined the records and reports from the BECs, taking into consideration complaints and challenges presented by candidates or party representatives. It is only at this stage, according to the same article, that the BED has forty-eight hours to transmit the results to the CEP.

Those procedures, however, were not always observed. On May 23, while the BEC and BED members were still preparing the compilation of results, the Prime Minister announced that the CEP should immediately proclaim the final results of the first round of elections. A few days later the director of operations announced unofficial results for the senatorial race. On June 5, the CEP reminded “all candidates, parties, and political groups that the partial results published by the CEP were based on information provided by the BEDs.” Yet, only one BED (West 2) had announced results. On June 6, the president of the CEP announced that no candidate had been elected up to that time, contradicting the earlier statements of the

director of operations. The Mission was not aware of the source the CEP used to publish its results.

The premature announcement of the results caused confusion and these results did not always correspond with those published at the departmental level. For instance, in the Department of the Northwest, the CEP announced that the Fanmi Lavalas senatorial candidate, Fedner Pierre Louis obtained more votes than the independent candidate, Luc Fleurinor, while the BED had posted results that gave the victory to the latter. Shortly after the announcement by the CEP, the BED members in this department removed the results from where they were posted.

On June 19, the director of operations of the CEP published a list of the results of the deputy race and, on June 21, the list of results for the municipal and local elections. This announcement once again was made before the BEDs themselves had completed the process of tabulating, reviewing challenges, and posting the results. The directorate of operations published only the list of the winners and in another document, the number of votes obtained by the two candidates going to the second round. The CEP never published a complete list of the results of the deputy race indicating the number of votes obtained by each candidate.

C. Calculation of Percentages for the Senatorial Elections

1. Chronology

In late May, the CEP director of electoral operations announced partial results of the senatorial elections, reflecting percentages based on the total valid votes obtained by a limited number of candidates. On May 30, the Chief of Mission met with the president of the CEP, Leon Manus, to bring the error to his attention. Manus requested that the OAS Chief of Mission detail his concerns in a letter, which was sent on the following day. The letter stated:

A thorough review of the results announced by the CEP and, in particular, of the percentages attributed to the leading candidates to the Senate, reveals a grave miscalculation that has an impact on the number of seats filled for the Senate in the first round. [...] The Electoral Law clearly states in Articles 53 and 64 that, in order to win a seat for the Parliament in the first round, a candidate must have an

absolute majority of the total of valid votes. [...] The figures distributed by the Directorate of Operations of the CEP indicate that it did not follow the procedure established in the aforementioned articles, but chose instead to add up only the votes gained by a small number of leading candidates. Therefore, it arrived at incorrect percentages.

The next day, the Chief of Mission met with the President of the republic, upon the President's request, to discuss the matter. Although the Mission had hoped to maintain the strictest confidentiality, the letter was leaked to the press by unknown sources.

A few days later, Manus responded to the OAS concerns in a letter explaining that the results were to be considered partial and noting the issue of publication of the OAS letter. In this letter, Manus agreed that "Articles 53 and 64 [of the Electoral Law] state that in order to win a seat for the Parliament in the first round, a candidate must have the absolute majority of the total of valid votes. I accept and fully agree with these dispositions that we have to respect and follow."

The Mission met in a private meeting with all CEP members to reiterate its position and to explain to them that the identification and communication of this problem were covered by the terms specified in the Mission's mandate. A few days later, the president of the CEP left the country. On June 21, from abroad, he addressed the Haitian people to explain the reasons for his departure. He stated:

While we continue to maintain our concern about the way the OAS statement was made public, I must admit that some of the issues it raised helped us delve more deeply into some of the technical issues and to recalculate the percentages of votes in strict adherence to the stipulations of the Electoral Law. Thus, the definitive results for the senatorial candidates are that only five were elected outright in the first round. The majority of those who had the largest vote in the initial count should participate in a second round. This is the result of the final tabulations according to the terms of the Electoral Law.

Confronted by an ultimatum to immediately proclaim results that I considered illegitimate and incorrect, I found myself incapable of

committing such an act of treason to my country at such a decisive moment in its history.

Shortly thereafter, the CEP published its results using its own method of calculations. On June 26, the President of the republic decreed the second round elections to be held on July 9, 2000.

2. The CEP Method of Calculating Absolute Majority

As previously noted, the CEP calculated its percentages using the votes obtained by a limited number of candidates. In the departments where two senators were being elected (eight of nine departments), the CEP used the sum of the votes cast from the top four candidates. In the Center Department, where three senators were being elected, the CEP used the sum of the votes cast from the top six candidates. After taking the sum of these votes cast, the CEP divided by two (or in the case of the Center, by three) to arrive at its baseline to calculate absolute majority. In some departments, specifically the West, the (BED) calculated its absolute majority based on the total number of valid votes, divided by two. The CEP, however, recalculated these results using its own methodology.

For example, if in a Senate election, with two seats in dispute, there were one-thousand valid votes obtained by eight candidates.

Candidate	Votes Obtained	Percentage	Official
Percentage			
A	200	20 %	66. 66 %
B	150	15 %	50. 00%
C	130	13 %	
D	120	12 %	
E	115	11.5%	
F	100	10 %	
G	100	10 %	
H	85	8.5 %	
8 candidates	1000 votes	100%	

This method excludes four-hundred votes that make up 40 percent of valid votes.

3. The Effect on the Results

The use of the CEP method of calculating absolute majority affected the results in nine Senate races in the departments of the North, Northwest, Northeast, the Center, and the Artibonite. Furthermore, this method excluded more than 1.1 million votes obtained by nearly 10one-hundred candidates.

4. Alternative Methods to Calculate Absolute Majority in Accordance with the Electoral Law

Since many seats were in dispute, voters could vote for several candidates at the same time (two in eight departments and three in the Center) or choose to cast one single choice. Determining the exact number of valid votes cast is made difficult for two reasons. Firstly, voters could cast one or multiple votes on the same ballot and the votes were still considered valid. Secondly, the forms provided by the CEP did not contemplate the recording of valid ballots cast in the Senate elections. As demonstrated below, the number of valid ballots would have been the most accurate reflection of the number of valid votes and could have served as the baseline for the calculation of the absolute majority.

