

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

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In the Matter of:	)	
XX ZZ	)	<b>File No.:</b>
In Removal Proceedings	)	
	)	

**DECLARATION OF EXPERT**

I, Expert, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge.

1. I do not recall having ever met XX ZZ in person. This affidavit is based on my review of Mr. ZZ's Application for Asylum and my knowledge of relevant conditions in Haiti. I have not personally interviewed Mr. ZZ or investigated the particular details of his case. I am familiar with the broader context of Mr. ZZ's application for asylum, including the history of political violence in Haiti, especially surrounding elections and by police officers, as well as the current security and human rights conditions in the Haiti.

**Elections in Haiti**

2. With the BAI, I helped investigate and prosecute cases of political persecution. One of these cases stemmed from the November 29, 1987 elections, which thugs managed to cancel by attacking polling places with guns and machetes, killing voters and poll workers.
3. Haiti's elections have often spawned violence. Virtually every election cycle I have watched or studied in Haiti has led to politically-motivated killings. Although some of the violence has appeared to be organized on a national level, much of it is local- supporters of a party or candidate in one area attacking or intimidating a local supporter of a rival candidate or party.
4. One cause of electoral violence in Haiti is the large stakes involved, especially at the local level. Haiti does not have a tradition of a civil service independent from elected politicians. Most government jobs are considered "political," in the sense that the person in the job is hired in part because of a connection with an elected official.

5. The lack of an independent civil service raises the election's stakes for supporters of a candidate or party. Haiti is a desperately poor country, where steady paying jobs are hard to come by. Having one's candidate elected provides the chance for a job, which can make the difference between children going to school or not, or a family member receiving life-saving medical treatment or not. The prospect of government jobs, therefore, gives elections an importance beyond the setting of government policies, and provides supporters and candidates an incentive to take extreme measures to ensure that they prevail.
6. One of the flashpoints for electoral conflict in Haiti is the system of *mandataires*, who represent political parties at voting centers. The actual voting takes place in a *Bureau de Vote*, or "voting office," which has ballot materials for about 400 voters. Each *Bureau* is run by a President, assisted by a Vice-President and a Secretary, all of whom are employed by the electoral council. Each political party with a candidate on the ballot is allowed a representative, or *mandataire*, at each *Bureau*. The *mandataires*, in theory, look out for their party's interest, and collectively maintain the integrity of the *Bureau's* operations.
7. Often, supporters of relatively organized or locally dominant parties will take advantage of the relative weakness of other parties by signing up as *mandataires* for the weak parties, which are unable to adequately vet their volunteers. On election day, the supporters officially represent the weak party, but in practice represent the interests of the stronger parties. If one party effectively controls enough *mandataires*, it can then control voting at the Bureau, through collusion, intimidation or both. This practice is often obvious, such as in examples I have witnessed where a *Bureau* reported a low turnout during an afternoon check, but 100% participation when polls closed at 6 PM.
8. *Mandataires* are often reported to be involved in improper guidance of voters, and intimidation of people they believe will vote against their preferred party.

## 2006 Elections

9. Haiti's Constitution set Presidential and legislative elections for November, 2005. Due to several problems, including violence, poor organization and political controversy, the elections were postponed several times. The first round of voting was finally held on February 7, 2006. A second round was held on April 21, 2006, and additional elections were held in December, 2006.
10. At the very end of the registration period in 2005, former President René Préval, who had previously been associated with the *Lavalas* movement, announced his candidacy as a member of the newly-formed *Espwa* ("Hope") party. At the time of the registration, there was a great debate within Haitian society about the extent to which President Préval unofficially represented the interests or policies of the *Fanmi Lavalas* party. That

debate continues to this day, including within the *Lavalas* movement. Some *Lavalas* members and leaders work for or with the current government, some work passionately against it. But it is clear that many *Fanmi Lavalas* activists, at the local and the national levels, supported President Préval and other *Espwa* candidates in the 2006 elections. By all accounts President Préval received the lion's share of the *Lavalas* vote, and it is likely that the successful *Espwa* candidates in the Parliamentary elections received votes and other support from *Fanmi Lavalas* members, leaders and supporters.

