

GAO

Report to the Chairman, Committee on
International Relations, House of
Representatives

July 1996

HAITI

U.S. Assistance for the
Electoral Process





United States
General Accounting Office
Washington, D.C. 20548

National Security and
International Affairs Division

B-271798

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The Honorable Benjamin A. Gilman
Chairman, Committee on International Relations
House of Representatives

Dear Mr. Chairman:

In response to your request, we reviewed U.S. efforts to foster democratic elections and increased respect for human rights in Haiti. Our objectives were to determine (1) how the elections in Haiti were conducted; (2) the nature and extent of U.S. support for these elections; and (3) whether election assistance funds for Haiti were properly controlled and spent.¹ We also assessed the progress Haiti has made in investigating allegations of politically motivated killings.

Background

On September 30, 1991, 8 months after his inauguration as Haiti's first democratically elected president, Jean-Bertrand Aristide was overthrown by a military coup. On September 18, 1994, after 3 years of economic and diplomatic pressure, including the threat of direct U.S. military intervention, Haiti's military regime relinquished power and allowed Aristide's return to office in October 1994. Among other things, this arrangement allowed for the nonviolent entry of U.S. troops and for holding parliamentary elections in a free and democratic manner. In accordance with Haiti's constitution precluding two consecutive presidential terms, President Aristide indicated that he would hand over power to an elected successor when his term expired in February 1996.

From September 1994 through March 1995, the multinational force of about 20,000 U.S. troops and 4,100 military and support personnel from other countries was deployed to Haiti to establish a "safe and secure environment." On March 31, 1995, responsibility for continuing the mission was transferred to the U.N. Mission in Haiti, which had about 6,900 troops at the time of transfer. U.S. troops comprised about half the U.N. force.

Results in Brief

During the first round of Haiti's parliamentary and local elections, held in June 1995, international observers noted various irregularities; however,

¹As agreed with Committee staff, this objective was met by the U.S. Agency for International Development's (USAID) Office of the Inspector General conducting an audit of USAID's internal controls for accounting for U.S. election support funds in Haiti. The Office will report separately on its findings.

the September 1995 run-off election for parliamentary seats, the August and October 1995 partial elections,² and the December 1995 presidential election were less troubled. Incidents of violence and intimidation, and uncertainty over President Aristide's intentions to step aside to a successor, arose during the election period, however, and administrative difficulties persisted. Nevertheless, most observers agreed that the elections were generally peaceful, citizens were free to vote, organized fraud was not evident, and technical irregularities did not affect the outcome of the election. Rene Preval, the candidate for President Aristide's coalition, won the presidency by an overwhelming majority of 87.9 percent.

The U.S. government spent about \$18.8 million to support the Haitian elections. Of this amount, \$9.1 million was expended through a U.N. trust fund for technical assistance and budget support to the Haitian temporary electoral council, about \$6 million was spent by U.S. nongovernmental organizations for election-related activities, and \$3.7 million was spent to support the efforts of the Organization of American States (OAS) to observe the elections in Haiti. The U.S. embassy and USAID mission closely monitored the electoral process and worked with grantees and Haitian officials to overcome problems and minimize delays. Without the financial and diplomatic support provided by the United States, it is unlikely that the elections would have been held in time to inaugurate President Aristide's successor in February 1996.

According to USAID's Office of the Inspector General, adequate controls existed over the use of election support funds granted to the four U.S. nongovernmental organizations carrying out election-related activities in Haiti. However, the office found that, as of February 1996, the Haitian electoral council had not yet fully accounted for more than \$2.5 million in advances it received from the U.N. trust fund.³ Additionally, as of August 1995, an accounting firm had determined that \$587,754 in electoral council expenditures were unjustified under the terms of U.N. regulations for allowable expenses.

The human rights situation remains fragile and continues to concern the United States and international organizations, despite dramatic

²The electoral council, a nine-member group appointed to administer the elections, held partial elections in areas in which it determined that serious technical irregularities in the parliamentary and local elections had likely affected the integrity of election results.

³As of February 1996, the accounting firm, which reports monthly on council expenditures, had accounted for expenses only through August 31, 1995. USAID funded additional staff for the firm in February 1996 to bring the accounting up to date.

improvements since the period of the coup regime. A joint OAS and U.N. International Civilian Mission concluded that the overall human rights situation had improved greatly since the intervention of peacekeeping forces and President Aristide's return. However, it also reported on continuing execution-style murders that might possibly be politically motivated, remaining deficiencies in the criminal justice system, and possible use of excessive force by the Haitian National Police. Despite congressional restrictions on U.S. aid until the Haitian government undertakes serious investigations of extrajudicial and political killings, as of March 1996, the Haitian government had made no progress in conducting the investigations. Haiti's Special Investigative Unit, established in October 1995, disintegrated during the presidential transition period, and the investigators were assigned to other tasks. The unit prioritized the cases to be pursued, but no investigative work was done, according to State Department officials. The State Department is attempting to reinvigorate the unit through diplomatic efforts and U.S. technical assistance contractors.

Haitian Elections: Problems and Improvements

International observers documented numerous irregularities in the first round of parliamentary and local elections, held in June 1995. Subsequent runoff and partial elections and the December presidential election proceeded more smoothly, and the electoral council showed more willingness to cooperate with its technical assistance advisors. Technical weaknesses persisted, however, and a shortened electoral period precluded some scheduled activities before the presidential election. The elections proceeded without violence and Haitians were free to exercise their voting rights; however, some instances of violence and intimidation were reported. Also, President Aristide's ambiguity about his intentions to step aside to his successor may have created some confusion among voters and those who might have financially supported other candidates.