While the OAS does not advocate any particular methodology to calculate absolute majority, two potential alternatives that would have conformed to the Electoral Law are explained in this chapter.

The first method takes into account valid ballots, no matter the number of choices cast by the voter; it uses this number as denominator and the number of votes obtained by each candidate as numerator.

For example: If there were one-thousand valid ballots in which eighteen-hundred votes were cast for eight candidates; two-hundred voters chose to cast only one choice.

Candidate	Valid votes	Percentage	CEP Percentage
A	310	31 %	59.33%
B	300	30 %	57.47%
C	220	22 %	42.10%
D	215	21.5%	
E	210	21.0 %	
F	205	20.5 %	
G	200	20 %	
H	140	14.0 %	

8 candidates 1,800 votes 180% (the choices not cast by 200 voters represent the 20% left over).

In the above example, the number of votes obtained by each candidate is divided by the total of valid ballots. In this example five-hundred represents 50 percent of valid votes.

The second method takes into account that fact that two separate elections are taking place in each department (except in the Center). In this method, the baseline to establish absolute majority is calculated by dividing the total number of valid votes cast for all candidates by two. Using the same example, the eighteen-hundred valid votes are divided by two. Thus, nine-hundred valid votes provide the basis on which to calculate the percentages.

Candidate	Valid Votes	Percentage	CEP's Percentage
A	310	34.00 %	59.33%
B	300	33.33 %	57.47%
C	220	24.44 %	42.10%
D	215	23.88 %	
E	210	23.33 %	
F	205	22.77 %	
G	200	22.22 %	
H	140	15.55%	

8 candidates 1,800 votes 200%*

* Given that there are two seats in dispute and each voter can vote for each seat, we obtain here 100 percent of votes for each seat, that is 200 percent.

5. The Position of the OAS Mission

As was stated in separate letters to the president of the CEP and the President of the republic, the OAS Mission believed that the method used by the CEP to calculate the absolute majority violated the Constitution and the electoral law of Haiti. By not taking into account the votes cast for every candidate, the methodology additionally violated the principal of equality of the vote: one person, one vote. Specifically, the methodology of the CEP excluded approximately 1.1 million votes.

Analysis of Votes and Candidates Excluded from Consideration in Senate Elections

Depart.	Votes Excluded	Voters Excluded	Candidates Excluded	%Votes Excluded
West	362,263	181,131	21	23.7
South	107,813	53,906	12	32.32
Southeast	72,804	36,402	11	28.65
Center	140,993	46,998	15	37.75
North	119,667	59,833	11	28.65
Northwest	67,951	33,975	7	31.87
Northeast	41,637	20,818	8	31.39
Artibonite	218,923	109,461	14	35.49
Total	1,132,051	542,524	99	

Since the calculations for the senate seats did not contemplate a second round for the departments of the North, Northwest, Northeast, the Center, and the Artibonite, the OAS Mission did not observe the proceedings of the second round. In a press release dated July 9, the Mission “determined that according to the provisions of Haiti’s own electoral legislation, the final results for the Senate elections as proclaimed by the Provisional Electoral Council (CEP) are incorrect, and the Mission cannot consider them either accurate or fair.”

6. The Alleged Use of this Method in Previous Elections

To justify the use of its methodology, the CEP explained that this procedure was used in the elections of 1990, 1995, and 1997 and that the procedure was then validated by the international community. The Mission believes that whether or not such a procedure was used in past elections is of little relevance to the current electoral process, as it still excludes from consideration a large number of votes and voters and does not accurately reflect the requisite “absolute majority of all valid votes.”

Since the CEP claims that the past use of this procedure constitutes jurisprudence, however, it is important to clarify that the procedure introduced by the CEP for the legislative, municipal, and local elections on May 21, 2000, was not utilized in the elections of 1990, 1995, nor 1997.

In 1990, the CEP, in its fourth press release, indicated that the absolute majority of votes was required to elect the President of the republic, the senators and the deputies. The CEP added that this majority was calculated based on the total number of voters, counted as the total number of ballots cast for each election. As the CEP was unable to obtain the accurate total number of voters in the Senate races, it used the number of votes obtained by the presidential candidates in each department.

In 1995, when final results of the elections of June 25 and August 13 were announced, the CEP showed the number of votes obtained by each candidate to the Senate and the respective percentage. As seen in the results issued by the CEP, these percentages were calculated on the basis of the total of votes cast for all the candidates. Likewise, the results of the 1997 elections for the Senate proclaimed by the CEP based its percentages on the total number of valid votes obtained by all candidates. (See Appendix IV, CEP Results and Proclamation of Winners in 1995 and 1997 Elections.)

D. Comparison of Results Provided by BEDs with those Provided by the CEP

1. Introduction

What follows is an analysis of the final results of the May 21 elections proclaimed by the (CEP) on June 19 and 21. The Mission compared the

results from the CEP to those posted by the departmental electoral offices (BEDs) and the communal electoral offices (BECs). For the Senate race, results in the West, South, Southeast, and Grand'Anse were identical. In other departments, the BED and CEP results varied, although the differences did not affect the final outcome in all of the elections. According to the Electoral Law, the CEP has the prerogative to modify the results posted by the BEDs, but only after it has been formally presented with a challenge to these results. The OAS Mission observed that the process for receiving challenges was rarely respected.

2. Elections for Senate

Northwest

In the Northwest, according to compilations by the Port-de-Paix BED, independent candidate for Senate Luc Fleurinor obtained 40,115 votes, and the Lavalas candidate, Fedner Pierre Louis, obtained 32,647. According to the final results of the CEP, independent candidate Fleurinor obtained 39,120 votes, and the Lavalas candidate, Louis obtained 48,949 votes. The first senator is the candidate elected with the highest number of votes under the condition that he or she obtain the absolute majority of votes. He is elected for six years, while the second is elected for four years only. Results for the nine other candidates for the Senate race varied also, as shown in the table below.

The OAS was provided by the BEDs with a final result sheet for the Senate race with a breakdown per commune from the BED. The CEP results, however, were not substantiated with a breakdown of results per commune, which prevents verifying the results from the commune to the department. According to the CEP lawyer, Jean Louis, Fleurinor made a complaint to the CEP, and his complaint was rejected because “that candidate had no proof to substantiate his case” and “the CEP took results from the Northwest BED.” Until early July, the Northwest BED maintained its results and stated to an OAS observer that “the CEP made a mistake”.

