



Organization of
American States



**REPORT OF THE JOINT ELECTORAL OBSERVATION MISSION
OF THE ORGANIZATION OF AMERICAN STATES (OAS)
AND THE CARIBBEAN COMMUNITY (CARICOM)**

PRESIDENTIAL AND LEGISLATIVE ELECTIONS

FIRST AND SECOND ROUNDS

REPUBLIC OF HAITI

NOVEMBER 28, 2010 AND MARCH 20, 2011

Secretariat for Political Affairs (SPA)
Department for Electoral Cooperation and Observation (DECO)

Electoral Observation Missions (EOMs)
Organization of American States (OAS)



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NOVEMBER 28, 2010, AND MARCH 20, 2011

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OAS Cataloging-in-Publication Data

Report of the Joint Electoral Observation Mission of the Organization of American States (OAS) and the Caribbean Community (CARICOM) : Presidential and Legislative Elections : First and Second Rounds : Republic of Haiti : November 28, 2010, and March 20, 2011 / [Prepared by the Department for Electoral Cooperation and Observation].

p. ; cm. (Electoral Observations in the Americas Series, no. 73) ; (OEA/Ser.D/XX SG/DCOE/II.73) ; (OEA/Ser.G CP/doc.4792/12)

ISBN 978-0-8270-5880-4

1. Elections-- Haiti. 2. Election monitoring-- Haiti. I. Organization of American States. Department for Electoral Cooperation and Observation. II. Caribbean Community. III. Series. IV. Series: OEA/Ser.G CP/doc.4792/12.

OEA/Ser.D/XX SG/DCOE/II.73

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ABBREVIATIONS

ASE	Electoral security officer
ASEC	Communal Section Assembly
BCED	Departmental Electoral Dispute Resolution Bureau
BCEN	National Electoral Dispute Resolution Bureau
BEC	Communal Electoral Bureau
BED	Departmental Electoral Bureau
BV	Polling station
CARICOM	Caribbean Community
CASEC	Administrative Council of the Communal Section
CEP	Provisional Electoral Council
CIN	National identification card
CNO	National Observation Council
COV	Operation and Verification Center
CTV	Vote Tabulation Center
CV	Voting center
GIAP	Public Affairs Intervention Group
IFES	International Foundation for Electoral Systems
ISC	Civil Society Initiative
JEOM	Joint Electoral Observation Mission
LEC	Communal Voter List
LECV	Voting Center Voter List
LEP	Partial Voter List
MBV	Polling station member
MINUSTAH	United Nations Stabilization Mission in Haiti
NDI	National Democratic Institute
NIN	National identification number
OAS	Organization of American States
ONI	National Identification Office
PNH	Haitian National Police
RNDDH	National Network for the Defense of Human Rights
TNH	National Television of Haiti
UCL	Legal Control Unit

EXECUTIVE SUMMARY

A. GENERAL CHARACTERISTICS OF THE MISSION

Presidential and legislative elections were held in Haiti on November 28, 2010. There were 68 political parties registered to participate in these elections. Nineteen candidates stood for election to the presidency, 816 candidates sought seats as deputies, and 96 candidates ran for the Senate. As none of the 19 presidential candidates obtained an absolute majority of votes (50% + 1) that day, a runoff vote between the two leading candidates had to be held on March 20, 2011. In that second round, 172 candidates competed for seats as deputies and 14 for the Senate.

The General Secretariat of the Organization of American States (OAS) and the Caribbean Community (CARICOM) decided to organize and deploy a Joint Electoral Observation Mission (JEOM) in Haiti. For the first round, the JEOM fielded a total of 118 observers from 20 member states of the OAS (Antigua and Barbuda, Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Dominica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, Saint Lucia, Trinidad and Tobago, the United States of America, Uruguay, and Venezuela) and from six observer countries (France, Germany, Norway, Portugal, Spain and Switzerland). The JEOM also fielded one observer from Uganda.

For the second round, the mission comprised 201 observers from 22 member states of the OAS (Antigua and Barbuda, Argentina, Barbados, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Trinidad and Tobago, the United States of America, Uruguay, and Venezuela) and from eight observer countries (Belgium, France, Norway, Portugal, Russia, Spain, Switzerland, and the United Kingdom).

The mission maintained a permanent presence in Haiti. The first members of the core group arrived on August 3, 2010, and their ranks were subsequently bolstered with the arrival of the coordinators, who were immediately deployed in the 11 electoral departments. The group of long-term observers arrived later and was followed by the group of short-term observers a week before election day. For both elections, mission observers were present in all regions of the country. The mission's core group left the country on May 18, 2011, after the handover of power to the new President.

B. ELECTION RESULTS

The preliminary results of the second round were announced on April 4, 2011: Michel Joseph Martelly was declared the winner of the presidential election, with 67.57 percent of the vote, and Mirlande Manigat came in second, with 31.74 percent. The preliminary results were not challenged in the electoral dispute resolution bureaus and consequently they became definitive on April 20, 2011.

C. ACKNOWLEDGMENTS

The OAS/CARICOM JEOM wishes to express its gratitude to those member states and permanent observers of the OAS whose financial support made it possible for the mission to maintain a presence in Haiti over a period of 10 months covering the first and second rounds of the elections: Argentina, Brazil, Canada, Chile, China, Finland, France, Luxembourg, Norway, Panama, Peru, Portugal, Slovenia, Spain, Suriname, Switzerland, the United States of America, and the European Union.

CHAPTER I. INTRODUCTION

The Electoral Observation Missions (EOM) of the Organization of American States (OAS) have become an essential element for promoting and defending democracy in the Hemisphere, and their presence is testimony to the solidarity of the inter-American community and its commitment to ensure that democratic institutions in member states strengthen the organization and administration of their own electoral processes. These initiatives have helped to guarantee the integrity, impartiality, and reliability of numerous electoral processes and to reinforce the credibility of democratic institutions in member countries. The EOMs promote the right to vote and to be elected in an inclusive, free, and transparent manner, and seek to ensure that the people's will, as expressed through the ballot, is respected.

Since 1960 the OAS has observed more than 187 electoral processes in the Hemisphere, most of them in the last 15 years, during which the OAS has observed a wide variety of elections (always at the request of its member states), including general, presidential, parliamentary, and municipal elections, public consultations, referendums, processes for the collection and validation of signatures, and even primary and internal elections for political parties.

A. ELECTORAL OBSERVATION AND COOPERATION IN HAITI

In the past, the OAS has observed various elections in Haiti. In 1990 and 1995, it fielded observers for the presidential elections and, in 1997, for the legislative and territorial assembly elections. In May 2000, it was present for the legislative, municipal, and local elections.

Since 2005, through its Universal Civil Identity Program in the Americas (PUICA), the OAS has been supporting electoral authorities by fostering the creation of the National Identification Office (ONI) and by cooperating in the preparation of identity cards for the Haitian people, which serve the dual purpose of providing them with identification and enabling them to exercise their voting rights. In this respect, the OAS program has also contributed to creation of the voter list.

During the Senate elections of April and June 2009 (first and second rounds, respectively) the OAS focused its cooperation on providing technical assistance to the Provisional Electoral Council (CEP). Through the Department for Electoral Cooperation and Observation (DECO), the OAS assisted the electoral body by providing technical cooperation for the Tabulation Center, the printing of voter lists, and most recently for the design of programs for processing electoral data.

B. INVITATION FROM THE MEMBER STATE AND RESPONSE FROM THE ORGANIZATION

On October 28, 2009, the President of the Republic of Haiti, René Préval, invited the Secretary General of the Organization of American States (OAS) to send a mission to observe the legislative elections scheduled for February 28, 2010. Following the earthquake of January 12, 2010, those elections were postponed to November 28 of that year, the date set in the Constitution for presidential elections. At the time of the Conference of Heads of State and Government of the Caribbean Community (CARICOM), held in Jamaica in July 2010, and following the exchange of views between heads of state and government and the secretaries general of the United Nations and the OAS on the situation in Haiti, CARICOM and the OAS decided to field a Joint Electoral Observation Mission (JEOM). Ambassador Colin Granderson, Assistant Secretary-General of CARICOM, was named Chief of Mission; Dr. Bertha Santoscoy, Principal Advisor to the Department for Electoral Cooperation and Observation (DECO), was named Deputy Chief of Mission, and Jean François Ruel, DECO Specialist, was appointed General Coordinator.

On August 4, 2010, the OAS Secretary General, José Miguel Insulza, signed the Agreement on Privileges and Immunities for the mission with the Haitian Government. The OAS/CARICOM JEOM, headed by Ambassador Colin Granderson, signed the agreement on the observation process for the presidential and legislative elections with the Provisional Electoral Council (CEP) of Haiti, which gave the observers access to all electoral bodies.

C. MANDATE AND METHODOLOGY OF THE JEOM

The JEOM observers carried out their activities in accordance with the principles contained in the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, and the OAS Manual for Electoral Observation Missions. Those principles are closely linked to the defense of human rights and focus on civil and political rights, which are essential for conducting free and democratic elections, such as freedom of association, peaceful assembly, expression, and movement; personal security; equal legal protection for voters and candidates in elections; and the search for effective solutions when electoral rights are violated. Electoral observation also serves to reinforce electoral integrity by discouraging and

denouncing electoral irregularities and fraud, to reduce the risk of election-related violence, to boost public confidence in the process, and to make recommendations to improve electoral and political processes.

At the time of the presidential and legislative elections of November 28, 2010, and of March 20, 2011, the people of Haiti were to elect the next president of the republic, as well as 11 senators and 99 deputies. Sixty-eight political parties were registered to participate in these elections. In the first round of elections, 19 candidates stood for the presidential election; 816 candidates for deputy; and 96 candidates for the Senate; in the second round, 172 candidates competed for the 76 deputies' seats and 14 candidates for the seven Senate seats.

CANDIDATES ELECTED TO THE SENATE

Party	First round	Second round
ALTERNATIV	6	3
INITE	10	3
LAVNI	1	1
AAA	1	0

CANDIDATES ELECTED AS DEPUTIES

Party	First round	Second round
ALTERNATIV	21	7
INITE	71	34
PONT	6	1
SOLIDARITE	6	1
LAVNI	12	7
MOCHRENHA	5	2
ANSANM NOU FO	16	3
PLAT. LIBERATION	5	3
UCADDE	4	0
RASAMBLE	6	1
A.A.A.	12	4
VEYE YO	2	1
MODELH-PRDH	2	0
KONBIT	5	3
PLAPH	5	1
RESPE	5	1
ENDEPANDAN	2	2
MAS	3	1
REPONS PEYIZAN	3	3

Source: cephaiti2010.org/

As a long-term mission, the JEOM had a presence that was gradually reinforced throughout Haitian territory,

beginning on August 3, 2010. The JEOM observed the various phases of organization of the two rounds of voting: the process for registering, challenging, and validating presidential candidacies; the allocation of numbers to the new political parties participating in the presidential elections; the drawing of lots to select the polling station members (MBVs) from among the persons nominated by the political parties; the updating, compiling, and publication of the voter list; technical, administrative, and logistic preparations for voting day; the unfolding of the two phases of the election campaign; training of election officials; tabulation of the results; announcement of the preliminary results; the electoral challenge phase; and announcement of the final results from the two rounds. The mission monitored the process right up to publication of the official results from the first and second rounds of elections.