Electoral Council Organization

In December 1994, the Aristide government appointed a nine-member provisional electoral council that carried out the 1995 parliamentary, municipal, and presidential elections. The electoral council administered elections through nine offices covering Haiti's geographic departments. Administration was further delegated to the 133 communal offices as election material distribution and collection points for the more than 10,000 polling stations, each assigned 5 pollworkers. Haiti's 1995 electoral law temporarily set the number of electoral districts at 83, corresponding

to the number of seats in the Chamber of Deputies. Some districts were combined to share representation.

**Observers Noted
Numerous Problems in
Complicated First Round**

The first round of parliamentary and local elections was a large and complicated undertaking. The elections were due to be held in December 1994, but they were difficult to organize within 2 months of President Aristide's return. The elections were rescheduled twice and held on June 25, 1995. USAID estimates that about 97 percent of the potential voting population were registered; this is difficult to substantiate because Haiti lacks current and reliable census data. More than 11,000 candidates ran for about 2,200 seats. These seats included 18 of the 27-member Senate, all 83 members of the Chamber of Deputies, all municipal councils elected as cartels of 3 candidates (133 mayors and 266 deputy mayors), and all 1,695 seats on 565 local community councils. OAS estimated that about 40 to 45 percent of Haiti's 3.5-million registered voters went to more than 10,000 polling stations; the International Republican Institute (IRI)⁴ estimated the turnout at 30 to 40 percent, and the electoral council announced that 51 percent had voted. The election required more than 17 million ballots be printed to accommodate the numerous contests and candidates.

International observers of several organizations noted that, although the June 1995 elections were generally peaceful—deadly violence and intimidation that had historically marred Haitian elections were largely absent—the voting process was disorganized and had many technical difficulties and irregularities. For example, many polling stations opened late or did not open at all because they had not received registration lists, ballots, or other election materials due to confusion over logistics. Also, the electoral council added several hundred polling stations just days before the election, causing confusion in delivering election materials and for potential voters who did not know where to vote. Some candidates reported being on the wrong ballot and some ballots had missing photographs of candidates and party emblems. OAS received complaints on 38 ballots out of the 799 different ballots printed, and reported that 32 complaints had merit and 6 were groundless. According to USAID, most ballot problems originated with the electoral council and not the printer. One communal electoral council office was burned and several were damaged by fire after the elections when losing parties tried to burn the ballots and tally sheets; ballot security both before and after actual voting was a concern. Observers and U.S. officials noted that pollworkers were

⁴IRI is a private, nonprofit organization, funded by grants from USAID and the National Endowment for Democracy and private donations, that promotes democracy programs worldwide.

inadequately trained to carry out their responsibilities, and many were not paid on time. Observers found no evidence of organized fraud, but generally noted that the proliferation of ballots and the myriad of candidates were overwhelming in a largely illiterate country with weak infrastructure and little experience in election administration.

Given concerns over serious irregularities and the validity of the results in certain problem areas, the electoral council decided to hold makeup elections in those areas. These partial elections took place on August 13, 1995, in 21 communal districts. On September 17, runoff elections were held for 8 Senate and 65 deputy seats; in October, additional partial elections were held in areas that had experienced irregularities. The Platform Politique Lavalas, the coalition supported by President Aristide, dominated the election results, winning 17 of the 18 contested Senate seats, 66 of 83 deputy seats, and a majority of local seats.

Alleging that the June elections were marred by fraud, manipulation, and inefficiency at the hands of the Lavalas-dominated electoral council, about two-thirds of the almost 30 parties participating in the June elections boycotted the subsequent partial and runoff elections and called for an annulment of the June results and replacement of the electoral council. Nevertheless, some candidates of the boycotting parties remained on the ballots, and five candidates of the three major boycotting parties won deputy seats. All but one of the parties that boycotted the parliamentary and municipal elections extended the boycott through the presidential election.

Electoral Administration and Transparency Improved After June 1995

Our field observations and reports of U.S. officials and international observer groups indicated that Haiti's electoral administration improved with each election after the June race.⁵ Much of the improvement was attributed to having fewer candidates and ballots; the lower voter turnout, while disappointing to observer groups, made voting procedures and vote counting easier to implement. Observers also noted that pollworkers were better trained and prepared and vote counting at the polling stations went more smoothly. Voting materials and registration lists were generally received on time at the polling stations, and the delivery of ballots to communal and department electoral offices for vote counting was more orderly than in June. In addition, political party pollwatchers were present at most polling stations and electoral offices.

⁵We accompanied OAS, IRI, and U.S. embassy observer teams for the September 17 and December 17 elections. We observed voting in Port-au-Prince, Carrefour, Cap Haitien, Gonaives, Les Cayes, and in rural areas encompassing most of Haiti's regions.

The electoral council cooperated more fully with representatives of the United States, international organizations, and other donors after the June elections. The turning point was President Aristide's appointment of a new electoral council president on July 27. According to U.S. embassy and USAID officials, officials of U.S. nongovernmental organizations, and observers' reports, the new council president made concerted efforts to strengthen the electoral process and improve relations with the donor community. The chief of the U.N. technical assistance team also noted an improved relationship with the electoral council and greater willingness to consider the team's advice. Enhancing the electoral council's transparency was the press center established by the National Democratic Institute for International Affairs (NDI)⁶ before the September 17 run-off election. The electoral council held regular press briefings at the center, particularly during election periods; presented its electoral budget during a press conference; and televised the lottery held for candidate name placement on the presidential ballot. The new council president also held meetings to coordinate the various civic education activities that the United States and other donors planned for the presidential election.