The table below shows how the change of final results promotes the Lavalas candidate to be elected “first senator” and drops the independent candidate to that of “second senator.” The table also shows how the CEP method of calculating the total number of votes allows both candidates to be

elected in the first round. However, according to the Electoral Law, no candidate should have been elected in the first round.

CANDIDATES	PARTIES	CEP	BED	DIFFERENCE	%	%CEP
FEDNER PIERRE LOUIS	FANMI	48,949	32,647	16,302	45.92	67,40
LUC FLEURINOR	IND	39,120	40,115	-995	36.70	53,87
MELIUS HYPPOLITE	OPL	29,800	30,646	-846	27.96	
EVALIERE BEAUPLAN	FANMI	27,366	28,876	-1,510	25.67	
VOLNEY JEAN	EC	21,404	23,072	-1,668	20.08	
ALEXIS GUERRIER	MOP	11,455	11,596	-141	10.75	
FASTIN JOSEPH	IND	10,867	11,066	-199	10.19	
MARC L. THEOPHIN	PSR	7,853	8,139	-286	7.37	
HENRY VIXAMAR	IND	7,070	7,302	-232	6.63	
OSNI EUGENE	IND	4,146	6,040	-1,894	3.89	
WALTERD DUGARD	IND	5,156	5,035	121	4.84	
TOTALS		213,186	204,534	8,652	200.00	

North

The Mission also noted discrepancies between the BED and the CEP results in the race for senate in the North. Houseline Bell Augustin was credited with 8,172 more votes in the results proclaimed by the CEP than in the BED-posted results. There was no recounting of votes for Senate organized in the North, and the BED transmitted the same sheet of final results it first posted. The BED of the North did not later transmit other results for the senate race.

On May 28, the CEP announced that Bell Augustin, a Fanmi Lavalas candidate, was elected first senator, ahead of Martineau Guerrier, also a candidate for that party. However, the North BED had not yet sent official results, and the Mission is unaware of the source of the CEP’s information. Interviewed several times by the OAS regional coordinator, the North BED president and secretary defended the results they posted and could not explain the discrepancies. The CEP later retracted the announcement and stated that Guerrier was first.

The increase of 8,172 votes in the CEP-proclaimed results allowed Bell Augustin to obtain the absolute majority regardless of the method used. Taking the number of votes credited to her by the CEP (97,130) and calculating the percentage based as the total number of valid votes, Bell

received almost exactly 51 percent. Using the results posted by the BED, Guerrier would have been elected in the first round, but Bell Augustin would have received 47.36 percent and would have gone to a second round against the OPL candidate, Milton Chery. It is important to note that the OPL candidate received 2,462 fewer votes in the CEP-proclaimed results than in the results posted by the BED. (See table below.)

CANDIDATES	PARTIES	CEP	BED	DIFFERENCE	%	%CEP
MARTINEAU GUERRIER	FANMI	105,603	102,197	3,406	55.46	56.19
YOUSELINE BELL AUGUSTIN	FANMI	97,130	88,958	8,172	51.01	51.69
MILTON CHERY	OPL	30,836	33,298	-2,462	16.19	21.39
ANTOINE RENE SAMSON	IND	27,579	27,954	-375	14.48	20.89
MANDENAVE JEAN	EC	19,734	20,462	-728	10.36	
GABRIEL ARLET GRAND CHAMPS	EC	16,367	17,171	-804	8.60	
PIERRE CHENT OSIAS	MOP	14,478	15,424	-946	7.60	
JOSEPH JEAN BERNARDIN	IND	14,454	14,735	-281	7.59	
JACKSON NOEL	MOCHRENA	13,375	13,511	-136	7.02	
ANTOINE PIERRE	RANFFO	10,226	10,391	-165	5.37	
LOUIS PIERROT	RNDP	8,000	8,124	-124	4.20	
JOSEPH PIERRE LOUIS	PADH	7,683	7,765	-82	4.04	
JEPHTAT ROSEME	IND	6,694	6,865	-171	3.52	
KENOLD JOSEPH	FRONCIPH	4,875	4,931	-56	2.56	
JEAN BAPTISTE JULIEN	FRONCIPH	3,781	3,847	-66	1.99	
TOTALS		380,815	375,633		200.00	

Northeast

In the Northeast, OPL candidate for Senate, Philome Firmin Jean Louis, obtained 15,966 votes according to results first published by the Fort-Liberté BED; in results proclaimed by the CEP on June 19, he was credited with only 11,082 votes.

Independent candidate Argais Joseph was credited with 8,547 votes in the BED count and with 5,547 in the CEP final results. The number of votes for both Lavalas candidates did not change. Utilizing the CEP method of calculation, both Lavalas candidates won in the first round. Basing the percentages on the total number of valid votes, however, neither candidate should have won in the first round.

CANDIDATES	PARTIES	CEP	BED	DIFFERENCE	%	%CEP
JEAN RODOLPHE JOAZILE	FANMI	32,969	32,969	0	49.72	72.47
LUCIEN DELINX PIERRE LOUIS	FANMI	30,736	30,736	0	46.35	67.56
ARMAND JOACHIM	OPL	15,966	15,966	0	24.08	35.00
PHILOME JEAN LOUIS	OPL	11,082	15,966	-4,884	16.71	
JOSE JOSEPH	IND	11,305	11,305	0	17.05	24.00
ARGAIS JOSEPH	IND	5,547	8,547	-3,000	8.37	
GERARD PIERRE	EC	6,703	6,703	0	10.11	
JUDNEL JEAN	EC	6,459	6,459	0	9.74	
EMMANUEL TINORD	TET-ANSANM	3,762	3,762	0	5.67	
ABRAHAM BONHOMME	MOCHRENA	3,427	3,427	0	5.17	
AMOS ANDRE	MOCHRENA	3,201	3,201	0	4.83	
LUNICE MATHIEU	MPSN	1,456	1,456	0	2.20	
TOTALS		132,613	140,497			

Artibonite

In the Artibonite, the results of seven candidates out of seventeen changed, as shown in the table below. These changes, however, did not affect the final results. The table shows that basing the percentages on the total number of valid votes, only one candidate would have won in the first round.