The JEOM held regular meetings with the government and electoral authorities, presidential candidates, candidates for the Senate and the Chamber of Deputies, representatives of the political parties, civil society representatives, national and international observation bodies, and representatives of the international community involved in the electoral process. These meetings served to take stock of the political and electoral context and to identify possible bottlenecks in the process, such as the CEP's lack of credibility, the reliability of the voter list, concerns about irregularities and fraud that might obstruct expression of the voters' will, and general fears about the security aspect of the elections.



The mission played an active role in observing these elections, maintaining constant communication with the electoral authorities. On the basis of its observations, as well as the concerns expressed by the political parties and candidates, the mission regularly transmitted its recommendations to the CEP, which showed itself open to receiving them. The mission also sought to facilitate meetings between members of civil society and the electoral authorities involved in organizing the elections.

With a view to being proactive, when it met with political parties the mission transmitted three messages that it deemed essential for the proper unfolding of the process: (i) the key role that the parties must play during preparations for the elections and on voting day, through the appointment of MBVs and training of political party poll watchers (mandataires); (ii) the importance of combined vigilance on election day by political party poll watchers and by national and international observers, to guard against any possible attempted fraud; and (iii) the importance of a sound knowledge of electoral legislation, in order to be able to identify the nature of any problems or disputes that might arise and consequently offer the most effective response.

In the immediate aftermath of the first and second rounds, the JEOM urged political players and the general public: (i) to await publication of the preliminary and definitive outcomes with calm and tolerance; and (ii) to use legal remedies for channeling complaints.

The JEOM also worked with the OAS expert missions in verifying vote tabulation and in monitoring the electoral challenge phase in the first round, within the limits of its mandate.

Lastly, at the request of the executive branch, the mission reviewed the contested decisions of the electoral dispute resolution bureau concerning the second round of legislative elections and made recommendations and observations.

The first members of the JEOM core group arrived in Haiti on August 3, 2010, and the mission was subsequently reinforced with the arrival of the coordinators. For the first round, the JEOM had a total of 118 observers (52 women and 66 men) from 27 countries. For the second round, it had 201 observers (99 women and 102 men) from 30 countries, which made it possible to boost coverage of the voting centers, in comparison with the first round.

CHAPTER II. POLITICAL SYSTEM AND ELECTORAL ORGANIZATION

A. POLITICAL SYSTEM

Haiti is a semi-parliamentary republic, the functioning and political structure of which is enshrined in the Constitution of the Republic promulgated on March 29, 1987. The Haitian State comprises three independent branches: executive, legislative, and judicial.

2.1. Executive branch

The 1987 Constitution calls for a two-headed executive branch, in which the president is head of state, and the prime minister, head of government.

The president of the republic is elected by direct universal suffrage for a term of five years. In case of impeachment, temporary absence of the president, or resignation, the president of the Court of Cassation or, in his or her absence, the highest ranking magistrate of the Court of Cassation assumes the president of the republic's functions. The Constitution limits exercise of the presidential mandate to two nonconsecutive terms.

The prime minister is chosen by the president from among the parliamentary majority and must be ratified by a vote of confidence of the two chambers. The parliament may issue a motion of censure against the prime minister, which results in his or her dismissal. This triggers anew the procedure of nomination and ratification for a replacement. Members of parliament also have the right to interpellate the prime minister and to issue a vote of censure, which is tantamount to removal from office. In this case, a new prime minister must be appointed and ratified by the entire National Assembly.

2.2. Legislative branch

The legislature is bicameral. The Chamber of Deputies comprises 99 deputies elected by direct universal suffrage, by electoral district, for four-year terms. The Senate has 30 seats, with three senators elected per department on a staggered basis for six-year terms, so that one third of the membership is renewed every two years. Prior to these elections, the Senate had only 19 members, the third part of the Senate having completed its mandate on January 10, 2010. The Chamber of Deputies was also dissolved, as its mandate expired on May 10, 2010.

2.3. Judicial branch

The judiciary consists of the Court of Cassation and the appeals courts, the courts of first instance, peace courts, and special courts, the number, composition, organization, functioning, and jurisdiction of which are established by law. The Court of Cassation is the highest court of the land. It has 12 members and is divided into two sections. At the time this report was prepared, the position of President of the Court of Cassation was vacant, as were four seats on that court.

B. ELECTORAL AUTHORITIES

The 1987 Constitution stipulates that the Permanent Electoral Council comprises nine council members elected from a list of three names proposed by each of the departmental assemblies: three are appointed by the executive branch, three by the Court of Cassation, and three by the National Assembly. However, in the absence of a law on territorial collectivities, the departmental assemblies were not set up. For this reason, the Permanent Electoral Council could not be established in accordance with constitutional provisions. Consequently, after the first elections held under the new Constitution in 1990, Provisional Electoral Councils (CEPs) were appointed to perform the functions that the Constitution assigned to the electoral institution.

The CEP for these presidential and legislative elections was constituted by a decree of October 16, 2009. It comprised nine members, nominated by various sectors of Haitian society: the Catholic Church, the Protestant churches, the Episcopal Church, the voodoo sector, the National Council of Political Parties, the CASEC and the ASEC (local councils and assemblies), and the sectors representing persons with disabilities, women, and labor unions. Each of these sectors proposed two names, and the executive branch selected one. This mechanism for nominating council members was designed to give a degree of legitimacy to the provisional electoral institution. This CEP received the mandate to organize the first and second rounds of the presidential and legislative elections, as well as the subsequent municipal and local elections.

The CEP is responsible for organizing and overseeing all electoral operations throughout the territory of the republic, until such time as the voting results

are proclaimed. It is represented in the departments by the Departmental Electoral Bureaus (BEDs) and in the communes (municipalities) by the Communal Electoral Bureaus (BECs).

The CEP also hears electoral challenges and represents the highest body for the settlement of electoral disputes. Its decisions regarding disputes are not subject to appeal.

C. POLITICAL AND ELECTORAL ENVIRONMENT

The mission observed the organization of the electoral process after the registration period, which took place from August 1 to 7, 2010, and the validation of presidential candidacies, which culminated on August 17. However, it was not present during the first phases of organization for the 2009 legislative elections, a process that was interrupted by the earthquake of January 12, 2010. Preparations for the legislative elections were resumed thanks to the decree of June 24, 2010, which called on the people to vote, and thanks also to the publication of the list of candidates for the legislative elections on July 16.

The first members of the JEOM core group arrived in Haiti on August 3, 2010, at the time of the preliminary visit of the chief of mission to observe the first stages of the electoral calendar. The mission was gradually reinforced with the arrival of its first departmental coordinators in mid-September and, by the end of September, all of the coordinators (21) were in place. The teams of coordinators were each assigned an electoral department, and thus the mission had a permanent presence in the 11 electoral departments as of early October. Later on, with a view to strengthening the mission's presence in the field, in the later stages of the electoral calendar, a group of 18 long-term observers arrived at the end of October, and another group of 12 in mid-November. At the same time, the various members of the core group joined up with the first members who had arrived in August, installing themselves at mission headquarters in Port-au-Prince.

The short-term observers arrived in Haiti one week before the first round of voting, scheduled for November 28, and left two days after election day. For the first round, the mission had a total of 118 observers (52 women and 66 men) from 27 countries (see Annex J).

Upon their arrival in Haiti, the observers, coordinators, and all members of the core group attended a day of training on the mandate, methodology, and principles of electoral observation, the political and electoral context of these elections, the voting procedures in Haiti, the observation forms used from the beginning to the end of voting, the drafting of reports, security measures, health precautions to be taken against cholera, and various

issues relating to the mission's logistics. The day after their training, the observers were deployed in groups of two to their respective departments, returning to the capital after the elections for a meeting with the chief of mission and handover of their observation materials.

The departure of the observers, coordinators, and members of the core group also took place in stages, with the last members of the mission leaving the country on May 18, 2011, nine and a half months after their arrival.

2.4. Political and electoral dynamics during the pre-election period

As soon as the mission arrived in the country, it identified the CEP's lack of credibility in the eyes of the political parties as the principal challenge to the proper conduct of the 2010-2011 electoral process in Haiti. It should be noted that the nine members of the CEP were appointed by the president of the republic on the basis of recommendations submitted by various sectors of parliament, in which the governing party (Inité) had a majority. During that process some political parties accused the CEP of partiality. Moreover, Fanmi Lavalas, one of the previously most popular political parties, had not participated in the legislative elections for technical reasons and had not registered for the presidential elections.

To ensure the success of the legislative elections, which were to take place on February 28, 2010, but for which preparations were interrupted by the earthquake of January 12, 2010, President Préval convened many sectors of civil society to confirm or invalidate his selection of the CEP membership, in accordance with the mechanism established in 2006 for nominating provisional council members. The political parties had been very vocal in their criticism of the makeup of the former council, following accusations of fraud that had marred the Senate elections of June 2009. One of the sectors involved, the Convention of Political Parties, decided not to participate in the new makeup of the council in order to show its opposition to the process in question. It was replaced by the sector constituted by the local authorities, i.e., the ASEC and the CASEC which, in turn, proposed two candidates to the executive branch. This led to the establishment of a new CEP on October 16, 2009, with a mandate to organize the legislative, presidential, municipal, and local elections. The political expedient of reconstituting the electoral institution did not have the desired effect, as only four of the nine council members were replaced and one of the institutions, representing the political parties, opted not to participate in the process.

The legitimacy of the CEP was further eroded after Fanmi Lavalas was excluded from the legislative elections. During the registration period for political parties wishing to compete in the legislative elections, two different lists of candidates were presented in the name of Fanmi Lavalas

by two different factions of the party, which, in the absence of their leader, Jean-Bertrand Aristide, were contesting party leadership. One of the factions presented a copy of the mandate granted by Aristide to the coordinator of the Fanmi Lavalas executive committee, Maryse Narcisse, but did so after the legal time limit. As the legality of that mandate was challenged by the other party faction, the CEP requested a mandate authenticated by the national representative, which the party was not in a position to supply. Consequently, the CEP rejected the registration application from Fanmi Lavalas.