Administrative Difficulties Persisted

Nevertheless, despite the overall technical improvements noted after the June elections, our observations and the reports of international observers and U.S. officials noted several persisting weaknesses in electoral administration. On December 17, many polling stations did not receive electoral registration lists or received inaccurate ones. OAS observed 49 polling stations where voters with a valid card were prevented from voting when their names did not appear on the list and reported that unlisted voters were observed at 599 polling stations, mostly in the department covering Port-au-Prince. IRI observers also reported irregularities in the electoral lists. As an emergency measure, the electoral council president declared at 11 a.m. that all persons possessing a valid voting card could vote at the polling station indicated on the card, even if their names were not listed at that location. While increasing the potential for voting more than once, this was likely mitigated by the pollworkers' notations of those who voted, as well as the use of indelible ink on each voter's thumb.

In addition to the electoral list problems, OAS reported some additional irregularities that it characterized as serious. These included the premature signing of the vote count the morning of the election in one department, attributed by OAS to inadequate training, and suspicions of

⁶NDI is a nonprofit corporation that conducts nonpartisan international programs to help promote, maintain, and strengthen democratic institutions. Its programs are funded by USAID, the National Endowment for Democracy, and private donations.

ballot stuffing. The latter was a concern at certain polling places with large numbers of recorded votes where no massive presence of voters had been observed during the day. OAS reported these localities to the electoral council. OAS and IRI reported numerous other irregularities, generally minor, such as failure to count unmarked ballots or to post results at the polling stations. Overall, OAS reported major irregularities in about 2 percent of the 3,134 polling stations visited and observed minor irregularities in 29 percent. Observers generally stated that the irregularities did not appear to be the result of organized fraud and did not have a significant impact on the election's outcome. Rene Preval won with 87.9 percent of the vote and low voter turnout, reported by the electoral council at 27.8 percent and estimated somewhat lower by OAS.

Short Electoral Calendar Affected Program

Haiti's constitution calls for presidential elections to be held the last Sunday in the November preceding the scheduled February inauguration; in 1995, that date would have been November 26. Due to several delays in scheduling the parliamentary and local elections, it was difficult to organize and administer an election by that date following the last partial elections in October. December 17 was set as the latest possible date allowing for vote counting and contesting and a possible runoff before the February 7, 1996, inauguration.

The U.N. technical assistance team produced a detailed electoral calendar that indicated the optimal time needed was 110 days. This calendar included the time required for cleaning up the registration lists, registering candidates, campaigning, printing and distributing ballots, counting votes, and announcing and contesting results, for both a first round and a runoff. However, the electoral council made its formal announcement of the December 17 presidential election and published the electoral calendar on November 6. A compressed schedule was therefore necessary. The U.N. team subsequently produced a 60-day calendar that saved time by shortening the period allowed for some activities and eliminating the computerization of the voter registration lists. (According to USAID, it never considered computerizing the voter registration lists as a viable option due to the lack of resources.) Due to the compressed schedule, less than 4 weeks were allowed for candidates to campaign. Some candidates told us that they were adversely affected by the compressed schedule because they had insufficient time to raise funds and organize their campaigns.

The shortened electoral period also affected several assistance programs. For example, the electoral council's party pollwatcher program did not

take place as planned. In response to opposition parties' concerns over technical problems and alleged fraud in the June elections, the electoral council established an Electoral Monitoring Unit as an adjunct to the pollwatchers attached to the individual parties. The unit was to consist of pollwatchers nominated by the candidates as a resource pool to monitor the presidential election and record complaints. Each candidate was permitted to nominate 750 names; this figure equated roughly to the number of polling stations divided by the number of candidates. However, the unit was not fully functional because the candidates did not provide all the planned pollwatchers in time for the election. NDI had originally planned to train 610 party pollwatchers at the departmental and communal levels; in turn, these pollwatchers were to train the remaining 10,250 needed at the polling station level. However, NDI was able to train only 338 participants at the departmental and communal levels due to the lack of time and the candidates' inability to submit their full quota of names; several candidates did not submit any names. OAS observers reported the presence of Electoral Monitoring Unit pollwatchers in only 20 percent of the polling stations.

The short electoral calendar also did not allow for certain scheduled civic and voter education activities and, according to some election observers, may have been one factor causing the low turnout. For example, NDI canceled its civic education program because it was unable to find a suitable Haitian nongovernmental counterpart within the time available. This program was aimed at the middle class which, according to NDI, traditionally has not voted in Haitian elections. IRI also canceled plans to train political party pollwatchers due to lack of time and interest on the part of the Haitian political parties.

USAID indicated its belief that the compressed electoral calendar did not degrade the civic education activities or contribute to low voter turnout. USAID said that voter education programs carried out by the electoral council, the International Foundation for Electoral Systems (IFES), the European Union, and the U.S. Military Information Support Team provided election information to the voters. USAID also noted that Gallup polls taken in November and December 1995 indicated that 72 percent of the respondents knew where to register, 87 percent had seen voter education posters and messages, and 79 percent knew the date of the election. According to USAID, voter fatigue, a lack of candidates who captured the public's imagination, and staunch support for President Aristide were probably more important factors contributing to low voter turnout than any limitations on voter education activities caused by the compressed

electoral calendar. Nonetheless, OAS noted in its presidential election report that the low turnout can be attributed to a variety of factors, including the limited impact of the awareness campaign.

Electoral Climate Was Uncertain

The Haitian elections, for the most part, proceeded without serious incidents, and most observers agreed that the technical irregularities likely had little impact on the outcomes. However, some observers were concerned about less tangible problems within the electoral environment that, nonetheless, raise questions about the tenuous nature of democracy in Haiti.