CANDIDATES	PARTIES	CEP	BED	DIFFERENCE	%	% CEP
MEDARD JOSEPH	FANMI	158,664	158,664	0	51.45	79.75%
NADIA MONDESIR SANON	FANMI	139,074	139,074	0	45.10	69.91%
REVENEL BENOIT	MOCHRENA	54,808	49,286	5,522	17.77	27.55%
YVES GUSTINVIL	MOCHRENA	45,318	45,318	0	14.69	22.78%
ALEX LARSEN	EC	27,371	27,371	0	8.88	
VICTOR BENOIT	EC	31,681	31,681	0	10.27	
BEABRUM LAROSE	OPL	23,881	23,881	0	7.74	
RONALD DESORME	OPL	23,653	23,653	0	7.67	
PIERRE CORVIL	PLB	23,368	23,368	0	7.58	
SERGE JEAN LOUIS	CFD	13,663	13,663	0	4.43	
FRANCOIS FOUCHARD BERGROME	IND	12,237	12,167	70	3.97	
GEORGES ANAPHTESE ORMEJUSTE	FRONCIPH	11,240	11,220	20	3.64	
EDOUARD PETIT HOMME	TET-ANSANM	10,679	10,679	0	3.46	
SERGE JOSEPH	IND	16,280	8,450	7,830	5.28	
JOSEPH ROLAND MECKLEMBOURG	RNDP	7,571	7,580	-9	2.45	
ARNOLD ARELUS	MPSN	6,576	6,576	0	2.13	
MARC S. BENOIT	IND	5,485	5,495	-10	1.78	
J.ERIE METELLUS	RNDP	5,238	5,169	69	1.70	
TOTALS		616,787	603,295	13,492		

Center

In the Center, the Lavalas candidate for Senate, Jean Marcellin Hercule Casseus, was credited by the CEP with 5,027 more votes than in the results released by the BED. With these added votes, he became the first elected senator instead of the second. Opposition candidates, such as Gabriel Jolly, candidate for Tet Ansanm, were also credited with more votes than originally announced by the Hinche BED.

Basing the percentages on the total number of valid votes, no senator in the Center would have been elected in the first round. According to the CEP, all Lavalas candidates were elected in the first round. (In the Center, three senators were elected, which means that the total number of votes should be divided by three, since voters marked as many as three candidates on the same ballot.)

CANDIDATES	PARTIES	CEP	BED	DIFFERENCE	%	CEP%
SIMON DIEUSEUL DESRAS	FANMI	56,542	56,542	0	45.42	72.99
JEAN MARCELIN HERCULE CASSEUS	FANMI	58,463	53,436	5,027	46.96	75.45
PIERRE GERARD MICHEL	FANMI	51,965	51,965	0	41.74	67.06
SERGE GILLES	EC	24,003	24,003	0	19.28	30.90
SALNAVE DESARMES	EC	20,315	20,315	0	16.32	26.21
SALNAVE SILVESTRE	EC	21,166	21,166	0	17.00	27.31
GARRY GUTEAU	OPL	18,888	17,448	1,440	15.17	
MARINO ETIENNE	RANFO	14,372	14,372	0	11.55	
JOSUE SALOMON	OPL	14,244	14,244	0	11.44	
JOSEPH HUGUES SYLVAIN	IND	10,602	10,612	-10	8.52	
JEAN SAINT-LOT	IND	10,252	10,252	0	8.24	
JOSEPH FIGNOLE JEAN LOUIS	CFD	10,128	10,128	0	8.14	
PIERRE BOINEUS AUGUSTAVE	RANFO	9,406	9,406	0	7.56	
EVENS DORCE	MOCHRENA	8,621	8,621	0	6.93	
PAUL DESTINE	MOCHRENA	8,047	8,047	0	6.46	
EDZER DESARMES	IND	7,656	7,656	0	6.15	
ESCARNE BOSQUETTE	RNDP	7,455	7,455	0	5.99	
REYNOLD GEORGES	MPSN	4,772	4,772	0	3.83	
GABRIEL JOLLY	TASH	11,071	4,771	6,300	8.89	
SMITH METELLUS	FRONCIPH	2,889	2,849	40	2.32	
GREGOIRE GUERRIER	FRONCIPH	2,590	2,590	0	2.08	
TOTALS		373,447	10,612		300.00	

West

There is no discrepancy between the results posted by the BEDs and those proclaimed by the CEP for the Senate race in the West. Both Lavalas candidates are elected no matter which method is used.

CANDIDATES	PARTIES	CEP	WEST-I	WEST-II	TOTAL BED	DIFFERENCE	%	%CEP
DANY TOUISSAINT	FANMI	536,802	447,020	89,782	536,802	0	70.25	92.06
YVON NEPTUNE	FANMI	483,782	399,653	84,129	483,782	0	63.31	82.97
MIRLANDE MANIGAT	RNDP	81,381	67,258	14,123	81,381	0	10.65	10.64
M.L.J 'LASSEGUE	PLB	64,121	41,410	22,711	64,121	0	8.39	8.40
DANIEL SUPPLICE	EC	59,757	44,834	14,923	59,757	0	7.82	
SUZY CASTOR	OPL	43,842	28,379	15,463	43,842	0	5.74	
J.R 'LOUIMA	MOCHRENA	30,156	25,962	4,821	30,783	-627	3.95	
RAYMOND PIOUS	MOCHRENA	30,034	25,712	4,322	30,034	0	3.93	
M.D CLAUDE	FRONCIPH	21,889	15,864	6,625	22,489	-600	2.86	
E.P CASSEUS	MOP	19,926	12,162	7,764	19,926	0	2.61	
FRANTZ MONCHAIS	MPSN	15,480	8,774	3,020	11,794	3,686	2.03	
EVANS NICOLAS	URN	15,400	10,474	4,926	15,400	0	2.02	
LUCIEN PETIT	APPA	14,679	9,589	5,090	14,679	0	1.92	
ALIX FILS-AIME	IND	13,554	9,975	3,579	13,554	0	1.77	
ANDRE CALIXTE	FRONCIPH	12,976	8,136	4,840	12,976	0	1.70	
JEAN MAX ADAM	CDSH	12,891	9,736	3,155	12,891	0	1.69	
ELINER CADET	RANFO	12,275	8,280	3,984	12,264	11	1.61	
M.A MAXIMILIEN	PENH	9,462	6,456	3,006	9,462	0	1.24	
AMOS GEORGES	IND	9,376	6,915	2,461	9,376	0	1.23	
A. JOSEPH	IND	8,631	6,353	2,278	8,631	0	1.13	
J.A BELLERICE	PENH	7,970	5,923	2,047	7,970	0	1.04	
PHITO CALIXTE	MODEJHA	7,403	5,378	2,025	7,403	0	0.97	
CLOTAIRE ST NATUS	IND	6,258	5,223	2,035	7,258	-1,000	0.82	
J.P.R MATHIEU	IND	5,169	3,662	1,507	5,169	0	0.68	
WLNER PREMPIN	IND	5,135	3,713	1,422	5,135	0	0.67	
TOTALS		1,528,349	1,216,841	310,038	1,526,879		200.00	