The electoral process, which had been interrupted by the earthquake of January 12, 2010, and its consequences, resumed on July 15, 2010, after positive evaluations by the United Nations as well as assessments of political priorities by the OAS with respect to relaunching the legislative elections and beginning preparations for the presidential elections.

The polarized political climate and the lack of confidence in the electoral institution were aggravated by the start of the presidential race. Many opposition parties demanded, without success, that the CEP be reappointed in order to provide the necessary guarantees of transparency that would enable said parties to participate in the electoral process. They then decided not to take part in the elections. However, with the exception of Fanmi Lavalas, most of the parties were already registered for the legislative elections, their candidates had been approved by the electoral authorities, and they were therefore entitled to compete in the elections of November 28, 2010. A majority of legislative candidates from the parties not participating in the elections decided to remain in the race, despite instructions from their parties not to compete.

In this way, as the process advanced, the activities of the electoral body were reinforced and political parties increased their participation. This gradual consolidation resulted in: (i) mass participation of candidates for the legislative elections, despite instructions from their parties; (ii) support by those parties for some of the presidential candidates; and lastly, (iii) support from grassroots organizations for some of the presidential candidates. This improved political climate was in part a result of the electoral authorities' efforts to expand the flow of information and to improve communication with political players and the general public.

Meanwhile, the relative recovery in the CEP's credibility faltered shortly before the first electoral round. This came on top of interference by CEP members in the selection of voting center supervisors and the difficulties encountered in preparing the lists of polling station members appointed by candidates and political parties: in some cases these lists were incomplete or names were duplicated as representing two parties at once. There were also allegations of massive fraud by some political parties.

2.5. Validation of presidential candidacies

The process of validating presidential candidacies was politically one of the most delicate phases. The agreed list of political parties for the presidential elections was published on July 30, 2010. The time period for registering presidential candidacies began on August 1 and ended on August 7, in keeping with the electoral calendar. The mission was present during this first phase of the presentation of candidacies as well as for the time period for challenging them, which took place between August 3 and 17, later than the time limit originally established in the electoral calendar. This additional time resulted from a significant number of challenges that were considered initially by the Ouest I Departmental Electoral Dispute Resolution Bureau (BCED) West I and then by the National Electoral Dispute Resolution Bureau (BCEN), as stipulated in the Electoral Law.

Of the 34 candidacies presented, 15 were rejected and 19 were accepted. Of those rejected, eight were challenged by the BCED, and that body's decision was appealed to the BCEN in seven of the eight cases, which explains in part the delay in completing this phase. The mission was present for the challenges, both departmental and national. The challenges were filed in the context of the Electoral Law, but under very difficult material conditions as a result of inadequate infrastructure in the CEP offices in Delmas after the January 2010 earthquake. The mission confirmed that all the challengers present as well as the attorneys for the challenging parties were heard in the two dispute resolution bureaus provided for under the Electoral Law.

Following the BCEN decisions and examination of the evidence submitted by candidates to the legal service of the electoral body, the CEP made public, on August 20, 2010, i.e., three days later than stipulated, the list of candidates accepted to participate in the 2010 presidential elections. The announcement was made orally at 10:30 p.m., without any explanation of the reasons for rejecting 15 candidates. In its press release #2, published on August 21, the mission indicated that providing explanations for why certain candidacies had not been validated might have helped make the process more transparent (see Annex L). The CEP advised the candidates in its press release #24, of August 26, that candidates had access to a procedure that would allow them to determine why they had been rejected.

The mission met with many of the candidates whose documentation had not been accepted and it reported its concerns to the CEP. The electoral body showed itself willing to provide the pertinent information and explanations to members of the mission.

During the period for validating candidacies, the position adopted by the CEP with respect to rejection generated a controversy that required the mission's

attention. Article 135 of the 1987 Constitution provides that to be elected president of the republic, any candidate who has managed public funds must first obtain a discharge. Consistent with Article 233 of the Constitution, a favorable report must be obtained from the Superior Court of Accounts, issued by a bicameral legislative committee that is constituted to grant such a discharge. As the Chamber of Deputies' mandate had expired on May 10, 2010, candidates could not receive this document to validate their candidacies. In its press releases #16 and #17, published on August 3 and 6 respectively, the CEP reported that candidates who had managed public funds in the past could possibly register by submitting a favorable report from the Superior Court of Accounts, without prejudice to their rights. This decision evoked controversy and gave rise to a real constitutional dilemma. On the one hand, the Constitution requires the presentation of a discharge as a prior condition for being a presidential candidate, but the institutional vacuum made it impossible to meet that demand. On the other hand, the Constitution guarantees citizens respect for their civil and political rights. Preventing citizens from registering, despite the situation of force majeure in which they found themselves, was tantamount to trampling on their constitutional guarantees.

Candidates for the Presidency and Political Parties

CANDIDATES	POLITICAL PARTIES
Alexis Jacques Edouard	MPH
Martelly Michel Joseph	REPONS PEYZAN
Celestin Jude	INITE
Jeune Leon	KLE
Abellard Axan Delson	KNDA
Cristalin Yves	LAVNI
Joseph Genard	SOLIDARITE
Voltaire Leslie	ANSANM NOU FO
Baker Charles Henri	RESPE
Anacacis Jean Hector	MODEJHA
Charles Eric Smarcki	PENH
Judy Wilson	FORCE 2010
Jeune Jean Chavannes	ACCRHA
Laguerre Garaudy	WOZO
Ceant Jean Henry	RENMEN AYITI
Blot Gerard Marie Necker	PLATFORM 16 DESANM
Neptune Yvon	AYISYEN POU AYITI
Manigat Mirlande	RDNP
Bijou Anne Marie Josette	INDEPENDANT

2.6. Preparation of the voter list

Preparation of the voter list posed a considerable technical challenge for the competent authorities as it had to be updated within a very tight time frame to take account of the many individuals displaced by the earthquake of January 12, 2010. The CEP and the National Identification Office (ONI) took steps to guarantee the right of citizens to vote, in accordance with the provisions of the Electoral Law. Article 25 of that law stipulates that the register of voters is to be produced on the basis of data supplied by the ONI, which has the task of identifying persons 18 years of age and older and providing each of them with a national identification card (CIN), the only document that will allow them to vote. To cope with rising demand, the ONI increased the number of staff devoted to new registrations and the replacement of lost cards.

The CEP, which had the task of updating the voter lists and, in particular, the mandate to register changes in the assignment of voting centers, conducted a broad campaign to update the voter list through the establishment of Operation and Verification Centers (COVs) in all departments. These COVs, located inside the voting centers, allowed voters to choose a voting center closer to their homes. In an effort to accommodate the realities and challenges following the earthquake, 42 COVs were established in 14 displaced persons camps in the Ouest Department.

The COV campaign began on August 19 and ended on October 18. Observers present in the field witnessed the unfolding of that campaign, in which more than one million voters came to the COVs either to confirm or change their voting centers or to seek information on how to register to vote.

However, as the mission indicated in its press release #4 of September 30, 2010 (see Annex L), service at the COVs varied by region, because of the above-mentioned lack of awareness and information on the part of potential voters themselves, who were slow to understand the objective of this verification exercise.

The CEP doubled its staffing level at the data compilation center in an effort to capture all the new data obtained in the COVs and integrate it into the voter list which was to be published at least 30 days prior to voting day, i.e., by October 28. In this way, the data compiled by the COVs was included in a database that was merged with the data provided by the ONI on October 15, 2010. On this basis, the CEP established the Communal Voter List (LEC), containing the full names of voters together with their voting centers and polling stations, a list that was made public as planned on October 28 in all the Communal Electoral Bureaus (BECs). According to the lists published by the CEP, 4.7 million voters were registered.

On October 26, two days prior to the official publication of the list, the CEP announced the publication and inclusion of 35,000 names to the LECs that the ONI had supplied. These names could not be included in the LEC published on October 28, as the lists were printed on the days prior to that date in order to meet the deadline. All of these persons registered were included in the LEC, and a supplementary list with these new names was attached to the LEC in the communes where necessary. To enable the newly registered voters to verify that their names were on the list, the CEP made available to voters, as of November 19, 2010 (CEP press release #49, of November 19), a center that was open 24 hours a day to inform voters of the voting center to which they had been assigned. The observers deployed in the different departments noted that many voter lists published at the communal level were damaged by rain and bad weather, and voters were consequently unable to verify whether they were registered on those lists. The mission drew the CEP's attention to this aspect. The late launch of the voter awareness and information campaigns was a great weakness in the first electoral round and contributed in part to the difficulties that voters encountered in verifying their polling stations on election day. This situation is understandable, in light of Haiti's infrastructural deficiencies, which were aggravated by the damage caused by the earthquake.

The mission also monitored the process of registering new voters in the ONI and handling requests to provide copies of lost CINs. According to the Electoral Law, the cut-off date for voter registration is supposed to be 60 days before election day. Persons who registered after September 28, 2010, the last day to register for inclusion on the voter list, were not able to vote. The increased number of citizens registering in the second month was a real test of the ONI's capacity to respond to citizen demands. The mission observers, present in the ONI offices until the last days of registration, noted that this was done in a disorganized manner, which did little to speed up the response to requests. The distribution of voter cards was held up by organizational problems.

The 2008 Electoral Law required that the number of voting centers be increased from 785 to 1,500, and this entailed a different distribution of voters in the voting centers, according to CEP technicians. A good number of voters who did not inform themselves in advance of the location of their voting centers were unable to find their names on the voter lists in the voting centers in which they had been accustomed to voting. On voting day, a great many voters who were in a displaced persons camp in the Ouest II electoral department experienced difficulties. The explanation provided by CEP technicians was that residents of the camp had not availed themselves of the opportunity offered by the COVs to register to vote in the camp itself.

2.7. Preparations for election day

The mission monitored the CEP's work of organizing preparations for voting day. One of the important aspects was the appointment and training of election officers.

According to Article 140 of the Electoral Law, polling station members (MBVs) are recruited by public lottery from a list supplied in advance by the political parties at least 60 days before the elections.

During the month of September, the observers deployed in the 11 electoral departments confirmed that lots had been drawn to designate the MBVs and that the process had been transparent. In some cases, the political parties provided lists that were incomplete or contained duplications, i.e., persons registered as representing two parties at once. The CEP took on the responsibility of providing missing personnel. In order to complete the list of MBVs, the CEP used names provided by the candidates of the parties and platforms not participating in the elections. The CEP had to verify the list in detail in order to avoid duplications. The work of cleaning up the list not only delayed the process but also increased further the shortage of names and sharpened criticisms leveled at the CEP. This led to demonstrations against the CEP, which could not meet the deadline of October 28 for publishing the MBV list.