For example, violence broke out following the November 7 murder of a Lavalas deputy who was also a cousin of President Aristide. Aristide gave an emotional eulogy, denouncing the international community for not doing enough to disarm those associated with the coup regime and calling on the people to disarm their communities. In mid-November, protests began in Port-au-Prince and other parts of Haiti. Homes were burned, roadblocks erected, and individuals and media were threatened and assaulted, allegedly by Aristide supporters. On November 20, Aristide called for a national dialogue, and the violence abated. On December 12, the house of presidential candidate Leon Jeune was attacked by gunfire, but no one was injured. IRI investigated and reported on alleged acts of intimidation during the 1995 electoral periods.

An additional factor in the uncertain electoral climate was Aristide's perceived lack of commitment to the presidential election. While he repeatedly assured the international community that he intended to hold elections and hand power to his successor, his public statements on this subject were often vague. Many supporters called for him to extend his term for 3 more years to make up the time he lost in exile. At the national dialogue meetings, he indicated he would consider remaining in office if that was what the Haitian people wanted. He publicly endorsed Preval 2 days before the election; his earlier statements indicated that he did not want to influence the outcome of the election early in the campaign. However, some observers and opposition leaders were concerned that President Aristide's ambiguity created confusion among the voters and those who might financially support Preval's opponents.

A third concern was the boycott by some opposition parties and their assertions that Lavalas, as the party in power, had unfair advantages over the opposition parties. IRI said that it had documented Lavalas' use of state

resources to finance its campaign, but this has not been documented by other observer groups. Under Haitian law, parties may receive some government assistance for campaigning, but funding for the presidential candidates was precluded by Haiti's precarious economic situation, according to a memorandum from the Prime Minister to the electoral council. The Haitian government provided limited free television and radio air time. Some observers also asserted that the absence of several major opposition parties meant little competition for Lavalas and assured its victory. Other officials opined, however, that the opposition was weak and fragmented and was trying to gain legitimacy through a boycott after its loss at the June polls.

U.S. Support for Haitian Elections

The U.S. government spent about \$18.8 million in financial support for Haiti's parliamentary, local, and presidential elections. Other donors contributed about \$9 million. U.S. diplomatic and aid officials also made diplomatic efforts and monitored the electoral process closely to resolve or minimize problems.

As of April 15, 1996, USAID grantees spent about \$15.1 million to support Haiti's electoral process from the June 1995 parliamentary and local elections through the December 1995 presidential election. More than half of this assistance—about \$9.1 million—was expended under a grant to the United Nations to finance technical assistance and budget support to Haiti's electoral council. Technical assistance was provided by a team of U.N. election experts in Haiti. The remaining USAID funds were grants to four U.S. nongovernmental organizations for election observation, assistance, and support. IRI fielded pre-election and election observation missions. IFES trained pollworkers and procured a total of 31 million ballots, NDI conducted political party-strengthening activities, and the American Institute for Free Labor Development (AIFLD)⁷ participated in voter registration. IFES, NDI, and AIFLD also conducted various civic education activities. In addition, the State Department granted \$29 million to OAS for nationwide human rights monitoring and reporting; about \$3.7 million was spent for OAS observation of the 1995 Haitian elections. Table 1 summarizes expenditures by each grantee.

⁷AIFLD is a regional institute of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) that assists independent trade unions in Latin America and the Caribbean.

Table 1: U.S. Expenditures for Haiti Elections by Grantee, as of April 15, 1996

Grantee	Expenditures
United Nations ^a	\$9,100,000
IFES ^a	3,928,194
IRI	655,000
NDI	865,000
AIFLD	600,000
OAS	3,700,000
Total	\$18,848,194

^aAs of April 15, 1996, the United Nations and IFES had not expended about \$292,000 and \$60,000, respectively, remaining from grant obligations.

Source: USAID and IFES.

In addition to financial support, the United States made diplomatic efforts to assure that the elections were held and a successor to Aristide inaugurated by February 1996. Our review of embassy cable traffic and discussions with embassy officials revealed extensive U.S. monitoring of the electoral process and U.S. efforts to ensure that problems were addressed and schedule delays minimized. For example, the electoral process was often a primary agenda item for the Ambassador's weekly meetings with President Aristide and for other meetings between embassy officials and their Haitian counterparts. Several high-level U.S. delegations visited Haiti during the electoral periods; the Deputy Secretary of State mediated negotiations between Aristide's Lavalas party and the boycotting opposition parties in August 1995. In addition, USAID held daily and weekly meetings with the U.N. technical assistance team and U.N. Mission in Haiti officials to keep the process on track.

Accountability Over U.S. Funds

As of April 1996, the USAID Office of the Inspector General was conducting an audit of USAID's internal controls for accounting for U.S. election support funds for Haiti and will report separately on its findings. The Inspector General staff generally found adequate controls over funds expended by AIFLD, IFES, IRI, and NDI.

The grant agreement and funding arrangements for U.N. technical and budget support to the electoral council contained accountability weaknesses that impeded detailed oversight and limited USAID's ability to influence how grant funds were spent. The United Nations required the electoral council to hire an accounting firm to maintain its records and to account for its expenditures through September 30, 1995. This contract

was subsequently extended to account for all electoral council donor funds and expenditures. As of February 1996, the accounting firm had reported on expenditures only through August 31, 1995. Due to these delays, USAID provided \$30,000 for the firm to hire additional staff for its review. The Inspector General was unable to audit the expenditure of funds provided to the OAS for elections assistance because OAS, as an international organization, denied U.S. auditors access to its accounting records. However, the OAS internal auditors conducted an audit of OAS funds expended in Haiti and plans to issue their report this summer.