South

There is no discrepancy in results posted by the BED and proclaimed by the CEP for Senate race in the South. Both Lavalas candidates are elected in the first round, regardless of the method to calculate final results.

CANDIDATES	PARTIES	CEP	BED	DIFFERENCE	%	%CEP
JOSEPH YVON FEUILLE	FANMI	91,275	91,275	0	54.72	80,79
VICTOIRE MAGLOIRE	FANMI	86,866	86,866	0	52.08	79,19
PAUL DENIS	OPL	27,748	27,748	0	16.63	21,62
GERALD EXELLENT	EC	19,910	19,910	0	11.94	18,38
ANTONY CYRON	MOCHRENA	19,444	19,444	0	11.66	
PIERRE PAUL MARSAN	OPL	19,221	19,221	0	11.52	
JEAN GABRIEL FORTUNE	IND	18,450	18,450	0	11.06	
NELSON FLECOURT	EC	14,893	14,893	0	8.93	
WILLIAM FRANCOIS CHERESTAL	MRN	6,413	6,413	0	3.84	
MARC MARIE YVES MAZILE	MOCID	5,876	5,876	0	3.52	
GARCIA LOURDES	RDNP	4,739	4,739	0	2.84	
GABRIEL ROLAND CASTOR	IND	4,676	4,676	0	2.80	
LOUIS RENE MISERE	RDNP	4,344	4,344	0	2.60	
FRANCK FOUGERE MORPEAU	FRONCIPH	3,446	3,446	0	2.07	
YVES ROUSSEAU	PSR	3,181	3,181	0	1.91	
PIERRE FRANCOIS VITAL	MPSN	3,130	3,130	0	1.88	
TOTAL		333,612	333,612		200.00	

Southeast

There is no discrepancy between the results posted by the BED and those proclaimed by the CEP for the Senate race in the Southeast. Both Lavalas candidates are elected in the first round, regardless of the method to calculate final results.

CANDIDATES	PARTIES	CEP	BED	DIFFERENCE	%	%CEP
JEAN MARIE FOUREL CELESTIN	FANMI	73,136	73,136	0	57.56	80,67%
PIERRE PRINCE	FANMI	68,700	68,700	0	54.07	75,78%
RICHARD PIERRE	OPL	20,111	20,111	0	15.83	22,18%
ROSEMOND PRADEL	EC	19,357	19,357	0	15.24	21,35%
ANTONY SAMDI	MOCHRENA	12,038	12,038	0	9.47	
SANTELIAN MARCELIN	MOCHRENA	12,013	12,013	0	9.46	
SERGE PIERRE LOUIS	OPL	10,578	10,578	0	8.33	
ELIE ARMAND	RDNP	7,370	7,370	0	5.80	
WILKENS GILLES	PLB	6,910	6,910	0	5.44	
MILO GOUSSE	RDNP	6,481	6,481	0	5.10	
SAINT PHORD BALTHAZAR	IND	4,600	4,600	0	3.62	
BASTIEN METELUS	PENH	4,581	4,581	0	3.61	
EMIL PENN	MPSN	3,841	3,841	0	3.02	
RICOT PAUL	MPSN	2,885	2,885	0	2.27	
OMAR GARAT	MRN	1,507	1,507	0	1.19	
TOTALS		254,108	254,108		200.00	

Grand'Anse

There is no discrepancy between the results posted by the BED and those proclaimed by the CEP for the Senate race in the Department of the Grand'Anse. Both Lavalas candidates are elected in the first round regardless of the method to calculate final results.

CANDIDATES	PARTIES	CEP	BED	DIFFERENCE	%	%CEP
LOUIS GERALD GILLES	FANMI	86,404	86,404	0	59.25	76.71%
CLONES LANS	FANMI	78,661	78,661	0	53.94	69.83%
JEAN MAXIME ROUMER	ESCAMP	33,137	33,137	0	22.72	29.41%
MICHEL CLERIE	ESPACE	27,067	27,067	0	18.56	24.00%
JEAN SYLVERA SIMON	ESPACE	16,105	16,105	0	11.04	
RICHE ANDRIS	OPL	15,841	15,841	0	10.86	
ARTHUR PAPILLON	OPL	8,755	8,755	0	6.00	
GEORGES KENOL	FRONTCIPH	2,514	2,514	0	1.72	
JEAN HERVE BEAUPORT	TET ANSANM	7,061	7,061	0	4.84	
ZABULON VILMONT	MOCHRENA	6,082	4,999	1,083	4.17	
MARCEL DESIR	RDNP	5,010	5,010	0	3.44	
J. VILLEVALEIX LAURENT	MOCHRENA	4,999	4,999	0	3.43	
TOTALS		291,636	254,108		200.00	

Overview

If the Senate seats had been calculated based on the number of total valid votes instead of those of a limited number of candidates, the senatorial elections in the Northwest, Northeast, Artibonite, and Center should have had a second round of voting, as no candidate received the requisite absolute majority. Moreover, utilizing the results from the BED and calculating percentages for all candidates, only one candidate in the North (Guerrier) would have won in the first round. The difference in the results between the BED in the Northwest and the Center and those of the CEP affected the order in which the candidates finished as well as the need for a second round.