Training of supervisors in the voting centers was hampered by interference from certain electoral council members who succeeded in introducing persons close to them, to the detriment of others who had experience as election officers and who lived close to the voting centers, two criteria that the mission considered key for holding the elections. The interference of certain council members in the compilation of the lists of supervisors held up publication of the lists and thus delayed training for the supervisors. Consequently, training for the MBVs was also postponed, in some cases until the eve of election day, and this had an adverse impact on the quality of training. Moreover, in several cases the supervisors and the MBVs who had been rejected in favor of persons close to the council members disrupted the training sessions for supervisors and the MBVs. In some voting centers, training was interrupted by acts of violence aimed at preventing training.

The mission was also present during the sessions to train supervisor trainers, held on November 2 and 3, during the sessions to train supervisors in their respective departments, as well as during those to train the MBVs. The trainers were deployed in the departments and training was provided to the supervisors and assistant supervisors, who in turn trained the MBVs with the help of a training manual in Creole. Bearing in mind the conclusions from the MBVs during the partial elections of 2009, with respect to the handling of tally sheets (*procès-verbaux*, PVs) and the packaging of sensitive election materials, the JEOM recommended that the CEP should highlight this aspect of the work during the preparatory meetings.

The printing of ballots, tally sheets, and other documents essential to the electoral process was completed on time. The documents were stored in MINUSTAH facilities throughout the country and delivered to the voting centers one or two days prior to the vote. The distribution of 12,000 sets of non-sensitive materials in the departments was also completed on time. MINUSTAH stored this documentation on its premises and delivered it to the voting centers two or three days before the election.

The mission noted the efforts made throughout the country by the CEP and in the departments by the electoral authorities, MINUSTAH, and the Haitian National Police in organizing meetings and debates among candidates and political parties. These encounters served to underline the shared responsibility for respecting the provisions of the Electoral Law and for preventing acts of intimidation and violence during the campaign.

The CEP organized three briefings with the political parties, which were conducted at key stages of the process, such as on voting day and during the tabulation of votes and processing of electoral challenges. These meetings provided an ideal opportunity for dialogue between the CEP members and political party representatives. The mission also recognized the work performed by civil society organizations and international organizations with the numerous departments, through the signature of tolerance and good conduct agreements during the electoral process. The mission added its voice to these initiatives through its successive press releases calling for calm, harmony, mutual respect, and tolerance. Its observers also took part in the dialogues held in the field.

2.8. Conduct and financing of the campaign

The election campaign for the first round was conducted in two phases: a first phase, known as the "silent" phase, during which the candidates were authorized to engage in political advertising through posters, banners, and all kinds of visual materials, took place between September 27 and October 15; a second phase, in which the candidates were able to campaign via the press and public meetings, began on October 15 and ended on November 26.



Until November 14, the campaign unfolded in relative calm, with a few exceptions. That tranquility was abruptly shattered on November 15 when there were serious incidents in Cap Haitien and Hinche, in which groups of people attacked the MINUSTAH forces, and in Port-au-Prince on November 18, when similar but less serious incidents took place. These actions were sparked by allegations of a link between the outbreak of cholera and the Nepalese soldiers of MINUSTAH. There were also clashes between supporters of the various presidential candidates.

The mission monitored the two phases of the campaign closely and issued numerous warnings about the failure to comply with the provisions of the Electoral Law as they related to the use of government materials and resources, and it expressed its serious concern about the security environment, even before the incidents in Cap Haitien and Hinche.

The government provided financing to the political parties participating in the elections, the amount of which was defined in light of the number of candidates they fielded, pursuant to Article 125 of the Electoral Law. The mission received no complaints about the allocation of these funds to the political parties. However, the candidates who decided to participate in the elections despite instructions from their parties to the contrary did not receive any public funding, as the law states clearly that the funds must be allocated to the political parties and not directly to the candidates.

2.9. Public awareness campaign

The mission observed that the CEP's public awareness campaign began on October 20, later than the starting date of September 18 established in the electoral calendar. Voter mobilization programs were broadcast on radio and television, with technical support from IFES. With IFES support as well, the CEP produced a short film aimed at mobilizing and educating voters, which was distributed in the electoral departments. Large voter awareness posters went up all over the country. With the help of MINUSTAH, the CEP also distributed four million get-out-the-vote

posters and student notebooks, which were handed out or posted by the BEC. Lastly, in order to facilitate voters' access to information about their voting centers, on November 15 the CEP opened a center that operated around the clock.

The media played their part in organizing and disseminating debates between candidates. The televised debates organized by the Public Affairs Intervention Group (GIAP) allowed weekly exchanges among the presidential candidates of three different parties. Haitian National Television (TNH) organized a series of broadcasts with exchanges of ideas among presidential candidates. Radio Métropole allowed presidential candidates to present their programs and make themselves known in advance. The National Democratic Institute (NDI), in collaboration with the GIAP, hosted a series of eight debates in Port-au-Prince and in the provinces with participation by civil society and candidates for the Senate and the Chamber of Deputies. As to the printed press, *Le Nouvelliste* and *Le Matin* helped to boost public familiarity with the presidential candidates and their programs, through pictures and the publication of opinion polls. As the campaign unfolded, the mission noted that the candidates became more courteous, using appropriate language and showing signs of mutual respect.

2.10. Security

The observers received numerous unverified complaints of intimidation and aggression by certain candidates and their sympathizers when they found themselves in the presence of other political players. There were isolated acts of violence, including the ambush of a bus carrying journalists to a public meeting featuring the presidential candidate Jaques Edouard Alexis in the north of the country, the attack on the home of the executive director of the *Respè* party, and the ransacking of the automobile of the minister of justice, Paul Denis. Other complaints were filed concerning isolated clashes between sympathizers of different political parties, gunfire and the illegal carrying of weapons by certain candidates and their supporters, verbal threats, and the destruction of campaign posters.

The mission also noted widespread fear among the electoral authorities, candidates, and representatives of political parties and civil society organizations over the tendency of campaign tensions to degenerate into incidents of violence on, and in the lead-up to, voting day. The acts of organized violence in Cap-Haïtien, Hinche, and Port-au-Prince during the week of November 15 heightened these fears. The mission stressed the importance of the joint security plan of MINUSTAH and the PNH, designed to prevent disorder and violence. The mission called on all political players to redouble their efforts to ensure that the presidential and legislative elections of November 28 would be peaceful.

CHAPTER III. MISSION ACTIVITIES AND OBSERVATIONS

A. PRE-ELECTION STAGE, FIRST ROUND

The Joint Mission, in its press releases and in its discussions with the various participating parties and with the CEP during the lead-up to the elections, had flagged or publicly deplored several of the problems mentioned above:

- Recalling that, by signing the Electoral Code of Conduct, the candidates and political parties committed themselves to promote tolerance, to renounce the use of weapons and of physical or verbal aggression, and to respect the right of rival parties and their supporters to meet and to campaign without disruption throughout the country;
- Calling on all political leaders to demonstrate responsible leadership by insisting that their supporters remain calm and display restraint and tolerance;
- Expressing its concern over the action taken by the CEP, without any proper explanation, to make replacements in the lists of supervisors and to exclude persons who had been appointed as polling station members by political parties;
- Recalling the crucial role of the supervisors in ensuring that the polling stations functioned smoothly on election day;
- Urging voters to fulfill their public duties and to turn out en masse at the polls;
- Appealing for calm on election day and for patience while awaiting the preliminary results; and
- Appealing to the national police and the justices of the peace to live up to their responsibilities on election day in a professional and fair manner.

In addition to the concerns mentioned above, the mission stressed repeatedly in its press releases and its public comments that the main obstacle to fair elections was the CEP's lack of credibility and the high degree of mistrust as to its impartiality. The mission also noted that, in light of this lack of confidence, any shortcomings and flaws would

be amplified and viewed through that particular lens. Aware that it was perceived in a negative light, the CEP had taken steps to improve its image by establishing communication and relations with the candidates and political parties, and in this way it had to some extent overcome the lack of credibility and confidence inspired by its inability to respond to the political parties' concerns over the changes to the lists of supervisors and polling station members.

As election day approached, there were a number of disconcerting signals, particularly the widespread acts of pre-election violence, and many fears were expressed about how the elections would unfold.

B. ELECTION DAY, FIRST ROUND

3.1. November 28, 2010

Repeated rumors of massive fraud produced an atmosphere of mistrust in which any problem or mistake was amplified, taken out of context, and seen as a manifestation of the expected fraud. Toward the end of the day, chaotic organization, voter frustration, and the ransacking of several voting centers produced an alarming increase in tensions, which were further aggravated when 12 of the 19 presidential candidates demanded that the elections be annulled because of massive fraud.

The chief of the JEOM, Ambassador Colin Granderson, was advised by the special representative of the United Nations Secretary-General, Ambassador Edmond Mulet, that the security situation was deteriorating, especially in the capital city but also in other departments. Taking that situation into account as well as the signs of imminent problems and the real possibility of widespread violence in Port-au-Prince, the chief of mission took the decision to call in the observers deployed in the Ouest Department. He asked for an assessment of the situation in other departments where there had been acts of violence that might jeopardize the safety of the observers. As a result, the mission also decided to recall the observers stationed in the Nord Department, which amounted to withdrawing 50 percent of the JEOM observers.

Despite the call by the majority of presidential candidates to have the elections annulled, the electoral process continued to its conclusion, including the counting of votes and the publication of results in the majority of polling stations. In the afternoon of voting day, two of the

presidential candidates, Mrs. Manigat and Mr. Martelly, who had demanded annulment of the elections, changed their position, as they foresaw the possibility of being elected in the second round. This new stance undoubtedly helped to enhance the legitimacy of the vote.

Generally speaking, the observers witnessed a number of irregularities that tarnished the voting process. Most of the polling stations observed opened late, as the MBVs had to count the ballots one by one because their number varied from one station to the next. In addition, the presence of a great many political party poll watchers flocking around the polls tended to delay their opening. The CEP had stated that it would admit a maximum of five party poll watchers at any one time during voting, and many of the polling stations had to resort to rotating them, given that 68 parties were competing in the elections. The JEOM observer teams looked into the complaints received from party poll watchers who said they had been barred from the polling stations, and found that most such complaints were unfounded.



The observers also reported that some voters were unable to find their polling stations or to locate their names on the partial voter list. The saturation of the call centers, which were overwhelmed by the volume of voters' calls, and the ill will and lack of knowledge of polling station officials, which kept voters from voting, served to increase voter frustration.



In the Departments of Artibonite and Nord, the teams reported cases where ballot boxes disappeared. The observers also witnessed the practice of repeat voting by certain voters with the complicity of poll workers and unidentified officials.

The process continued until the stipulated closing time in all departments, despite the destruction of polling stations in some places and the annulment of the vote in more than 10 percent of stations because of increased security issues and acts of violence. According to data supplied by MINUSTAH, the number of polling stations destroyed did not exceed 4 percent of the total across the country.