Limited USAID Leverage Over U.N.-sponsored Election Program

USAID's ability to monitor and influence the use of funds provided to the United Nations for its support to the electoral council was impeded by the grant agreement's weak accountability and reporting requirements and a multilateral trust fund arrangement that precluded detailed donor oversight. The initial grant agreement had been negotiated in Washington, D.C., under standard reporting requirements applying to all U.N. trust funds. When additional funds were needed for the December election, the USAID mission included a clause in the amendment requiring U.N. quarterly financial and progress reports and a trust fund audit. However, U.N. officials in New York would not sign the amendment with the extra conditions. They maintained that all trust funds had to comply only with the standard annual financial reporting requirement. Although the amendment was signed without the additional report and audit conditions, USAID mission officials noted that raising the oversight issue resulted in focusing more U.N. attention on the Haiti trust fund. For example, U.N. headquarters requested from the U.N. Mission in Haiti information on controls over trust fund advances to the electoral council.

The Chief of the U.N. technical assistance team in Haiti said that the team's role was to provide technical election advice to the electoral council, which the council was free to consider or reject. This assistance was accomplished primarily through the development of election schedules and budgets and daily contact with electoral council staff. USAID officials in Haiti told us that they would have preferred more proactive efforts by the U.N. technical assistance team, but their leverage was limited. USAID met regularly with the U.N. technical assistance team and other U.N. and OAS officials involved in the electoral process to attempt to mitigate the team's passive assistance role, urging both stronger program discipline and greater financial accountability.

Weak accountability requirements did not seriously damage the electoral process, but did weaken USAID's ability to require actions beyond the limited scope of the grant agreement. For example, the U.N. team declined to implement the recommendations of a joint August 1995 U.N./USAID study on the election programs in Haiti. The study recommended, among other things, that the United Nations provide financial and management consultants to the electoral council and assist the council in developing a data base for its operations and an analysis of lessons learned from the June election. (Two weeks before the December presidential election, the U.N. team agreed to use a newly arrived French technical assistance contractor to help the electoral council improve its management. However, the contractor was also working on management problems at the council's departmental office covering Port-au-Prince, and the recommendation went unimplemented.)

USAID program and Inspector General officials told us that the U.N. and the Haitian electoral council cooperated with the Inspector General's staff by providing (1) records to support some of the larger U.N. expenditures associated with its initial election efforts and (2) summary reports indicating how grant funds were being spent. The electoral council granted auditors access to its accounting records, bank account and disbursement records, and the reports of its independent accounting firm.

Human Rights Situation Improved but Still Fragile

As a country with a long history of repressive and brutal military dictatorships, Haiti has a human rights situation that continues to concern international human rights observers and the U.S. Congress and executive branch. Human rights experts estimate that at least 3,000 individuals were killed for political reasons by the coup regime after President Aristide's ouster in 1991. The number of politically motivated killings and abuses has decreased dramatically since the intervention of international forces and the return of President Aristide, but allegations of political murder and abuse continue to plague Haiti. Since October 1994, human rights monitors have reported that about 20 murders may have been politically motivated. Other factors, such as robbery, were ruled out, and all victims were targeted and killed in execution style. About half of these victims had been former army members or otherwise were considered Aristide opponents.

A prominent case was the March 1995 murder of Mireille Durocher Bertin, an attorney and outspoken critic of President Aristide, and her client.⁸ The

⁸On May 17, 1996, the majority leaders of the House and Senate and chairmen of the House and Senate authorizing committees for foreign affairs and national security requested that we conduct further work concerning the investigation of the Bertin killing.

Haitian government asked the Federal Bureau of Investigation (FBI) to assist in its investigation of the Bertin case. The FBI concluded its investigation in June 1995, but it was unable to interview Haitian government and interim police officials under impartial conditions. The FBI Deputy Assistant Director testified that investigators did not find sufficient evidence to attribute responsibility to specific individuals for the Bertin murder, but they developed definitive evidence linking the murder to other recent execution-style killings.⁹ The FBI briefed Haitian government investigators on the results of its investigation in December 1995.

The Haitian government had made no progress in investigating alleged cases of political killings as of March 1996. While it established an investigative unit specifically to review cases of politically motivated murders and assigned government attorneys, it had not provided the support and direction needed, and the unit had not undertaken any investigative work. OAS has noted overall improvement in the human rights situation since the coup regime relinquished power, but has also pointed out persisting weaknesses in the criminal justice system and possible excessive use of force by the Haitian National Police.

Special Investigative Unit Had Made No Progress

Responding to U.S. pressure to bring closure to alleged human rights violations and congressional restrictions on aid, the Haitian Ministry of Justice established a Special Investigative Unit in October 1995. The unit is charged with investigating cases of alleged political murders, mostly of prominent political and business leaders, that took place between 1988 and 1995. These include more than 20 cases that occurred following President Aristide's return and about 30 committed during the coup period.

The unit was staffed by 10 new Haitian National Police officers with little training or experience in investigative work.¹⁰ The State Department has proposed that full staffing capability would be 40 police investigators. Five civilian police monitors from the U.N. Mission in Haiti were assigned to the unit to provide technical assistance and on-the-job training. Additionally, the State Department contracted for two U.S. investigators to provide technical assistance and report to the State Department on the

⁹Statement of William E. Perry, Deputy Assistant Director, Federal Bureau of Investigation, before the House of Representatives, Subcommittee on Crime, Committee on the Judiciary, January 31, 1996.

¹⁰The Haitian National Police replaced the army, which was disbanded by Aristide on December 24, 1995. The first class graduated from U.S.-funded training in June 1995; the last class graduated in February 1996. About 40 police officers, including the 10 assigned to the Special Investigative Unit, received about 2 weeks of detective training.

unit's progress and good faith efforts. The Ministry of Justice assigned an investigative attorney and a prosecuting attorney to the unit's cases.

