

**To: Chairman George W. Crockett, Jr.
Subcommittee on Western Hemisphere Affairs**

**Chairman Walter E. Fauntroy
Congressional Task Force on Haiti**

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**Subject: Report on Fact Finding Mission to Haiti, September 21-
25, 1987.**

Date: September 29, 1987

Purpose

The purpose of the fact finding mission was to examine the prospects for a democratic transition in Haiti through free, fair, and open elections conducted by the Provisional Electoral Council leading to the installation of a duly elected government as constitutionally mandated on February 7, 1988. Pursuant to this goal, the Staff Delegation was concerned with examining reports of intimidation of the Haitian population and threats to the personal safety of candidates for office. Finally, the mission was charged with communicating the position as contained in the pending authorizing legislation for Fiscal Years 1988-1989 of the Subcommittee on Western Hemisphere Affairs and the Congressional Task Force on Haiti that U.S. assistance to the Government of Haiti be conditioned on the installation of a freely and fairly elected civilian government on February 7, 1988 as provided for in the Constitution approved by the Haitian people on March 29, 1987.

Itinerary

The Staff Delegation met with the U.S. Ambassador, Members of the U.S. Country Team, Presidential candidates, leaders of the Protestant and Catholic Church, Members and staff of the Provisional Electoral Commission, (CEP), Haitian journalists, leading participants in the varying business and commercial sectors, key women activists, representatives of the Inter-American Development Bank and the International Monetary Fund, former members of the Constituent Assembly and now leaders of the Association to Defend the Constitution, and officials of the National Council of Government, (C.N.G.).

Situation

I. The Electoral Process

The Staff Delegation was struck by the determination of all those we met with to proceed with the electoral process. Some had always been enthusiastic but were now more determined and fixed in their belief in electoral democracy. Others previously not openly committed to the electoral process with the C.N.G. in power, now appear to view the electoral process as set out by the Constitution as the only way to remove the provisional C.N.G. and to wrest power from the remnants of the old regime. This encouraging and emerging consensus between democrats and instrumentalists is very important and augurs well for the carrying out of the electoral process. Enthusiasm, focus, and activity is beginning to build around the upcoming elections. As expressed by one prominent Haitian active in the defense of the Constitution, "The people can now see the elections coming and they want to participate."

With reference to the electoral process the Provisional Electoral Commission is struggling with two problems one organizational and mechanical, the other legalistic centering on the eligibility of Presidential candidates but requiring a political solution.

The first problem organizationally is one of logistics and scheduling. Under this umbrella of logistics, and scheduling are the issues of voter eligibility and registration, the eligibility of

candidates, the type of ballots to be used and their printing, and the security of the ballot. Because of the delay in holding the elections for mayors and communes, the CEP is faced with the additional question of whether to schedule the local elections separately or on the same day as that of the elections for the national legislature and President. The CEP is wrestling with these concrete challenges having just set up its provincial bureaus, but it is facing a real time crunch. It is possible that the national elections could be put off until mid-December with the local elections held in November. This might be necessary given the work to be done. Such a delay is constitutionally permissible and, if necessary should not be a cause of alarm. The dates that are constitutionally set are the installation of an elected President on February 7, 1988 and the investiture of the national legislature 27 days earlier on January 11, 1988.

One area in which the Provisional Election Commission indicated it might want help beyond the \$3.4 million in assistance given by the U.S. and other donors is in the area of press information and public affairs. We believe a request for such assistance would be valid and should be met.

The second problem revolves around the issue of candidate eligibility defined by Article 135 (f) of the Constitution requiring that to be elected President one would, *"Have been relieved of his responsibilities if he has been handling public funds."* Since some of the major candidates for President had handled public funds they would require such a "discharge." Since such discharges were never given by the Duvalier dictatorship two prominent candidates, Marc Bazin and Hubert de Ronceray are without the necessary discharge. The Duvaliers refused to give the discharges to former officials using the lack of a discharge as a sword over the heads of former officials. A third candidate, former Minister of Justice under the C.N.G., Francois Latortue also has yet to receive the discharge. Some "legalists" say the discharge cannot be obtained because only the legislature can give it and there is no sitting legislature. The Duvalier legislature was dissolved on February 7, 1986 and the new legislature will be elected in the upcoming national elections and seated on January 11, 1987. Article 233 of the Constitution states, *"For the purpose of maintaining constant and careful supervision over Government expenditures a fifteen member Parli entary Com ittee with nine (9) Deputies and six*