Departments	Elected senators ^{8/}	Elected senators (CEP results)
West	2 Lavalas (D. Toussaint, Y. Neptune)	2 Lavalas (Toussaint, Yvon Neptune)
South	2 Lavalas (Feuille, Magloire)	2 Lavalas (Feuille, Magloire)
Southeast	2 Lavalas (Celestin, Prince)	2 Lavalas (Celestin, Prince)
Grand-Anse	2 Lavalas (Gerald, Clones)	2 Lavalas (Gerald, Clones)
Center	0	3 Lavalas (Casseus, Desras, Renard)
Artibonite	1, Lavalas (Joseph)	2 Lavalas (Joseph, Sanon)
North	2 Lavalas, (Guerrier, Augustin) ^{9/}	2 Lavalas (Bell, Martineau Guerrier)
Northwest	0	1 Lavalas, 1 Independent (Luis, Fleurinor)
Northeast	0	2 Lavalas (Joazile, Pierre-Louis)
Total	11 win in first round	19 win in first round

3. Elections for the Chamber of Deputies

In the Department of the Center, there are discrepancies between the results posted by the BED and those proclaimed by the CEP. According to results calculated by the BED in Hinche, there should have been a second round in three races. According to the CEP, however, the Lavalas candidates were elected in the first round.

Center

Detailed below are three districts (*circonscriptions*) where major changes in the number of votes or percentages resulted in three Lavalas candidates being elected in the first round. In Maïssade, the Lavalas candidate was credited with two-thousand more votes than in the BED results. In Mirebalais, the Lavalas candidate was credited with one-thousand more votes.

In the Las Cahobas district, the number of votes remained unchanged, but the percentage obtained by candidates varied from BED to CEP. The CEP only provided the number of votes of the winner, and hence it is

⁸ Based on BED results and calculating percentages for all candidates.

⁹ Utilizing the results from the BED and taking into consideration all of the candidates for the calculation of absolute majority, Youseline Bell Augustin would have obtained 47.36 percent of the vote and would not have won election in the first round.

impossible to verify its percentage calculation. According to the CEP results, the Lavalas candidate was elected with 51.84 percent, although basing the percentages on the total number of valid votes, the Lavalas candidate only obtained 46.9 percent.

Maïssade

Candidates	Parties	BED votes	BED %	CEP results	CEP %	Difference
Max Théodort	F.Lavalas	2,899	38%	4,899	51.6%	+2,000 (elected)
Renold Beaugé	Espace	2,043	27%	Not available	Not available	
J.Ravel Pierre	OPL	1,089	14%	Not available	Not available	
J.R. Belmaire	Mochrena	998	13%	Not available	Not available	
Wilson Joseph	RDNP	456	6%	Not available	Not available	
Total		7,485		Not available	Not available	

Las Cahobas

Candidates	Parties	BED votes	BED %	CEP results	CEP %	Difference
Babeau Villers	Lavalas	9,606	46.9%	9,606	51,84%	Diff. in %
G.Lyonel Jean	OPL	3,031	14,8%	Not available	Not available	
Markentz Sigue	PLB	2,603	12,7%	Not available	Not available	
Roland Désir	CFD	2,342	11,4%	Not available	Not available	
C.Denaud	Ind.	1,895	9,2%	Not available	Not available	
Es. Dubuisson	Ind.	706	5,4%	Not available	Not available	
J.F Michel	RDNP	275	1,3%	Not available	Not available	
Total		20,458	100%	Not available	Not available	

Mirebalais (Saut d'Eau-Boucan Carré)

Candidates	Parties	BED votes	BED %	CEP results	CEP %	Difference
Olide Bruno	F.Lavalas	17,284	37%	28,284	50.2%	+11,000 (elected)
Urguintz Louis	Espace	5,681	12.4%	Not available	Not available	
Walk. Novembre	OPL	5,321	11.6%	Not available	Not available	
Y.A. Gardère	CFD	4,287	9%	Not available	Not available	
A. Toussainvil	MPSN	2,632	5.7%	Not available	Not available	
Ravix Emile	MPSN	2,342	5.1%	Not available	Not available	
Jorel Lubin	PADH	1,899	4%	Not available	Not available	
J.R. Jasmin	RDNP	1,601	3.5%	Not available	Not available	
Y. Desrose	CFD	1,485	3.2%	Not available	Not available	
JeanTel Joseph	FRONTC	1,379	3%	Not available	Not available	
E. Ambroise	Ind.	986	2.2%	Not available	Not available	
J.H.Médor	KNA	935	2%	Not available	Not available	
Total		45,832	100%	Not available	Not available	

South

In the third district, Camp Perrin, J. François Augustin, Lavalas candidate for deputy, was credited with 5,269 more votes in the CEP results than in the BED results, even though this did not change his being elected.

According to the results first posted by the South BED for the Port-Salut district, Jean Robert Placide, Lavalas candidate for deputy, had obtained 10,266 votes, which meant that a runoff would be required. After a

complaint by Placide, the BED organized a recounting, which took place without the presence of observers nor J.N. Dutreil, the independent candidate against whom Placide would have run for the second round. After the recount, Placide was credited with 1,003 more votes, all of them from the fourth section rurale de Barbois, Port-Salut. Placide thus obtained 11,269 votes, which put him just above the 50 percent plus one absolute majority. According to the CEP final results, Placide obtained 14,285 votes, enough to be elected in the first round, with 54 percent.

North

According to the BED results, in the district of Le Borgnes and Port-Margot, MOP candidate for deputy, Gaston Obas, qualified for the second round, as he obtained the second highest number of votes, 5,893. However, the CEP first proclaimed on June 26 that the second highest number of votes was obtained by the ESKANP candidate, Gabriel Ducatel, who only came in third, according to the BED results. According to the first CEP results, Ducatel had obtained exactly the same number of votes as Obas did, 5,893.

Obas challenged the results with copies of the compilation sheets from both Le Borgnes and Port-Margot and explained that it was a simple mistake with an inversion of names in the CEP results. On July 3, the CEP issued new results, giving Ducatel a total number of 5,906 votes. The CEP did not specify how many votes Obas had received. The OAS Mission verified that the BED had not sent any new information.