When we visited the Special Investigative Unit on October 25, 1995, about 2 weeks after it was established, it had not yet received dossiers or other case documentation from the Haitian authorities, the OAS/U.N. International Civilian Mission, or Haiti's Truth Commission for human rights investigation. The OAS/U.N. International Civilian Mission subsequently provided the unit summary information, and the Haitian government provided some case files. By December 1995, the unit had 20 dossiers. At that time, the unit prioritized the first 18 cases to be investigated and later added the Bertin case to the list, bringing the priority cases to 19. Fourteen of these cases occurred before Aristide's October 1994 return; some went back as far as 1988.

As of March 1996, no investigative work had been accomplished. According to a State Department official, the unit had fallen into disuse, and the Haitian investigators had been reassigned to other cases. The unit lacked complete documentation on many cases, particularly forensic data, and Haitian witnesses are traditionally fearful of providing information to authorities. Progress on human rights investigations was slowed after the Prime Minister resigned in October and the newly elected National Assembly confirmed a new Prime Minister and cabinet. According to senior State Department officials, the primary obstacle to the unit's progress was the lack of clear direction and support from the Haitian government. They expressed the expectation that President Preval would take human rights investigations seriously and have urged him to do so.

As of April 22, 1996, according to one State Department official, the unit's progress had improved significantly in a short period. This official stated that a chief for the unit had been assigned, the prosecuting attorney was working full time with the unit, and the investigators were conducting routine investigative work, such as interviewing witnesses and tracking down vehicle license plates.

USAID has acknowledged that the Special Investigative Unit accomplished little before the inauguration of President Preval in February, but said that the Haitian government has demonstrated a greater commitment to the unit and some progress had been made in investigating the Bertin murder case under Preval's leadership.

OAS Reports Problems and Improvements

The OAS/U.N. International Civilian Mission has investigated various human rights issues since its return to Haiti in October 1994,¹¹ including about 20 execution-style killings since the return of President Aristide. We reviewed the mission's reports and interviewed the Executive Director on each of our four field trips to Haiti. Reporting appeared adequate; however, we could not determine the quality and completeness of investigations because we were denied access to case files by the Executive Director due to concerns over witness confidentiality.

In addition to the execution-style killings, the OAS/U.N. International Civilian Mission has monitored cases of "summary" justice, in which suspected criminals were caught and killed by local citizens, and abuses by state agents, such as the Haitian National Police and the interim police. The mission reported several cases in which excessive force may have been used, including nine people killed by Haitian National Police officers since its deployment in June 1995. (The Washington Office on Latin America reported similar findings.) The mission's February 1996 report also concluded that key deficiencies remain in the criminal justice system. These include inadequate training, unethical behavior in certain instances by police and judicial officials, lack of material resources, and use of preventive detention. This detention, when combined with judicial delays, meant that only 12 percent of prison detainees had been convicted in a court of law. The report noted, however, that the overall human rights situation has improved dramatically since the period of the coup regime, when thousands of politically motivated murders and other abuses allegedly took place. The mission also observed gradual improvements in the administration of justice, including penal reform and the establishment of a magistrate academy for judicial training.

Agency Comments

In commenting on a draft of this report, USAID said that the report overall presents a fair and balanced assessment of U.S. assistance for the Haitian elections. USAID also offered several clarifications and technical corrections, as well as updated information, that we have incorporated throughout the report as appropriate. Appendix I provides more detailed information on the amounts and types of election and election-related assistance undertaken by the grantees. USAID's comments are reprinted in appendix II. Although the State Department indicated that it had no specific comments, its letter is reprinted in appendix III.

¹¹OAS human rights monitors were in Haiti from February through October 1993, when they were evacuated on security grounds, and from January through July 1994, when they were again evacuated after the military regime declared their presence undesirable. Activities resumed on October 26, 1994.

Scope and Methodology

To obtain information for this report, we traveled to Haiti four times in 1995 and observed the September and December elections with teams from OAS, IRI, and the U.S. embassy. In Haiti we met with officials from the U.S. embassy, USAID, the U.N. technical assistance team, the Haitian electoral council, NDI, AIFLD, IRI, and the OAS Electoral Observation Mission. We interviewed the U.N. Secretary-General's Special Envoy and Chief of Mission in Haiti, the Chief of the OAS/U.N. International Civilian Mission, and the Chief of the U.N. civilian police monitoring unit. We also interviewed leaders of three boycotting opposition parties and the Lavalas party, five presidential candidates, and an official from the presidential palace. We discussed U.S. election assistance programs in Haiti with officials of the State Department, USAID, the four nongovernmental organization grantees, and the Haitian government. We also reviewed documentation such as grant agreements and scopes of work, USAID reports and election updates, embassy cables, election observation team reports, and election calendars.

We reviewed issues related to human rights investigations through interviews with State Department and embassy officials, the OAS/U.N. International Civilian Mission Chief, the Human Rights Watch/National Coalition for Haitian Refugees program officer in Haiti, and U.N. civilian police monitors assigned to the Special Investigative Unit. We also reviewed embassy cables and correspondence from the Haitian Ministry of Justice. We coordinated our work with the staff of the USAID Office of the Inspector General and shared preliminary findings throughout the review.

We conducted our review between August 1995 and March 1996 in accordance with generally accepted government auditing standards.

Unless you announce its contents earlier, we plan no further distribution of this report until 14 days after its issue date. At that time, we will send copies to other interested congressional committees, the Secretary of State, and the Administrator of USAID. Copies will be provided to others upon request.

If you have any questions concerning this report, please contact me at (202) 512-4128. Major contributors to this report are listed in appendix IV.

Sincerely yours,

A handwritten signature in black ink that reads "Harold J. Johnson". The signature is written in a cursive style with a large, prominent initial "H".