(6) Senators shall be elected by secret ballot at the beginning of each regular session, to report on the management Ministers, in order to enable the two (2) Assemblies to give them discharge. " However, it was suggested that there exists a Constitutional way out of this legalistic swamp. Article 285-1 of the Constitution gives legislative power to the provisional C.N.G. Article 285-1 states, ***"The National Council of Government is authorized to issue in the Council of Ministers, pursuant to the Constitution, decrees having the force of law until the Deputies and Senators elected under this Constitution take up their duties."*** Therefore, under this construction the C.N.G. could give the necessary discharge avoiding a legalistic disqualification of three major candidates, an event that could damage the credibility of the process and create an unnecessary crisis. Most with whom we spoke wanted a political solution to this problem, a result of the coercive practices of the previous dictatorship. It was also our impression that at least five of the eight members of the CEP were searching for a way out of this legalistic cul de sac.

II. The Security Problem

The issue of security for the Haitian people and the personal safety of candidates for political office is one that has taken on increasing saliency in Haitian society.

Recent events, the August 2nd assassination of Louis-Eugene Athis, democrat, leader of the Modelh party now headed by Francois Latortue, the attack on four priests by a mob near an Army check point near Saint Marc four weeks, ago have created a climate of insecurity in Haiti. More recently, the bodies of murdered youths, killed in the dead of night have been turning up in the poorer neighborhoods of Port-au-Prince.

In the early morning hours of September 18th, in a rural commune known as Tabarre near Port-au-Prince three intruders suspected of nighttime crimes were set upon and killed by a "neighborhood watch." Two other intruders escaped with their lives and have offered varying details of their purpose for being in Tabarre. It was reported to the Staff Delegation that two of those killed, a Mr. Gédion and a Mr. Wilson served as drivers for the immediate Duvalier family. One hour after this incident, the

Army garrison at nearby Cazeau came into Tabarre, violated human rights , opened fire on people, leaving a number wounded, including children, and made a number of arrests.

Additionally, there have been gangs of armed burglars, many reportedly dressed in Army green, breaking into houses stealing and injuring people. While the Staff Delegation was in Haiti, the home of Dr. Louis Roy, chief drafter of the Constitution, and a leader in the Association to Defend the Constitution was broken into. Dr. Roy felt that the intrusion which mainly resulted in the ransacking of his house, was not economic in nature but political.

With all of this taking place the C.N.G. has said nothing and according to our contacts done nothing. The Haitians we spoke with want law and order but in a climate that respects their human rights as set forth in the Constitution. People are now forming neighborhood watch groups and some leaders are considering encouraging people to be out at night in the neighborhoods as a way of deterring the thugs. Political candidates are beefing up their security.

Although, some of the illegal and violent activities may be mainly economic, the overall impact is political, contributing to insecurity and instability.

The Haitian people want their elections to be held in a calm and secure atmosphere and it is asserted that this be the case. If the C.N.G. won't or can't provide that most elemental of government services then the Haitian people appear determined to do what one member of the CEP suggested, "We will create our own security." Another prominent political activist said, "Participation is the key, we will participate and that will provide the security."

The difficulty in dealing with this issue is that no one we spoke with could identify the perpetrators of these acts of intimidation and violence. As one religious leader put it, "It is not necessarily the C.N.G. but possibly a network around or with contacts into elements in the government that is seeking the resurrection of the Ton Ton Macoutes."

During the visit we observed and were briefed on the U.S. military assistance program related to non-lethal control of civil disturbances. While we found the instruction competent and valuable, we were distressed to learn that there was no involvement at the command level of the Haitian military in this program. Therefore, we continue to have grave reservations about the command and control structures of the Haitian military. Because of these reservations, on balance, we believe that the military training program has a negative effect as it gives the impression that the U.S. is overly concerned with assistance to the Haitian military.

A second extremely important security problem which threatens the very viability of the Haitian nation is the reported increase in the traffic in narcotics, particularly, cocaine and crack. It is widely held that elements of the military are involved in this trade and that Haiti is growing in its importance as a transshipment base. The continued problem of the presence of Colonel Jean Claude Paul, commander of the key Dessalines Battalion, involved in human rights abuse and implicated by our own enforcement agencies and Embassy as involved in the narcotics franchise is troubling, especially, as the elections approach and an elected civilian government takes power and attempts to exercise power.