11. As the February 7, 2006, election approached, Haiti once again experienced violence. The winning Presidential candidate, René Préval, was forced to cancel several events, including his final rally, because his events kept coming under violent attack.
12. According to press and human rights organization reports, political organizers and candidates were subject to several violent attacks, especially at the local level. On May 17, 2005, OPL leaders in the north of Haiti protested political persecution against the organizations' activists by the judicial system. On February 2, 2006, armed supporters of the KONBA party clashed with OPL supporters in the town of Ounaminthe. Sticks, stones and other projectiles were thrown, but there were no reports of injuries.
13. During the second round of voting for parliament on April 21, 2006, the OPL candidate for Deputy in the town of Lascahobas, Charlemagne Denaud, reported that he was threatened by partisans of the FUSION party. In the town of Plaisance, OPL *mandataires* reported that armed men took over the Bureau de Vote after it had closed and forced it to re-open. The police were called, but they were outgunned so they did not interrupt the illegal voting. When the election results in Plaisance were announced, armed men attacked several OPL supporters, one of whom was seriously injured. In the town of Grande Saline, OPL *mandataire* Bertin Desir was shot by a *mandataire* for another party. In the town of Desdunes, the OPL candidate for Deputy accused partisans of the FUSION party of mistreating his supporters and preventing them from voting.
14. In the leadup to the December 3, 2006 elections, several more OPL supporters and officials were reportedly attacked. In Delmas, a city adjacent to the capital, Port-au-Prince, OPL's assistant coordinator for the city, Hercule Dorcelus, was killed. OPL accused a candidate for the *Espwa* party of being responsible for the killing, although OPL has yet to present any evidence to justify that assertion.

## **2010 Elections**

15. Haiti ran elections for President, the House of Deputies and one-third of the Senate on November 29, 2010. These elections were marked by widespread fraud, especially by supporters of *Inite*, the part of President René Préval and the successor to *Lespwa*.
16. In these elections, *Inite mandataires* engaged in ballot stuffing that was so blatant that it was caught by Canadian Broadcasting Corporation film crews. They had pre-marked

ballots that they stuffed into ballot boxes by the handful, in full view of other *mandataires*.

17. The November 2010 elections were so obviously fraudulent that 16 of the Presidential candidates called a press conference while the voting was going on to denounce the fraud and call for new elections.
18. Because of the election-day controversies, Haiti has not yet held a runoff election for the races (including President) where a winner was not decided in the first round. Most Haitians do not accept the November voting as fair, and it is likely that they will continue to generate controversy and instability, because the winners of such a flawed process will have limited popular legitimacy.

### **Police Violence and Politicization**

19. Haiti's police force has been highly politicized, and has a history of political violence. Historically, the police force was part of the army, and was openly brutal in repressing opposition to Haiti's rulers. In the Raboteau massacre case, we convicted several police officials, including a Captain, for leading the massacre. In 1995, Haiti inaugurated a new, civilian police force, that has had a better human rights record than the military police, but has not completely eliminated politicized police violence. Police officers have been implicated in violence on both sides of Haiti's 2004 rebellion that led to the overthrow of the elected government. Several police officers were accused of violence against anti-government organizations, including a February 2004 massacre in the city of St. Marc. Other officers have been accused of attacking government supporters, and the rebellion was led by Guy Philippe, a former police officer.
20. A mortality study for Port-au-Prince published in the British medical journal *The Lancet* calculated that police officers were responsible for 27% of an estimated 8,000 political killings between March 2004 and December 2005, and 20% of the assaults during the study period.
21. The Haitian police force was sharply reduced after February 2004, because many officers considered loyal to the ousted constitutional government were killed or purged. The purged officers were replaced with an influx of former soldiers, many of whom had participated in the rebellion. This replacement violated police regulations for recruitment and promotion. It also swelled the force with a large number of officers with no civilian police experience or training, who are not accountable to the official police hierarchy or rules.
22. Neither the police nor the judiciary effectively investigate or prosecute political killings. Although the government has made arrests in some high profile incidents, in most cases these arrests were illegal, and no evidence has been presented against the accused. In the one case where an adequate investigation was done- the August 2005 football game

massacre- the police implicated in the killings were released. As a result, the justice system provides almost no deterrence to would-be political killers.