Harold J. Johnson, Associate Director
International Relations and Trade Issues

Contents

Letter		1
Appendix I		22
U.S. Assistance for Haitian Elections	Direct Election Support	22
	Support for Election-Related Activities	22
	OAS Monitoring Activities	25
Appendix II		26
Comments From the U.S. Agency for International Development		
Appendix III		29
Comments From the Department of State		
Appendix IV		30
Major Contributors to This Report		
Table	Table 1: U.S. Expenditures for Haiti Elections by Grantee, as of April 15, 1996	11

Abbreviations

AIFLD	American Institute for Free Labor Development
FBI	Federal Bureau of Investigation
IFES	International Foundation for Electoral Systems
IRI	International Republican Institute
NDI	National Democratic Institute for International Affairs
OAS	Organization of American States
USAID	United States Agency for International Development

U.S. Assistance for Haitian Elections

As of April 1996, the United States had spent about \$18.8 million to support Haiti's electoral process from the June 1995 parliamentary and local elections through the December 1995 presidential election. These funds were disbursed mostly through the U.S. Agency for International Development (USAID), which provided grants to the United Nations and various nongovernmental organizations for direct elections support and elections-related support activities. The Organization of American States (OAS) spent about \$3.7 million from a State Department grant for election monitoring.

Direct Election Support

More than half of USAID's assistance was provided through a \$9.4-million Elections Support Project grant to a U.N. trust fund, which was also financed by other donors, including Canada, the European Union, and France. About \$292,000 obligated under this grant remained unspent as of April 1996. From the trust fund, more than half was provided to the electoral council for budget support to administer the elections. The remainder was spent to cover the costs of the U.N. technical assistance team in Haiti, the purchase of some high-costs items such as vehicles for the electoral council and its regional offices, and for related activities.

USAID's Elections Support Project also granted about \$3.76 million to the International Foundation for Electoral Systems (IFES) for ballot procurement, pollworker training, civic education, and a candidate registration data base. IFES had expended all but \$60,000 from that grant as of April 1996. IFES received an additional pollworker training grant for \$231,926 for the parliamentary elections from USAID's Bureau for Global Programs. In what was described as a "goodwill gesture," IFES also computerized the list of polling stations for the electoral council for the December presidential election.

Support for Election-Related Activities

USAID provided additional assistance for election-related activities to three U.S. nongovernmental organizations under its Democracy Enhancement Project. A total of about \$3.6 million was granted to the International Republican Institute (IRI) for elections observation; the National Democratic Institute for International Affairs (NDI) for political party strengthening and civic education; and the American Institute for Free Labor Development (AIFLD) for labor union participation in voter registration and civic education. These grants date back to 1991 and include other democracy-related activities; we have focused on the 1995 election activities.

IRI received a total of \$931,132 to train political party pollwatchers, field election observation missions, and document these observations. For the parliamentary and local elections, IRI fielded five observation missions and wrote two reports, including a report documenting its assessment of the problematic June elections. For the December presidential election, IRI fielded four observer delegations and produced four election “alerts” and two reports, including a final report on the presidential election. According to USAID, IRI spent about \$655,000 on 1995 election activities.

NDI grant amounts since 1991 totaled about \$1.25 million. NDI’s program for the parliamentary and local elections consisted of the creation of an Electoral Information Center in September to serve as a press center and information clearinghouse, a civic education campaign of radio and television debates (done in conjunction with a Haitian nongovernmental organization); political party and consensus-building seminars; and political party pollwatcher training. For the presidential election, NDI’s program primarily consisted of a civic education campaign of televised roundtables, training seminars for journalists, press conferences, and election-day radio broadcasts from around the country. Various organizations, including the electoral council, the U.N. Mission in Haiti, the U.S. Presidential Delegation, and IRI, used the Electoral Information Center’s facilities to disseminate information. In August 1995, NDI sent three political party leaders to an NDI-sponsored conference in Africa on managing election-related disputes. According to USAID, NDI spent about \$865,000 on 1995 election activities, and about \$230,000 remained in total unexpended grant obligations.

AIFLD has received \$1,485,786 in grant obligations since 1991. According to USAID, AIFLD spent about \$600,000 on 1995 election activities that included fielding a monitoring delegation and supporting the activities of several trade union confederations. These funds were administered by AIFLD. For the parliamentary and local elections, AIFLD’s program consisted of helping to organize a nonpartisan trade union election commission to plan and execute election-related activities; a civic education campaign of seminars, radio advertisements, and candidate forums designed to register voters and encourage voting; and a union pollwatcher training program. AIFLD also fielded an election-monitoring group and reported on the parliamentary and local elections. For the presidential election, AIFLD carried out a civic education program of radio advertisements, banners, and forums, including holding a candidate forum designed to familiarize trade union leaders with the candidates and their views and wrote a report on the presidential elections.

According to a USAID report and discussions with mission officials, USAID was disappointed with AIFLD's election assistance program for the parliamentary and local elections, saying that it was unable to measure any output for AIFLD's election work. Specifically, USAID's complaints centered on (1) AIFLD's lack of financial and program reporting; (2) USAID's perception that AIFLD was not carrying out its program; (3) AIFLD's overhead costs, which USAID viewed as excessive; and (4) AIFLD's absence from several key donor meetings in May and August 1995. USAID also questioned the cost-effectiveness of AIFLD's June 1995 union pollwatcher monitoring group, saying that AIFLD delegates received their observer credentials too late to be of any use. USAID did not believe AIFLD's claim to have registered 800,000 voters for the June 1995 elections because it was not backed by any verifiable data.