Given the controversial nature of the events that occurred on voting day, the Joint Mission realized it was necessary to move quickly to announce its position on the validity of the elections. Based on reports provided by the field coordinators, a report was drawn up with the mission's observations on the proceedings in the presidential and legislative elections and the context in which they took place. That report was made public at a press conference on November 29. The mission considered whether the irregularities it had observed were sufficiently widespread and numerous as to render the process illegitimate. On the basis of its observations in the 11 electoral departments, the mission concluded that those irregularities, serious as they were, did not necessarily invalidate the process. It also considered that the decision of nearly all the presidential candidates to demand the annulment of the elections was precipitate and regrettable, and it underlined the fact that the process had continued through to the end. It also noted that the Electoral Law contains provisions allowing a candidate to challenge the election of another candidate because of irregularities and fraud.



3.2. Coordination with national and international observer groups

The Joint Mission held meetings with the international missions that participated in observing the elections: the Electoral Experts Mission of the European Union, the Observation Mission of the International Organization of La Francophonie, and the Embassies of the United States, Canada, and Japan, which had fielded observers. These meetings revealed that the international observer missions had a similar appreciation of the events on election day in terms of disorganization, irregularities, incidents of violence, and their opposition to annulment of the elections.

The Joint Mission also met bilaterally with the National Network for the Defense of Human Rights (RNDDH) to exchange views on the elections. That meeting showed that the two organizations held similar views. The reports of the Private Sector Economic Forum and the Haitian election observation groups (RNDDH, JuriMedia,

and CNO) were made available to the mission. Despite accusations of errors, irregularities, and fraud that marred election day, those reports did not demand that the elections be annulled.

C. POST-ELECTION STAGE, FIRST ROUND

3.3. Observation of vote tabulation

The mission continued its observation of the electoral process after the voting. On November 29, it deployed a team of observers to monitor the compilation of votes in the Vote Tabulation Center (CTV), to which the bags containing the tally sheets and supporting documentation from all the country's polling stations were sent. After receipt and visual inspection of the bags, the tally sheets were counted and sent to the Legal Control Unit (UCL) for review. The tabulation procedures and criteria are contained in the CTV Manual of Procedures, but the sections concerning tabulation were not approved by the CEP until the second round.



One of the mission's first observations had to do with the initial control measure used to identify the tally sheets before submitting them for legal verification. This control threshold had been set at 225 votes, equivalent to 50 percent of the maximum number of voters assigned to each polling station. The mission insisted that, given the low turnout rate, simply using the 50 percent figure was too high and did not allow sufficient identification of irregular ballots. This control measure was finally reduced to 150 votes.

The greatest difficulty encountered by the mission was to ensure monitoring of the work of the six CEP lawyers assigned to the Legal Control Unit located in the CTV. The office in which they were working was cramped, without adequate space for the observers to move between the work tables. Moreover, the time allowed for observation at this stage of the process was irregular, which impeded sustained

observation, as entry was limited to two observers at a time and in some cases to only one observer, for a period of 10 minutes. The UCL lawyers were for the most part uncooperative and unwilling to answer the questions put to them. The mission found that a great many of the tally sheets reviewed by the UCL were piled together, with the risk that the documents could be mixed up. The review of the lawyers' work, conducted by the CTV director and his technical coworkers in the context of final quality control, was done in a more favorable workplace, which allowed for more rigorous observation.

In a letter sent to the CEP on January 26, 2011, the mission also expressed its concern over the significant number of polling stations in which the counting was not completed, and it recommended reopening the count in locations where more than 10 percent of the tally sheets had not been received and in those where a considerable number of voters had been disenfranchised.

3.4. Publication of the preliminary results

The publication of the preliminary election results on the evening of December 7 placed Mirlande Manigat in the lead, followed by Jude Célestin. That announcement was immediately followed by violent demonstrations in favor of Mr. Martelly, who then appeared in third place. Disturbances of this kind paralyzed Port-au-Prince and Les Cayes in particular, as well as other cities and regions of the country, for about three days.

In the hope of finding a solution to the post-election crisis, the CEP proposed the creation of a special commission to verify the preliminary results of the presidential elections. It would be composed of representatives of the CEP itself, national and international election observer organizations, the private sector, and the international community. This initiative was rejected by civil society groups, who insisted that the Electoral Law made no provision for such a situation. The attempt to create this commission failed, and it was after this reversal suffered by the CEP that President Préval asked the OAS, on December 13, 2010, to send two expert missions: one to verify the tabulation of votes from the first round of the presidential elections, and the second to monitor the challenge phase of the presidential election.

The negotiation of the terms of reference for these two missions and their actual execution resulted in the postponement of the second round of the presidential and legislative elections (which were supposed to be held on January 16, 2011) until March 20, 2011. The handover of power, which had been slated for February 7, 2011, according to the Constitution, could therefore not take place on time and the President René Préval's term of office was extended until May 14, pursuant to Article 232 of the Electoral Law. The main stakeholders involved agreed on the need to have a legitimate government and to avoid, as far as possible, creating a transitional regime, which might

have postponed yet further the installation of an elected government.

3.5. OAS Expert Mission for the Verification of Vote Tabulation

The OAS, the Government of Haiti, and the CEP signed an agreement on terms of reference for the two expert missions (see annexes H and I) on December 29, 2010. The Expert Mission for the Verification of Vote Tabulation, comprising nine members, arrived on December 30 and began its work in the CTV on December 31. The expert mission's mandate was to evaluate the practices and procedures followed in the presidential elections of November 28, 2010, concerning vote tabulation and any other factors that might have affected or had a bearing on the preliminary results published by the CEP, in accordance with the OAS Charter, the Inter-American Democratic Charter, and the standards established and applied in this regard by the OAS General Secretariat for electoral observation missions, as well as the Constitution of Haiti and the Electoral Law.

The mission comprised OAS officials and outside experts in such areas as statistics, verification of electoral results, data analysis, tabulation of voting results, information technologies, electoral organization, and election observation. The mission began its work in accordance with the following precepts: to conduct a transparent and impartial verification, consistent with the Electoral Law; to maintain responsible control so that the chain of custody in the inspection of CEP documents could be audited; and to examine as many data sources as possible in preparing its recommendations.

Members of the JEOM core group provided pertinent data to the international experts and took part in the verification work. After examining a random sample of tally sheets, selected by the invited experts with the help of statistical tools, they were able to identify some of the more "problematic" tally sheets that affected the three candidates with the highest number of votes, in different proportions, and they could also define the criteria established by the Electoral Law for determining their validity. The expert mission recommended, among other measures, that 234 tally sheets considered to be irregular be excluded from the final tabulation, and it attached a simulated table of the election results. Moreover, the expert mission presented recommendations to the electoral authorities on the entire electoral process and on the tabulation of votes (Annex H).

On the day the international experts left, one of the invited specialists with the mission deliberately leaked to the press a copy of the last draft of the final report. This breach of the terms of reference, which stipulated that the report must be transmitted to the Haitian authorities before being made public, detracted from the perceived integrity of the work performed. The final report was sent officially to President Préval on January 13 by the chief of the OAS/

CARICOM Joint Electoral Observation Mission. On January 18, following the visit of the OAS Secretary General, President Préval transmitted the report to the CEP for consideration, despite his objections and his unhappiness over the deliberate leaking of the report before its official delivery.

The CEP immediately announced that it had implemented the technical recommendations to improve the second round of the elections. It also indicated that it had taken into consideration the recommendation concerning the ranking of the presidential candidates during the challenge and appeals phase, which had been suspended while awaiting the report of the OAS expert mission.

3.6. OAS Legal Experts Mission and the challenge phase

The second OAS expert mission arrived in Haiti on January 24 to follow up on the resumed challenge and appeals phase of the electoral process and the decisions of the National Electoral Dispute Resolution Bureau (BCEN) on the complaints regarding the preliminary results of the presidential elections. Its report was transmitted to the Government of Haiti on February 4, 2011.

The Joint Mission observed the challenge and appeals phase of the legislative elections at the BCEN level. Because of the delays in the electoral process and the departure of the last departmental coordinators on December 21, the mission was unable to observe how the challenges were handled by the Departmental Electoral Dispute Resolution Bureaus (BCEDs). The mission took note of the large number of complaints submitted to the national dispute resolution bureaus by candidates for the legislative elections. Those candidates also availed themselves of the legal remedies provided by the Electoral Law to seek redress for their complaints. They claimed that irregularities or fraud had prejudiced the results. This recourse to due process in an election was of critical importance in demonstrating that grievances can be effectively addressed through legal procedures.

3.7. Proclamation of the final results

At the conclusion of the challenge and appeals phase, the final results of the first round were proclaimed on February 3, 2011, after an all-night wait. The published results did not show the number or the percentage of votes obtained by each of the legislative and presidential candidates. Only four of the eight electoral council members signed the statement of results from the first round.

Despite numerous criticisms over the way in which the presidential results were corrected, most stakeholders accepted the outcome and agreed to participate in the second electoral round.

3.8. Period between the two rounds of voting

The Joint Mission took advantage of the period between the proclamation of the contested preliminary results and the continuation of the electoral process to undertake an analysis of the process, express its concerns, and raise questions, some of which had already been expressed by the candidates, on which the CEP was to provide explanations. Those questions dealt, among other things, with the accuracy of the voter lists and the difficulties encountered by voters in finding their polling stations, as well as the scattering of voters with the same address among multiple voting centers. After its analysis of the process, the JEOM transmitted to the CEP a list of recommendations to be implemented in the short term, with a view to improving the process for the second round of voting on March 20, 2011.

D. PRE-ELECTION STAGE, SECOND ROUND

The second round of presidential voting was considered a historically unprecedented event. To begin with, it was the first time since the adoption of the 1987 Constitution that a runoff election had been held. Secondly, also for the first time, one of the two presidential candidates admitted to a second round was a woman. Lastly, there was a considerable improvement in the political climate, compared to the first round, which made it possible for the electoral authorities to prepare the second round in a favorable environment.

The announced return of former President Jean-Bertrand Aristide sparked speculations among some stakeholders as to its possible impact on the electoral process. In the end, he returned to the country on March 18, i.e., 10 days before voting day. His arrival did not disrupt the elections, and the fears expressed by certain sectors did not materialize.

The long period of time that elapsed between publication of the preliminary results from the first round on December 7, 2010, and the proclamation of the final results on February 3, 2011, was put to good use by the CEP technical staff. They conducted an in-house analysis of the problems that arose during the first round and offered pertinent recommendations. The electoral authorities also took on board the recommendations made by the JEOM, by the OAS Expert Mission for the Verification of Vote Tabulation, and by other international and national observation missions.

