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Another Postponement: Haiti Will Have To Wait For A Legitimate Government

by Mike Leffert

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Haitian elections have once again been postponed. In announcing this fourth postponement (see NotiCen, 2005-08-11, 2005-12-01), the interim government did not set the stage for further embarrassment by announcing new dates. The scuttled presidential election had been set for Jan. 8. Interim Prime Minister Gerard Latortue made the postponement announcement on Dec. 28.

In a follow-up unofficial statement, provisional election council (Conceil Electoral Provisoire, CEP) member Pierre Richard Duchemin explained, "None of the target conditions have been achieved for the country to be ready to hold the elections on Jan. 8. We cannot ask people to go and vote without the conditions being met."

The blame game

Among those unmet conditions, only about a half million of the 3.5 million registered voters have received their electoral identification cards, observer teams have not yet been made up, location of the 800 voting offices has not been determined, 40,000 election workers have not been hired, and prohibitive levels of violence have continued unabated.

Duchemin faulted the interim government. "The political conditions are stained with confusion and there is a manifest lack of will by the provisional government to give the process more transparency," he said. Duchemin was not alone in his condemnation; some 20 of the myriad parties have demanded the resignation of the Latortue regime for incompetence in organizing the democratic exercise. Other election officials blamed the postponement on the Organization of American States (OAS) and the UN mission (MINUSTAH) for failing to get the preliminary work done.

CEP secretary-general Rosemond Pradel said, "The OAS said that the distribution of the voting cards would be completed by Dec. 25, but, as of now, they haven't distributed even half of them. This is serious, very serious." MINUSTAH incurred Pradel's wrath for failing to set the voting locations. He said that the mission had guaranteed that voters would not have to walk more than two hours to get to a voting station, but added, "Now we find out that voters have to walk six or seven hours to get to a voting center in some areas."

MINUSTAH spokesperson David Wimhurst denied the accusation. He said MINUSTAH had fulfilled its responsibilities, which did not include deciding the location of voting centers. "Our mission was to verify that the voting centers that had been selected by the electoral council were physically existent," he said. "It was never our job to determine the location of the voting centers." The OAS, too, denied culpability.

Denneth Modeste, OAS director in Haiti, said his organization had been ready to distribute the cards as early as September, but electoral officials asked that they be withheld until the voting centers were established.

After the aborted election was announced, two election officials of the OAS and the wife of one of them were kidnapped. They were subsequently released unharmed. One of the officials was Peruvian, the other Guatemalan. The wife was Haitian. One presidential candidate who could benefit, however slightly, from the delay is Dany Toussaint. He was arrested Jan. 2 at a checkpoint by UN peacekeepers for carrying unregistered weapons in his car.

Toussaint, one of 35 candidates, rose to prominence as a bodyguard for ousted President Jean-Bertrand Aristide (1991, 1994-1996, 2001-2004) when he was summonsed to appear before a judge as a suspect in the slaying of radio journalist Jean Dominique (see NotiCen, 2000-04-27, 2005-09-08). Toussaint never appeared because he had parliamentary immunity, having, in the meantime, been elected to the Senate. The Senate refused to lift his immunity. Polls indicate he is the choice of about 2% of the electorate. Toussaint was released from custody, but might use the extra time before elections to sort out the legal issues.

Preval prevails

The leader in the voter-preference polls is Rene Preval, with about 32% support. He was president of Haiti from 1996 to 2001 and was close to Aristide, under whom he served as prime minister. He also served as minister of interior and defense. He has a degree in agronomy from the College of Gembloux in Belgium. Preval was exiled with his family and returned to Haiti in 1975. Elected in 1996 with 88% of a low-turnout vote, he had the distinction of being the first elected president to serve out a complete term. He succeeded Aristide because of a constitutional bar against Aristide's running for a second consecutive term.

Preval suspended the lower house and two-thirds of the Senate in 1999 and ruled by decree thereafter. As president, he privatized a number of state enterprises. While this brought criticism of bowing to the dictates of the International Monetary Fund (IMF), it also resulted in Haiti's reaching the highest level of employment since the fall of the Duvalier dictatorship (1957-1988).

The trend continued during the Aristide presidency. Although a former stalwart of the Fanmi Lavalas party, Preval is running as an independent. He appears to have the support of some Lavalas voters, however, because the party is not running a candidate of its own. This is in part because the interim government declared Gerard Jean-Juste, the anointed candidate of Aristide, ineligible to run because he is in jail on charges trumped up by the vehemently anti-Lavalas Latortue regime (see NotiCen, 2005-04-28).

At the same time, other Lavalas voters consider Preval a turncoat. Running a distant second to Preval, with 21% support in the polls, is Dumarsais Simeus, who was born in Haiti but moved to the US, where he became a multimillionaire and high-profile donor to the Republican Party. But Simeus may not be running. The Haitian Constitution requires that a candidate live in Haiti for five years

prior to an election. Simeus did not meet that standard, and the Latortue government struck him from the rolls. The Cour de Cassation (Supreme Court) decreed him eligible anyway on Dec. 8, with the result that Latortue fired five of the justices the next day, and the CEP still refused to allow his candidacy.

In retaliation, the entire judiciary went on strike, and the system remains shut down. The Cour stopped just short of wanton disregard of the Constitution. Rather than ignore its proscriptions, the justices simply ruled that they had no evidence of Simeus' US residency and citizenship. While Latortue was correct in objecting to the action of the Cour, an irony is that the same constitutional rule applies to prime ministers. Latortue lived in Boca Raton, Florida, prior to being installed in his position by the US.

The Constitution further requires that an interim government hold elections within 90 days of taking office. Latortue is out of compliance on that score by about 650 days. He also acted unconstitutionally in firing the justices, which he has no authority to do. None of this is to defend the judiciary. That branch has been loyally backing Latortue's assaults on the rule of law for almost two years, routinely freeing convicted murderers who support the government and holding government critics without cause, as they have done in the case of Jean-Juste.

Amnesty International (AI), the UN Commission on Human Rights (UNCHR), 45 members of the US Congress, and numerous human rights groups have condemned Jean-Juste's treatment, and no member of the Haitian judiciary has spoken out against it.

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