23. Police have also been implicated in common crime. The Police force's Director General, Mario Andresol, publicly conceded that a quarter of his officers might have been involved in criminal activities. The head of the Judicial Police, Haiti's main investigative unit, Michael Lucius, was fired and arrested in November 2006, for his involvement in kidnappings. He was released in December, 2007, against the protest of the judge who issued the original arrest order.
24. In February 2008 Human Rights Watch issued a report finding that "police lawlessness continues to contribute to overall insecurity. The HNP is largely ineffective in preventing and investigating crime. HNP members are responsible for arbitrary arrests, as well as excessive and indiscriminate use of force. They also face credible allegations of involvement in criminal activity, including drug trafficking, as indicated by the arrest of five HNP officers in a cocaine seizure in May. Although the HNP has participated in some training sessions, the police continue to suffer from severe shortages of personnel and equipment. Police perpetrate abuses with impunity."
25. On July 10, 2008, the head of the investigative police of the Northern Department of Haiti, Darnley Louis Jean, was arrested for participating in kidnappings in the area. An arrest warrant was issued for one of his subordinates as well. Cap Haitian is the capitol of the North Department.
26. On November 12, 2008 in the city of Port-de-Paix, police searched the house of Alain Desir, who had been arrested in Florida on drug charges. According to government officials, several million dollars disappeared during the search. On January 11, 2009, the Assistant Departmental Director of the Northwest Department (which includes Port-de-Paix), Jean Raymond Philippe died under suspicious circumstances following his transportation to Port-au-Prince for questioning by Haitian and U.S. police regarding the missing money.
27. On November 28, 2008, Monique Pierre, the girlfriend of Ernst Dorfeuille, the Police Commissioner of Gonaives, was kidnapped and killed. The investigation revealed that she had a large amount of cash in her home, and links to drug dealers. The police found enough links with Commissioner Dorfeuille to arrest him in early December.

### **Attacks Against Préval Regime Opponents**

28. On August 12, 2007, Lovinsky Pierre-Antoine, a prominent critique of the Préval administration and potential Senate candidate in elections then scheduled for 2008, disappeared. The day after his disappearance, his car was found abandoned, and the day after that his family received a ransom demand. Although the family started negotiations, kidnappers cut off contact on August 17, 2007. There have been no

communications from the kidnappers or signs of Mr. Pierre-Antoine since then. The circumstances of the disappearance, Mr. Pierre-Antoine's profile and the course of the "negotiations" indicate that Mr. Pierre-Antoine was taken because of his political activities, and is most likely related to the Senate elections.

29. Several individuals and organizations complained that the police did not vigorously investigate Mr. Pierre-Antoine's disappearance, including Amnesty International, the UN Peacekeeping Force, and Mr. Pierre-Antoine's friends and family.
30. Wilson Mesilien, who replaced Mr. Pierre-Antoine at the head of their grassroots organization, received threats that forced him into hiding. Amnesty International has issued two urgent action alerts for his protection, including one on January 9, 2008. Amnesty also noted that the government has not heeded its calls to provide Mr. Mesilien with protection.
31. On October 28, 2007, Maryse Narcisse, the top official of the *Fanmi Lavalas* and a Préval Administration critique, was kidnapped on her way home from a political meeting. She was released a few days later, reportedly after a ransom was paid.
32. As of today, the U.S. State Department has a travel warning against all unnecessary travel to Haiti. Travel within Haiti by U.S. officials has been restricted. The Canadian Ministry of Foreign Affairs also has a travel warning recommending that Canadians defer all unnecessary travel to Haiti.
33. It is likely that politics in Haiti will become even more hotly contested in the coming months and years, due to the anticipated return of former President Jean-Bertrand Aristide, currently in exile in South Africa. President Aristide is a polarizing figure: his supporters will go to great lengths to support him, while his opponents will go to great lengths to oppose him. He has announced his intention to return to Haiti when the conditions are right, and he has the constitutional right to return at will. To date, President Aristide has not announced a date for his return, in deference to President Préval's wishes. But as President Aristide's supporters become increasingly discontent with current government policies, there is an increasing mobilization for his return. If he returns, or if it appears likely that he will return, opponents of *Lavalas* may try to block his return through violence and intimidation of *Lavalas* supporters, which could feed another cycle of violence.

Signed this      day of February, 2011, in      .

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