3.9. Voter lists

On this occasion the CEP and the ONI coordinated their efforts to examine the reliability and accuracy of the voter list. Working sessions were held with, among

others, the technical assistants of MINUSTAH and UNDP to determine the feasibility as well as the potential cost of implementing the array of recommendations put forward with respect to the voter list. As a result, the format of the partial voter list was changed in order to make the polling station to which each voter was assigned more visible and more readily identifiable. This measure had a positive impact on voters' ability to identify their polling stations.

3.10. Public awareness campaign

The "Where to Vote?" campaign was launched sufficiently in advance, and the capacity of the call centers to respond to voters' questions was reinforced. Information on the polling station assigned to each voter was disseminated through SMS texting and the CEP Website. The public response, thanks in particular to the assistance provided by the call centers, was noteworthy. On this score, the CEP reported on March 15, 2011, five days ahead of the election, that the center had received 195,000 requests, about 20,000 people had visited the "Where to Vote?" campaign online, and approximately 20,000 SMS messages had been sent out. The number of voters seeking information on the location of their polling stations was interpreted as auguring well for voter turnout as it was a sign of general public interest in the second round of elections.

Other methods of awareness-raising and education were also used, including radio and TV spots, posters and flyers, and megaphone announcements in markets and other public places. However, the general perception of the real impact of these measures on voter turnout was at best mixed. According to mission observers, these measures were applied unevenly in the departments.

3.11. Training of election officers

The CEP initiated a training program for supervisors and members of the polling stations. However, the program was implemented unevenly. In some departments, observers noted a clear improvement in the quality of training for supervisors, including an assessment of agents after the training sessions. But this did not occur everywhere, and in some parts of the country the quality of training left much to be desired. In some places, there was last-minute manipulation of the lists of election officers, and of supervisors in particular, although to a lesser extent than in the first round, and this again cast doubt on the credibility of the process and at the last minute held up the training of polling station members, with the consequent adverse effect on the quality of training.

One of the recommendations made by the JEOM and the Expert Mission for the Verification of Vote Tabulation was to appoint facilitators to help voters find their polling stations on election day. Implementation of this recommendation was hampered by the manipulation of the lists of these agents, which in many cases prevented

them from being published on time. In other cases, the lists of facilitators were published one or two days before the election. Consequently, not all voting centers had facilitators on election day. In fact, when the voting centers opened the observers identified a facilitator in only 57 percent of the centers observed, although this figure rose to 73 percent by closing time. The observers' reports indicated that, in the cases observed, the facilitators generally did a good job.

3.12. Security

The traditional impunity surrounding electoral violations was combated on this occasion by the expulsion of supervisors, poll workers, and security agents responsible for serious irregularities on election day. During the first round several persons were accused of electoral violations by the CEP, but the mission was unaware of how justice authorities followed up on those charges.

The environment of security and peacefulness which had prevailed since mid-December was generally maintained after the proclamation of the final results of the first round, even though the governing party's presidential candidate, Jude Célestin, was excluded from the runoff. In addition, MINUSTAH reevaluated the level of risk in each polling station in order to respond more effectively to any incidents.

3.13. The election campaign

The short election campaign, which began on February 20 and lasted until March 18, 2011, was characterized by huge rallies in different parts of the country in support of the two presidential candidates. Though initially peaceful, the presidential campaign was marred in its last days by a more strident tone, in a context of rising friction and an increasing number of incidents. While the media paid less attention to the legislative campaigns, these generated far more tension than the presidential elections, and at times this led to acts of violence. Nevertheless, the more moderate atmosphere was a vast improvement over the first round.

E. ELECTION DAY, SECOND ROUND

3.14. March 20, 2011

On the occasion of the second round of presidential and legislative elections on March 20, 2011, voters were asked to elect the president of the republic in addition to filling 76 of the 99 seats in the Chamber of Deputies and seven of 11 seats in the Senate. Mirlande Manigat of the RDNP and Michel Joseph Martelly of *Repons Peyizan* competed for the presidency.

Voting was more orderly than in the first round thanks to the corrective measures adopted by the CEP,

which clearly produced a substantial improvement in the organization of the elections.

Observers' reports also reflected a positive change in the security situation on voting day. The action of the security forces was better coordinated. The PNH, MINUSTAH, and the electoral security agents worked proactively to prevent disruption of the voting process and to respond to the violent incidents that occurred on March 20. This allowed voters to exercise their franchise in a more peaceful setting. One positive indicator reflecting this improvement was the number of tally sheets forwarded to the CTV. In fact, only about 1 percent of the tally sheets for the legislative and presidential elections went astray, in comparison with 10.3 percent in the first round.

3.15. The voting process

The presence of facilitators in the voting centers proved very useful for helping voters find their polling stations. In addition, the observers noted that there were fewer problems with the voter lists.

Access to the polling stations by political party poll watchers was not as problematic as in the first round, as there were fewer political parties participating in the elections in each district. When the polling stations opened, there was an average of four party poll watchers per station. Consequently, there were far fewer disputes over their access to the stations. Nevertheless, observers reported some cases of intimidation attributed to party poll watchers.

There were still many shortcomings. In the Ouest Department, and in isolated cases in other departments, the principal weaknesses involved errors in the delivery of election and voting materials (ballots, ballot boxes, and indelible ink), which caused the affected polling stations to open late. According to figures provided by MINUSTAH, approximately 70 voting centers in the capital city were affected by irregularities in the delivery of election materials. The prompt response of the UN peacekeeping mission in addressing these errors prevented the situation from getting out of hand. The CEP extended the voting time in the metropolitan zone by one hour in order to make up for the delay and to enable voters to cast their votes. Although the Electoral Law does not specifically give the CEP this power it does not withhold it: Article 164.1 states that if, at 4:00 p.m., there are still voters waiting to vote, they must be admitted. Despite these incidents, the average opening time of the stations was 6:57 a.m., i.e., much earlier than in the first round.

The JEOM also observed irregularities confined to the "red zones," including the removal of ballot boxes, cases of voter intimidation, and persons who voted several times. However, these incidents were not widespread and did not reflect the reality of the voting process in the country.

The voter turnout rate was slightly higher than in the first round, but it did not live up to the expectations generated by the response to the “Where to Vote?” campaign.

The Joint Mission fielded nearly twice as many observers for the second round as for the first. There were a total of 201 observers (99 women and 102 men) from 30 countries, making it possible to cover urban and rural areas in the 11 electoral departments and to boost the coverage of the voting centers, compared to the first round. The mission established mechanisms for coordination with many of the national observer groups and took part in information-sharing sessions with MINUSTAH on election day. It also helped the CEP to establish a more effective emergency center.

The assessments conducted on election day generally agreed that the second round of voting was relatively calm and orderly, and that organizational improvements had reinforced the credibility and legitimacy of the electoral process and, to some extent, of the CEP.

F. POST-ELECTION STAGE, SECOND ROUND

3.16. Observation in the Vote Tabulation Center (CTV)

The CTV's capacity for verification was considerably reinforced, and most of the recommendations of the OAS Expert Mission for the Verification of Vote Tabulation were implemented. CTV procedures were updated and strengthened and verification criteria were harmonized and given statutory authority. The capacity of the Legal Control Unit (UCL) was doubled, from 6 to 12 lawyers, thereby improving its working methods. The unit's working space was also rearranged, which enabled the lawyers and the observers to work under better conditions. Quality-control measures were applied at all important stages of the process, particularly when it came to verification of the validity of the tally sheets and of the Visual Control Unit.

The mission deployed a team of specially trained observers to monitor the functioning of the CTV 24 hours a day. The observers paid special attention to the process of legal verification by the UCL, and were particularly active in alerting UCL supervisors or CTV management to shortcomings observed in the verification process, so that immediate corrective measures could be taken. These observations and questionings struck a positive note with the CTV directors who, despite some initial doubts, realized that the observers' approach was enhancing the reliability and integrity of CTV verification.



The mission had proposed to the CEP an observation protocol for the CTV. The CTV itself drafted observation guidelines setting out the relationship between the observers and the Center—guidelines that were somewhat strict initially but that were gradually relaxed as the two sides came to understand each other better.

Among the welcome innovations was the establishment of information sessions conducted by the CTV directors, where the observers could learn in detail about the progress of work, ask questions, and make observations and recommendations. Although these sessions did not begin as early in the process as promised, they proved to be quite useful. Another innovation was to invite the presidential candidates to deploy their own observers. This was a welcome gesture of transparency on the part of the CEP.

With the adoption of parameters for the selection of tally sheets for inspection, some 60 percent of the sheets were verified, compared to 10 percent in the first round. This huge increase in the volume of work made it necessary to strengthen the UCL and also caused a four-day delay in tabulating the preliminary results, which were finally made public on April 4. As a result of the increased number of tally sheets verified, a greater number of sheets were discarded for irregularities. For the presidential vote, 15.32 percent of all tally sheets were discarded; for the legislative elections, the corresponding figures were 12 percent for senators and 7 percent for deputies.

The UCL devoted more time to examining the presidential tally sheets, as in this case the lawyers paid closer attention to the partial voter list (LEP), which contains the national ID numbers (NIN) of persons who have voted. The presence, absence, or falsification of the NIN makes it possible to check the validity of the information reported on the tally sheet and, consequently, the vote cast. This represented an innovation that enhanced the reliability of the preliminary results. The CTV decided to annul legislative tally sheets from those polling stations where the LEP was deemed to be irregular after verification of the presidential tally sheets, given that there was only one LEP per station. The effort to make the verification more rigorous than in the first round was worthwhile and allowed the CTV to enhance the reliability of the preliminary results.

On the last day before the preliminary results were transmitted, the work of the CTV was disrupted by rumors about the possible winner of the presidential contest. Untimely late-night visits by CEP members merely reinforced suspicions that the results were being manipulated. After an investigation, the JEOM concluded that the allegations were groundless and it stated this conclusion publicly on April 5, 2011, through press release #26.

3.17. The challenge and appeals phase

The efforts to improve the second round of the presidential and legislative elections also involved the challenge and appeals phase of the electoral process. A UNDP legal expert made recommendations to the CEP on improving the procedural aspects of this phase so as to guarantee a minimum of procedural impartiality. Those recommendations were transmitted to the presidents of the BCEDs and to the CEP lawyers who served as judges for the two challenge levels during the training sessions.

The Joint Mission observed the handling of complaints concerning the legislative elections in 11 departmental dispute resolution bureaus (BCEDs). Seventy-seven cases concerning candidates for the Chamber of Deputies and four cases concerning candidates for the Senate were submitted to the BCEDs. Some of these bureaus dismissed the complaints on procedural grounds, while others heard the cases submitted. Nevertheless, 98 percent of the decisions adopted stipulated that the departmental dispute resolution bureaus were not competent in this area, and the complaints were sent on to the national dispute resolution bureaus. Of these cases, 64 corresponded to the Chamber of Deputies and four to the Senate. Considering the number of decisions referred to the national dispute resolution bureaus, it would seem that most of the departmental bureaus were functioning as complaint registration offices instead of attempting to determine the truth of the allegations presented by the claimants and taking decisions that could then be rejected or confirmed by

the national bureaus upon appeal.