In August 1995, USAID commissioned an evaluation of AIFLD's program in Haiti. This evaluation concluded that the management of AIFLD's program was deficient; that it lacked adequate planning, monitoring, reporting, and accounting systems; and that USAID's money could have been spent more effectively. The report also concluded that AIFLD's program had helped preserve and develop the Haitian trade union movement, particularly during the years of Aristide's exile and that AIFLD had played a significant role in registering voters for the June elections. The report recommended the establishment of a work plan, an improved flow of financial and program information, a short-term focus on civic education, and documentation of AIFLD-assisted trade union accomplishments. As a result, USAID reduced AIFLD's budget for the presidential election and more narrowly focused the program on civic education. USAID believes the resulting program was more successful, particularly AIFLD's "candidate forum," which gave labor leaders a chance to meet and discuss substantive issues with the presidential candidates.

AIFLD officials acknowledged that the parliamentary and local elections program could have been better managed, but said that USAID had understated the program's accomplishments. Specifically, AIFLD pointed to the establishment of the Trade Union Election Commission, labor's involvement in the Tripartite Commission discussing privatization and other issues in Haiti, and its claim to have helped register 800,000 people during the spring 1995 registration period as being important accomplishments. AIFLD officials also said that USAID's decision to allocate funding for short periods reduced program effectiveness. AIFLD admitted that its June 1995 monitors did not receive observer credentials in time, but stated that they still served in an unidentified capacity.

OAS Monitoring Activities

Between 1992 and 1994, the State Department granted \$29 million to the OAS/U.N. International Civilian Mission in Haiti for human rights monitoring. Since October 1994, the mission has conducted related programs in the areas of civic education, administration of justice, and medical services. About \$3.7 million was spent for election observation and reporting by the OAS Electoral Observation Mission. The OAS Electoral Observation Mission brought in outside observers for the elections, but most of its observers were OAS/U.N. International Civilian Mission human rights monitors who were seconded to election observation. OAS observers totaled 293, 174, and 320, respectively, for the June, September, and December elections.

Both monitoring units issued regular reports on their findings. The OAS/U.N. International Civilian Mission issued monthly human rights reports and periodic press releases and progress reports. The OAS Electoral Observation Mission issued press releases and reports following each election and a final report on all elections. This unit also informed the electoral council of its findings, but maintained that its mandate did not include providing technical assistance or monitoring enforcement.

Comments From the U.S. Agency for International Development

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

MAY 16 1996

Mr. Henry L. Hinton, Jr.
Assistant Comptroller General
National Security and International Affairs Division
U.S. General Accounting Office
441 G Street, N.W. - Room 4039
Washington, D.C. 20548

Dear Mr. Hinton:

I am pleased to provide the U.S. Agency for International Development's (USAID's) formal response on the draft GAO report entitled "HAITI: U.S. Assistance for the Electoral Process." This represents input from the U.S. Mission to the Organization of American States (OAS) as well.

Although we found the report overall to be a fair and balanced reflection of U.S. assistance to the Haitian elections, we believe the report can be improved by the following:

- * A number of the major accomplishments of the electoral process, such as the registration of 97 percent of the estimated eligible voters, are not mentioned in the report and should be included (Attachment 1).
- * Information on voters' knowledge and attitudes obtained through the 1995 public opinion surveys should be included in the report as it substantiates the effectiveness of USAID's elections assistance program (Attachment 2).
- * The draft report's statements on problems encountered need to be quantified because the generalized style and use of the term "many" gives the misleading impression of systemic or nationwide problems when the data does not support this (Attachment 3).
- * Some of the cause and effect relationships and results attributed in the draft report to the compression of the presidential electoral calendar are not accurate and should be corrected (Attachment 4).
- * The report does not acknowledge the United Nations' (UN's) cooperation in providing the USAID Inspector General (IG) with financial documents or that the Provisional Electoral Council (CEP) freely furnished the IG with information on all bank accounts, records of disbursements and accounting firm reports.

320 TWENTY-FIRST STREET, N.W., WASHINGTON, D.C. 20523

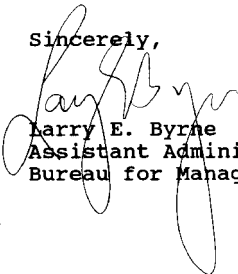
**Appendix II
Comments From the U.S. Agency for
International Development**

-2-

- * The Special Investigative Unit has made incomplete but nonetheless clear progress in its investigations since February 1996 (Attachment 5).
- * Factual errors found in the draft are detailed in Attachment 6 and should be corrected.

Thank you for the opportunity to respond to the GAO draft report and for the courtesies extended by your staff in the conduct of this review.

Sincerely,



Larry E. Byrne
Assistant Administrator
Bureau for Management

Attachments: as stated

See comment 1.

Appendix II
Comments From the U.S. Agency for
International Development

The following is GAO's comment on USAID's letter dated May 16, 1996.

GAO Comment

1. USAID attached to its letter several points of clarification, technical corrections, and updated information that have been incorporated throughout the report as appropriate.

Comments From the Department of State



United States Department of State

Chief Financial Officer

Washington, D.C. 20520-7427

May 24, 1996

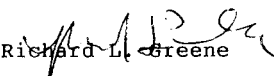
Dear Mr. Hinton:

We appreciate the opportunity to review your draft report, "HAITI: U.S. Assistance for the Electoral Process," GAO Job Code 711149.

Haiti Working Group and other Department officials reviewed the report and while we are not providing any specific comments, remarks during internal discussions about the content were generally quite complimentary.

If you have any questions, please call Mr. William Memler, ARA/HWG, at (202) 776-4721.

Sincerely,


Richard L. Greene

cc:
GAO - Mr. Martin
STATE/ARA/HWG - Mr. Memler

Mr. Henry L. Hinton, Jr,
Assistant Comptroller General,
National Security and International Affairs,
U.S. General Accounting Office.

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