III. Economic Development and Investment

It is clear that Haiti cannot develop unless there is a stable government in power. Our conversations with business leaders indicate that they believe it will be at least one year after a new government takes power before private investment in significant amounts will return to Haiti. Yet, it is equally clear that development, especially, the generation of jobs, is largely dependent upon increasing the role of the private sector in economic revitalization.

Foreign aid is certainly important, but Haiti can not move forward unless there is a balanced development program. It is our view after discussions with the various sectors, that key business persons now realize that their future is tied to free elections and, although they may certainly attempt to use their influence, they will not actively oppose the electoral process. Any program of economic development must involve all sectors of the

Haitian population and a private sector willing to accept reform has much to contribute and should not be ignored.

The role of other countries profiting from a presence in Haiti also was brought up by economists and business people. We were informed that the Asian countries of Japan, Taiwan, and South Korea annually take \$100,000,000 out of Haiti for purchases of their products. We were also informed that these countries import very little from Haiti, some indicated no more than \$30,000 in total. Their development programs are minimal. These countries have shown very little interest in Haiti and, indeed, Japan does not maintain an Ambassador in Port-au-Prince, having only a Charge reporting to its Embassy in Mexico City. Pressure on these nations to assume their fair share of the burden of development should be put in the strongest terms. Training programs and factories could be opened in Haiti to offset the flow of profits flowing out. As the government of Haiti is weak internationally, assistance from the U.S. and other major powers with an interest in Haiti could be helpful in convincing the Asian economic powers to assume their fair share.

Recommended Mission

It is recommended that we keep our eye on the ball emphasizing in every forum our commitment to the right of the Haitian people to be governed by a government of their choice in accordance with their Constitution. Therefore, our recommended mission should be to insure that U.S. policies provide every appropriate assistance to those working for free, fair, and open elections, in a secure environment in Haiti. Many Haitians with whom we spoke were very much encouraged by the publication in the Nouvelliste newspaper and the broadcast over Radio Haiti-Inter of Congressman Fauntroy's letter to the New York Times of September 16, 1987 expressing support for the electoral process and concern for the safety of Haitians. They also noted as an element of strength the unity of the U.S. Executive and Legislative branches on these issues as expressed in a letter published on the same day by Assistant Secretary of State Abrams.

We were asked to find appropriate ways to keep reaffirming the message contained in Section 741 (c) of the International Security and Development Act 1988-1989 conditioning assistance to Haiti which states, *"None of the funds authorized to be*

appropriated by this Act may be expended for assistance for Haiti after February 7, 1988, unless a civilian, elected freely and fairly in accordance with the constitution approved March 29, 1987, is in power in Haiti and is exercising the full authorities entrusted to it by that constitution."

Recommended Specific Actions

1. Hold hearings on Haiti in mid or late October focusing on and supportive of the constitutionally mandated electoral process, the security and safety of people to participate in the elections, and the need to begin planning for economic development.
2. Work to provide any additional assistance requested by the CEP to undertake the electoral process.
3. Honor the request of the Association for the Defense of the Constitution, the members of the CEP, the political candidates, the Church, and others to provide international observers and delegations to insure the integrity of the elections by working with indigenous watchdog organizations and journalists monitoring the elections.
4. Work to make sure that the Haitian military continues to receive from the Administration the message not to interfere crudely or covertly in the electoral process and respect the sanctity of human life.
5. Work to see that the recently allocated \$3 million in U.S. assistance for employment generating activities is activated in a timely fashion through the private sector.
6. Request that the Administration take every appropriate action in concert with other donors and the authorities in Haiti to address the climate of insecurity in Haiti so that a stable democratically elected government can come into being.
7. Work to make sure that the language of Section 741 (c) is incorporated into a Continuing Resolution if there is no authorizing legislation this year.

8. Work to insure that bilateral and multilateral packages of assistance are in place and ready to help a new elected, civilian government in meeting the enormous administrative, social, and economic challenges confronting the Haitian people.

9. Urge the U.S. to use all appropriate means to convince those nations which reap large profits from their one way trade with Haiti to assume their fair share in the development process.

10. Request the Select Committee on Narcotics and Drug Abuse to exercise its oversight responsibilities concerning trafficking through Haiti.

11. Work to support the efforts of the Drug Enforcement Agency in its new assignment in Haiti beginning October 1, 1987 including the establishment of a much needed radar network in the Northwest of Haiti and explore the possibility of hot pursuit with the Haitian government.