The recommendation made by the Joint Mission and the OAS Expert Mission for the Verification of Vote Tabulation to publish scanned copies of the tally sheets on the CEP Website proved very useful. The copies gave the lawyers a source of information on the grounds for excluding the tally sheets, which they were able to use for the benefit of their clients.

The national dispute resolution bureaus did not function particularly well. The time allocated to the hearings was not sufficient in every case for the lawyers to develop their arguments properly. The judges presiding over the hearings did not require the lawyers and the candidates to provide evidence for their allegations or to substantiate their claims for the incorporation or exclusion of results of the polling stations at issue. This approach adversely affected the quality of the decisions of the national bureaus, which for the most part were rendered without any arguments or supporting evidence and were based on the exclusion or inclusion of tally sheets without any prior verification. The integrity of the national dispute resolution bureaus' work was undermined by rumors that certain candidates had "bought" favorable rulings. Those rumors reached such a pitch that the Senate created a committee of investigation to determine their legitimacy. Judicial proceedings were also brought against the magistrates of the CEP. These measures continued until the JEOM left Haiti.

3.18. Proclamation of the final election results

The final results of the presidential and legislative elections were published on April 20. The victory of Michel Joseph Martelly was a mere formality, as no complaints concerning the presidential elections were brought before the electoral dispute resolution bureau. On the contrary, announcement of the legislative election results gave rise to a new controversy: following the decisions handed down by the national bureau, 17 preliminary results for deputies' seats were overturned, 15 of them in favor of the ruling party, *Inité*. The outcomes for two of the Senate seats were also overturned, one in favor of the *Inité* candidate. This reinforced the criticisms and suspicions expressed during the challenge phase to the effect that the electoral judges had deliberately changed the results. These decisions of the CEP sparked a new crisis as violent protests erupted in many districts. The disputed results also led council member Ginette Chérubin, who rejected the changes in rankings, to submit her resignation, a gesture that further eroded the credibility of the electoral institution and its decisions.

3.19. Examination by the JEOM of the disputed outcomes of the legislative elections

With the object of putting an end to the crisis, the Haitian authorities requested the Joint Mission to verify the disputed results. The mission accepted this task, acting within its mandate and following the procedures established by the two OAS expert missions deployed in the wake of the challenges to the first-round results. The Joint Mission examined the disputed cases and conducted a verification in the CTV of the tally sheets in question.

Following the verification, the mission observed that the national dispute resolution bureau had not taken its decisions with the legal rigor called for in juridical proceedings. In general, the bureau merely proclaimed the winner without setting out the arguments or the reasoning that led to the decision and without assessing the evidence. Ignoring completely the criteria established by the CEP itself, the judges of the national dispute resolution bureaus decided to annul or validate the tally sheets as requested by the plaintiffs or the defendants without performing the prior verification required by the Electoral Law. This state of affairs undermined the fairness and the validity of the national bureaus' decisions.

The JEOM concluded that in the absence of reasons underpinning the decisions and in the absence of prior verification to determine which tally sheets should have been set aside or counted to change the number of votes and therefore the ranking of the candidates, the CEP should go back to the preliminary results in each of the 18 cases examined.

In the face of domestic and international pressure, the CEP finally decided to establish a special national dispute resolution bureau to re-open and hear the 18 contested cases. This time around, the bureau took the critical step of verifying the tally sheets at the CTV, a step that had been totally omitted previously. This verification was done in the presence of the JEOM and other national and international observers. After reviewing the files and completing the work at the CTV, the judges deliberated behind closed doors. The CEP informed the observers of the results of the decisions of the special national dispute resolution bureau shortly before announcing them publicly.

At this meeting, the mission and other observers expressed reservations about the treatment of three cases in particular. For these cases, the JEOM recommended that the special dispute resolution bureau apply the same verification procedures as those used for all the other cases examined, which had helped determine the accuracy of the results. However, these recommendations were not taken on board. Although the results had been transmitted to the president of the republic several days before the handover of power to the new president, they were not immediately published.

With no publication of the results in the official gazette, *Le Moniteur*, the crisis over the final legislative results dragged on, and this sparked sharp criticism of the CEP and hampered the work of the Chamber of Deputies, in particular, by denying it a parliamentary quorum. The CEP found a way out by submitting the individual lists before they were published in *Le Moniteur*. Finally, 13 of the 17 results for deputy were published, as well as the two results for the Senate. By the time the JEOM left Haiti, the authorities had not made any public statement about how the four remaining parliamentary outcomes would be handled.

3.20. Women in the elections

The OAS/CARICOM Joint Electoral Observation Mission, following the precepts of the OAS Inter-American Democratic Charter of 2001 and resolution 1325 (2000) of the United Nations Security Council, gave special consideration to the representation of women at all stages in its observation of the electoral process in Haiti. Thus, the four-member core group that initially set up the JEOM office in Port-au-Prince included two women, one of whom served as deputy chief of mission and the other as a political analyst. The core group was subsequently extended to a total of 15 members, five of whom were women (including the legal advisor, financial officer, and logistics officer). As the election process advanced, the mission was reinforced with the arrival of 20 coordinators, nine of whom were women. For the first round of the 2010-2011 presidential and legislative elections, the JEOM had a total of 118 observers (52 women and 66 men) from 27 countries. For the second round, the number of female coordinators rose to 11 and there were a total of 201 observers (99 women and 102 men) from 30 countries.

During the Joint Electoral Observation Mission, the observers paid special attention to the role of women in the electoral process. For the first time in Haiti's history, two of the 19 candidates for president were women: Mirlande Manigat and Anne Marie Josette Bijou. One of them, Mirlande Manigat, received the highest number of votes in the first round and participated in the runoff, where she came in second with 31.74 percent of the votes. Michel Joseph Martelly was the winner, with 67.57 percent.

In the Chamber of Deputies, women were elected to only six of the 99 seats. No woman was elected to any of the 11 seats in the Senate. In 30 percent of the polling stations observed, a woman presided; in 39 per cent, the vice-president was female; and in 34 percent, the secretary was a woman. Of the 11 Departmental Electoral Bureaus, only one was headed by a woman; another had a female vice-president.

FEMALE CANDIDATES	ELECTORAL DISTRICT	POLITICAL PARTY
Marie Denise BERNADEAU	CENTRE - THOMONDE	LAVNI
Guerda BENJAMIN BELLEVUE	CENTRE - SAVANETTE	ANSANM NOU FO
Ogline PIERRE	SUD – CAMP PERRIN/ MANICHE	MOCHRENHA
Phanese J.R. LAGUERRE	NORD EST / VALLIERES/ CARICE/MOBIN CROCHU	SOLIDARITE
Ruffine LABBE	SUD EST - LA VALLEE DE JACMEL	ANSANM NOU FO
Marie Jossie ETIENNE	NORD - MILOT/ PLAINE DU NORD	RASAMBLE

3.21. Acts of intimidation against the media

The tensions and protests that stemmed from disputed aspects of the electoral process had a negative impact on the media. Threats were made against a private radio station in the capital that was perceived to have openly supported one of the presidential candidates. Political divisions over reporting policy at the state television station led to internal turmoil and to the dismissal of many staff members. In the wake of the problems caused by the disputed legislative results, several radio journalists in the provinces were forced into hiding because of their reporting or the position they adopted. At least two community radio stations were damaged or destroyed. These incidents of intimidation or violence against the media were completely at odds with the freedom of the press that Haitians have enjoyed in recent years.

G. COMPLAINTS

ELECTORAL COMPLAINTS FORM
OAS-CARICOM Joint Electoral Observation Mission
for the Presidential and Legislative Elections in Haiti
(First Round - November 28, 2010)

Date	Department/Observer	Location	Name of Complainant/ Title/Political Organization	Description/Relevant Electoral Provisions
28/11/10	Artibonite / Tomas Jaldedo	Ecole Nationale de Platon	Valmy Jacques/CNO ISC	Observed individuals voting multiple times; the members of the BV did not take any action to prevent it.
28/11/10	Artibonite / Laura Kalfon	Ecole Sainte Claire	Casseus Danica /Assistant Supervisor	Alleges that two individuals who had already signed the provisional voter list were prevented from voting by the VP (Vice President) of the BV.
28/11/10	Artibonite / Laura Kalfon	Ecole Sainte Claire	Hubermann Orelus	Alleges that the VP of the BV left several times during the vote and was not replaced.
28/11/10	Grand-Anse / O. Asturias	Ecole Nord Alexis	Etienne Marie Flore Jessica	Complains that her name was on the partial list but not on the BV list – as a result, she was prevented from voting.
28/11/10	Grand-Anse / O. Asturias	Lycée Nord Alexis	Marie Giselaine Dessources	Had a CIN but could not find her name on the list of any BV – as a result, she was prevented from voting.
28/11/10	Ouest / Ingvild Burkey	Delmas Ville, David Mondesir Institution Mixte	Dave-Ansy Laguerre	Alleges that the BV did not open until 9:30 and that most individuals were unable to vote because their names were not on the list; further alleges that ballot boxes were 1/3 full when the BV opened.
28/11/10	Ouest / Lara Bremner	College Mission Baptiste Fermantre	Jean Robert Ermilus/ CEP Principal Supervisor Kenscoff	A ballot box had only one safety strap instead of two.
28/11/10	Ouest / Lara Bremner	Fermathe	Evelyne Cheron / Candidate for Senate / RESPE	Complains that many individuals could not find their names on the list and as a result were prevented from voting.
28/11/10	Ouest / J C Herraud	Institute Info	Pierre Cambel	Had a CIN but could not vote because his name was not on the list.
28/11/10	Ouest	Ecole National Geffrard	Jean Baptiste Samuel / AYITI AN AKSYON	Complains that the BV supervisor refused to work – when Mr. Samuel complained, the supervisor was replaced by someone close to him.
28/11/10	Nippes / Nancy Robinson	Bureau de Bezin 1e Section	Dare Jean Kechener / RENMEN AYITI	Could not enter the BV to monitor the vote.
28/11/10	Nippes / Nancy Robinson	Ecole Nationale de Charller	Jean Claude Remy	Was unable to vote because he did not receive a CIN, despite applying well in advance of the deadline (showed COV receipt) – alleges that many in his community faced the same problem.