Candidates	Parties	BED votes	First CEP votes	Second CEP votes (after 1 st challenge)
Innocent Joseph	F. Lavalas	8939	8939	8939
Gaston Obas	MOP	5893	Not communicated	Not communicated
Gabriel Ducatel	Eskanp	4894	5893	5906
Fritz Odalma	Independent	3848	Not communicated	Not communicated
Vickson Severe	Espace	2702	Not communicated	Not communicated
Dieufaite Valsonis	PENH	1193	Not communicated	Not communicated
Telusma Joseph	PDI	966	Not communicated	Not communicated
J.L. Innocent	OPL	878	Not communicated	Not communicated

Summary of Differences for Elected Deputies^{10/}

District	BED results	CEP results
Mirebalais (Center)	Runoff (ballotage)	Lavalas candidate elected
Las Cahobas (Center)	Runoff (ballotage)	Lavalas candidate elected
Maïssade (Center)	Runoff (ballotage)	Lavalas candidate elected
Hinche (Center)	Lavalas candidate elected	Lavalas candidate elected
Cerca-la-Source (Center)	Lavalas candidate elected	Lavalas candidate elected
PAP 1 (West)	Lavalas candidate elected	Lavalas candidate elected
PAP 2 (West)	Lavalas candidate elected	Lavalas candidate elected
PAP 3 (West)	Lavalas candidate elected	Lavalas candidate elected
Pétionville (West)	Lavalas candidate elected	Lavalas candidate elected
Carrefour (West)	Lavalas candidate elected	Lavalas candidate elected
Delmas (West)	Lavalas candidate elected	Lavalas candidate elected
Cx. Des Bouquets (West)	Lavalas candidate elected	Lavalas candidate elected
Léogane (West)	Lavalas candidate elected	Lavalas candidate elected
Petit-Goâve (West)	Lavalas candidate elected	Lavalas candidate elected
Arcahaie (West)	Lavalas candidate elected	Lavalas candidate elected
La Gonave (West)	Lavalas candidate elected	Lavalas candidate elected
Les Cayes-Ile-à-Vache (South)	Lavalas candidate elected	Lavalas candidate elected
CampPerrin (South)	Lavalas candidate elected	Lavalas candidate elected
Port-Salut (South)	Lavalas candidate elected	Lavalas candidate elected
P.-à- Piment- Coteaux (South)	Lavalas candidate elected	Lavalas candidate elected
Milot-Plaine (North)	Lavalas candidate elected	Lavalas candidate elected
Limbé (North)	Lavalas candidate elected	Lavalas candidate elected
Bahon-G.Rivière	Runoff (ballotage)	Lavalas candidate elected
Total	19 elected deputies	23 elected deputies

E. The System of Addressing Electoral Challenges**1. Legal Framework**

Articles 10, 11, and 12 of the Electoral Law address the process of challenges of election results at different levels. Article 11 establishes a central litigation office for electoral matters (BCEC) to guarantee the rights of candidates and serve as a mechanism to review decisions made by the departmental litigation office for electoral matters (BCED). The BCED serves as the last instance in challenges related to municipal elections and a court of appeal for the races for deputy and the Senate. Article 12 establishes that the decisions of the communal electoral office (BEC) related to the CASEC and ASEC elections are not subject to appeal.

¹⁰ Based on information obtained from the BEDs by the OAS Electoral Observation Mission regarding number of votes and/or percentages of vote obtained.

The BCEC reviews the decisions of the BCED. Other challenges that are not of an administrative nature fall under the exclusive jurisdiction of the BCEC. Challenges of an “administrative nature” are understood to be those which seek compliance with the formal requirements outlined in the Electoral Law. The law also establishes that any challenge presented after three days will not be accepted.

2. Considerations of the Mission

Given the limited information received by the Mission in relation to challenges presented and the manner in which those challenges were addressed, the Mission wishes to make the following observations.

Firstly, it was extremely difficult to specify the term of three days as by the Electoral Law for the presentation of challenges. The CEP did not stipulate an official date by which results should be posted by the communal and departmental electoral offices. Hence, those offices posted their results at different times or, as was often the case, not at all. Both circumstances made it difficult to determine exactly at what time the three-day period began and if this three-day period could be considered valid at all.

During the period of challenges, a significant number of BECs and some BEDs were closed, making it practically impossible to present challenges to those authorities. For instance, none of the members of the BED in the Department of the Center were present during the challenge period, and the Mission attested that no challenges were reviewed. All challenges presented to the BED in the Center were eventually transferred to the BCEC in a sealed envelope.

In other departments, such as the Northeast, the large majority of challenges was likewise transmitted for review by the BCEC. In the South, the Mission observed that the challenges were reviewed selectively, appearing to favor one party. At the level of the BCEC, too, it appeared that challenges selected for consideration and the eventual decisions were not determined in a neutral manner. Such was the case in the election for mayor of Ile-à-Vache, described in chapter VIII.2 of this report, “Regional Incident Reports from May 21, 2000.”

Despite its various requests, the Mission was not able to observe the proceedings of the BCED. While the Mission was able to obtain some

information regarding the decisions made at this level, it nevertheless was compelled to raise serious questions about the conduct of the meetings and the manner in which these challenges were considered and resolved. The Mission likewise requested that the CEP provide a list of challenges received by the BCEC, as well as information on the manner in which these challenges were resolved. As was the case at the departmental level, the Mission was unable to observe the proceedings of the BCEC and therefore cannot attest that these challenges were handled professionally and impartially, as stipulated by the Electoral Law.

Based on the limited information received, the Mission considers that the system of addressing electoral challenges did not rigorously follow the prescript of the Electoral Law and Therefore placed in jeopardy its role as a juridical guarantor of the electoral process.

CHAPTER XI

CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

During its stay in Haiti, the OAS Electoral Mission observed the electoral process in its entirety. From the beginning, various aspects of the process appeared problematic. In particular, the many delays in actually holding the elections eroded public confidence, and frustration mounted among party leaders, candidates, and their supporters.

The first major challenge for the CEP was the national registration of voters. Despite the many administrative and logistical difficulties it encountered, the Mission believes registration constituted a significant achievement. Practically everyone who sought to register was able to do so. Thus, it is to the credit of electoral authorities that they extended the registration period and supplied additional materials in order to guarantee the citizens' right to vote. In addition, registration allowed thousands of Haitians to obtain a photo identification card for the first time.

The CEP faced a number of problems in its preparations for election day. The lack of communication and transportation infrastructure, compounded with the inexperience of the majority of electoral authorities at all levels, including most members of the CEP, poor or no communication of the CEP's decisions to departmental and communal authorities, and delays in the payment of electoral workers, constituted the biggest problems.

On election day, polling took place in an atmosphere of calm characterized by a high voter turnout (estimated at 60 percent) and a massive participation of party poll watchers and national observers. Few violent incidents were reported during the day; hence, the professional behavior of the Haitian National Police, which responded efficiently to threats of violence, should be singled out.

Nonetheless, the process began to deteriorate at the closing of the polls. The Mission confirmed that armed groups stole and burned ballot boxes in the departments of the Center, North, and Artibonite. OAS observers also reported the chaotic delivery of materials in Port-au-Prince and Cap-Haïtien, during which a substantial number of materials may have been lost. Once the compilation of results began, observers noted numerous irregularities: missing, incomplete, and/or unsigned tally sheets, use of correcting liquid on tally sheets, and loss of ballots, making a recount impossible for many polling stations. Most importantly, the Mission confirmed that the manipulation of results during the postelectoral phase, including the choice of methodology for calculating the percentages in determining Senate seats, the faulty transmission of results, and the arbitrary treatment of challenges, had an impact on the results for several races. Therefore, the Mission concludes the following:

- The choice of the method of calculating the percentage of votes obtained for Senate seats violates both the Constitution of Haiti and the Electoral Law, as it does not take into account the total majority of valid votes, excluding thus a significant part of the Haitian voting population and breaching the internationally accepted principle of one person, one vote. Consequently, the Mission considers the Senate results flawed.
- The faulty transmission of results led to an irregular proclamation of first-round results for several deputies. This, coupled with the irregular conduct of complementary elections in several districts, casts doubts on the legitimacy of some of the candidates elected to the Chamber of Deputies.
- The loss of materials and the arbitrary treatment of challenges also had an impact on several local elections.
- The Mission noted with regret the irresponsibility of some party leaders who, soon after the election, made unfounded accusations of fraud that exacerbated the political crisis and the precarious security situation.
- The Mission also took note of the partisan behavior of some mass media, which often reported uncorroborated and strongly biased information seeking a maximum political effect.

B. Recommendations

To date, the OAS has observed four separate electoral processes in Haiti since 1990 and notes that many of the same problems repeatedly arise. The OAS Electoral Mission believes that the principal cause for the insufficiencies in the administration of elections stems from the lack of a permanent electoral body. Once a permanent electoral council has been constituted in Haiti, it can serve as the institutional memory of the electoral processes in the country and can be the object of more systematic and longer term institutional strengthening. In the meantime, the current CEP can learn from past difficulties and build on its acquired knowledge to strengthen the process in the areas identified below.

A permanent electoral body, however, is not a panacea. Public confidence in the electoral process of the country can only be built through a concerted and coordinated effort among the many sectors of Haitian society including the government, political parties, and civil society. The international community, too, should be available to provide assistance, but only after these sectors have demonstrated the political will to provide for a permanent, professional, and transparent electoral process.

1. Recommendations Regarding the Institutions

- a. An autonomous and independent permanent electoral council, as required by the Constitution, should be established promptly after the presidential elections. This council should include representation of the various political tendencies in the country.
- b. The electoral structure should be decentralized in order to avoid a paralysis of the highest electoral authority due to massive referrals of decisions that could have been taken at communal and departmental levels. At the same time, BEDs and BECs should make use of the authority granted to them and refrain from transmitting all controversial cases to the CEP.
- c. In addition, the CEP should ensure that BEDs and BECs are provided with the financial and human resources to guarantee their efficient operation.

- d. The CEP should ensure that channels of communication among the various levels of the electoral system allow for a continuous and unhindered flow of information.
- e. The creation of a permanent electoral register should be one of the priorities of a newly formed permanent electoral council. Once created, the council should set up a system of ongoing registration.

2. Recommendations Regarding the Organization of the Elections:

- a. The treatment of challenges should be made systematic, public, and transparent. Communal and departmental authorities should be available to receive challenges within the period of time stipulated by law, duly review them, and rule on them. If the challenge for a departmental post is sent to the CEP for review, the complainants should be so informed with a detailed explanation of the process to be followed by the CEP.
- b. The process of selection of poll workers should be made more transparent. For example, a public session for their random selection could be held. As a minimum, the list of poll workers should clearly identify their political affiliation so that interested parties and observation groups may monitor the respect for the fair representation of all political parties. This list should be made public well in advance of election day.
- c. Ballots should be numbered and printed on special paper to facilitate distribution and control. Ballots for all posts should have colored bands in order to avoid duplication.
- d. The assistance provided to illiterate voters should be more clearly regulated in order to avoid pressure by poll workers and poll watchers.
- e. *Procès-verbaux* (election records) should include carbon or chemical paper, in order to produce various copies and to ensure the authenticity of these copies.

- f. To better calculate the absolute majority of valid ballots for each post, the compilation sheets for communal and departmental posts should include the total number of valid ballots cast.
- g. The use of private houses for the operation of registration and polling stations should be avoided. By utilizing public places, the CEP will not have to pay for the rental of localities. Also, the CEP will not risk losing the use of these localities if the rent is not promptly paid.
- h. The training program for poll workers should be one of the priorities of the electoral process.
- i. In order to preserve the neutrality of the vote count, electoral authorities should avoid compiling results in police stations. If no other alternative is available, the decision to use a police station should be communicated to all the actors in the electoral process well in advance.

3. Miscellaneous

- a. The CEP, the government, and civil society should work closely to develop a nationwide, permanent civic education campaign that would explain the rights and responsibilities of citizens in a democracy and motivate them to participate actively in the choosing of their leaders.
- b. The CEP should be provided with substantial infrastructure support and training.
- c. The Parliament should consider meaningful campaign funding and spending legislation to permit participating parties and candidates to campaign.

CHAPTER XII
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