28/11/10	Nippes / Nancy Robinson	Ecole Nationale du Petite Rivere	Flaurence Sandonee	Was unable to vote because she did not receive a CIN, despite applying well in advance of the deadline (showed COV receipt).
28/11/10	Ouest / Eric Mielczarek	Ecole Nationale de la Croix des Missions	Multiple	Many instances of individuals being unable to vote despite having verified their appropriate voting locations earlier at the COV; list of names of individuals who could not find their names on the list or on lists in the surrounding area (21 names).

ELECTORAL COMPLAINTS FORM
OAS-CARICOM Joint Electoral Observation Mission
for the Presidential and Legislative Elections in Haiti
(Second Round - March 20, 2011)

Date of incident	Department/Observer	Location	Name of Complainant/ Title/Political Organization	Description
20/03/11	Sud-Est / J.M. Baudot	Ecole Nationale du bourg	Clervilson Chrisnel/ Candidate for deputy / PLAPH	Complaint directed at INITE candidate Lesly Guirand – alleges he threatened a PLAPH polling station member (Edzer Jean) and used his authority to intimidate other BV members.
20/03/11	Sud-Est / J.M. Baudot	Ecole Nationale de Mayette	Clervilson Chrisnel/ Candidate for deputy / PLAPH	Complaint directed at Berthony Ulysse, CV supervisor – alleges that the supervisor is an INITE partisan who allowed children to vote and assigned three PLAPH representatives to one BV.
20/03/11	Sud-Est / J.M. Baudot	Boucan Belier et Bordes	Clervilson Chrisnel/ Candidate for deputy / PLAPH	Complaint directed at Canes Arreus, CASEC – alleges he offered money to voters waiting in line in order to influence their votes (in favor of INITE).
20/03/11	Sud-Est / J.M. Baudot	Ecole Presbyterale de Pelagie	Clervilson Chrisnel/ Candidate for deputy / PLAPH	Complaint directed at the CV supervisor – alleges that the supervisor is an INITE partisan who encouraged supporters to assault a PLAPH poll watcher (Aloner Uranus).
20/03/11	Grand Anse / L.J. Narvaez	Duchity	Ronald Etienne/ Candidate for deputy/ PLAPH	Multiple allegations – including: (1) a police officer assaulted a PLAPH representative, creating a distraction which allowed INITE partisans to stuff the ballot boxes; (2) other instances of ballot-box stuffing by INITE partisans, which were not recorded by supervisors.
20/03/11	Grand Anse / L.J. Narvaez	Beaumont	Ronald Etienne/ Candidate for deputy / PLAPH	Alleges that INITE partisans stuffed ballot boxes at the Ecole Nationale Nouvelle CV and that the supervisor did not record the incident.
20/03/11	Grand Anse / L.J. Narvaez	Iles Cayemitte	Ronald Etienne/ Candidate for deputy / PLAPH	Handwriting – illegible
20/03/11	Grand Anse / L.J. Narvaez	Iles Cayemitte	Alteda Pierre Etienne/ PLAPH	Alleges multiple voting by INITE partisans – further alleges that when he confronted them, he was assaulted – further alleges that ballots were destroyed and thrown into the sea.
20/03/11	Artibonite / A.M. Caceres	Dessalines	Innocent Herold	Complaint directed against a LAVNI partisan – alleges that he made death threats and threatened to burn down the Communal Electoral Bureau and the Peace Court (<i>Tribunal de la Paix</i>).
20/03/11	Nord-Est / D. Faguudes	Ecole Presbyterale (Ferrier)	Beauvais Fedend	Alleges the presence of campaign propaganda in the CV.
20/03/11	Ouest / V. Benavente	Ecole Normale de Martissant	Jean Geanin	The complainant could not find his name on the voter list.
20/03/11	Ouest / V. Benavente	Ecole Normale de Martissant	Bouronze Seiveilles / RESPONS PEYIZAN	Handwriting – illegible
20/03/11	Ouest / D. Rose		Joseph S. Jean	The complainant could not find his name on the voter list.

20/03/11	Ouest	La Voix des Enfants	Paul Jean Michel / PLATFORM LIBERATION	Alleges that ALTERNATIV partisans threatened him and others present in the BV.
20/03/11	Ouest / E. Roux	Ecole Eglise Conservatrice Lamothe	Lamore Harold	The complainant alleges that the CV did not open until 9:30 a.m.
20/03/11	Ouest / E. Roux	Ecole Eglise Conservatrice Lamothe	Filama Inelie / REPONS PEYIZAN	The CEP asked the BV to open at 6:00 a.m. but by 9:00 a.m. it had still not started to operate.
20/03/11	Artibonite	Lycée Bicentenaire	Francois J. Lucizno / INITE	Alleges the presence of AAA and RDNP campaign propaganda in the CV.
20/03/11	Grande Anse / P. Minn	Ecole Nationale Petion La Forest	Serge Louis	The complainant could not find his name on the voter list; he went to three CVs.
20/03/11	Nord / P. Ruotte	Ecole Jean XXIII	Ivonne Valneus	The complainant could not find her name on the voter list; she, contacted the call center but without any results.
20/03/11	Nord / L.R. Pintor	Ecole Louvertaire La Playe	Jules Lunise / CNO	Alleges that a group of bandits entered the CV and took all the ballots for deputies, then returned with them and stuffed the ballot boxes. Also alleges that the poll watchers pressured voters to vote for their candidates.
20/03/11	Ouest / V. Benavente	Ecole Normale de Martissant	Simon Guyto / RESPONS PEYIZAN	Alleges that an INITE partisan received money from INITE in exchange for blocking access by RP supporters to the BVs.
20/03/11	Ouest / V. Benavente	Ecole Normale de Martissant	Julot Magna / INITE	Alleges that the supervisors were RESPONS PEYIZAN partisans.
20/03/11	Ouest / V. Benavente	Ecole Normale de Martissant	Jean-Claude Vernet	The complainant could not find his name on the voter list.
20/03/11	Artibonite / J. Barranco	BEC de Dessalines	Innocent Herold / President of the Dessalines Communal Electoral Office Berto Vertilus / VP of the Dessalines Communal Electoral Office	Allege ongoing threats against them by Max Lamothe and Hubermann Aurelus (LAVNI partisans) – threats to kill them and to burn down the town, if the results did not support their candidate (Garcia Delva). Lamothe and Hubermann accuse the complainants of altering the tally sheets to support another candidate.
20/03/11	Ouest II / T. Auguste	Croix des Bouquets / Thomazeau	Price Cyprien / Candidate for deputy / PONT	Alleges that rival candidate Jean Tholbert Alexis (ANSANM NOU FO) received support and preferential treatment, including license to commit illegal activities, from a number of high-powered Haitian officials (including the minister of justice, the vice president of the CEP, and the police commissioner). Further alleges that his allegations resulted in death threats against himself and his family. Alleges massive fraud in a total of six CVs (Lycée de Dumay, Lycée de Sibert, Centre d'Etude de Marin, Ecole Jacques Stephen Alexis, Ecole National de Vaudreuil, Ecole National de Lillavois). Alleges that Alexis tampered with the list of supervisors with support from the District Electoral Office and the CEP, intimidated supervisors, and ordered an assault on an individual.

CHAPTER IV. CONCLUSIONS

The JEOM had to work in a particularly difficult political environment. The lack of trust in the electoral body constituted a permanent obstacle and influenced the behavior of political players in the electoral process. Despite this, the process continued to its conclusion and allowed for a peaceful transition of power from one democratically elected government to another.

The Joint Mission maintained excellent working relations with the various stakeholders in the electoral process, including political parties and candidates, government authorities, civil society, the communications media, and international participants involved in the electoral process. A key factor here was the series of recommendations that the JEOM made at various stages to the CEP for improving the process and its credibility. The second round of voting went much more smoothly than the first from the technical, organizational, and security viewpoints.

The members of the Joint Mission pursued their observation work proactively. Accordingly, they deployed efforts to help the CEP and its election officers identify problems, address shortcomings, and resolve disputes. This approach also involved close cooperation with all stakeholders participating in the elections.

Efforts to strengthen training for election officers and to foster a sense of civic service to a broader community were a powerful tool for reducing the number of irregularities and did much to enhance the electoral process.

The work of the Vote Tabulation Center (CTV) was critical for detecting and filtering out irregular results. This was possible because of improvements in its procedures and strengthening of its verification capabilities. However, there is still room for improvement, especially through more effective training for staff of the Legal Control Unit. The problems encountered during the challenge phase of the second round underscore the need to forge stronger links between the verification work of the CTV and the decisions taken by the electoral dispute resolution bureaus, consistent with the pertinent articles of the Electoral Law.

The forging of stronger ties between the CTV's verification work and the deliberations and decisions of the electoral dispute resolution bureaus, geared toward determining the final election results, constituted a fundamental step forward that, in the future, will make the Haitian electoral process more robust, transparent, and equitable, thereby enhancing its credibility and legitimacy.

The OAS/CARICOM JEOM wishes to express its gratitude to those member states and permanent observers of the OAS whose financial support made it possible for the mission to be present in Haiti over the period of 10 months covering the first and second rounds of the elections: Argentina, Brazil, Canada, Chile, China, Finland, France, Luxembourg, Norway, Panama, Peru, Portugal, Slovenia, Spain, Suriname, Switzerland, the United States of America, and the European Union.

The OAS/CARICOM JEOM also wishes to thank all national and international players involved from near or far in the elections. Without their collaboration, the JEOM's work would not have been possible.

CHAPTER V. RECOMMENDATIONS

The mission presents the following suggestions to the CEP with a view to remedying the weaknesses identified during observation of the electoral process that led to the holding of the first and second rounds of the presidential and legislative elections in Haiti on November 28, 2010, and March 20, 2011, respectively.

5.1. Provisional Electoral Council (CEP)

On the basis of its observation work, the mission considers it essential to establish a permanent electoral body that will not only enhance the accountability of the magistrates but will also institutionalize good practices among the CEP operating agents. This is crucial in order to preserve institutional memory, take advantage of election officers' experience, and reinforce the magistrates' political accountability.

The mission calls upon the new Government of Haiti to take all steps necessary to give effect to the constitutional provisions for appointing a Permanent Electoral Council.

5.2. Legal framework

The mission considers that the Electoral Law should be revised in order to fill existing gaps, simplify certain mechanisms, clarify the responsibilities of the bodies that make up the electoral institution, and specify the scope of that law's provisions in order to limit ambiguities.

5.2.1. Election officers

Mechanisms must be established for effectively sanctioning any electoral authority that seeks in any way to manipulate the list of election officers.

The mission recommends establishing a clearly defined role for political party poll watchers and the conditions for granting them access to the polling stations on election day, in order to avoid controversies.

The mission considers that the appointment of polling station members by political parties, as stipulated in the Electoral Law, was prejudicial to the proper conduct of voting. It suggests that the mechanism for recruiting polling station members be changed in order to make the process more transparent.

5.2.2. Administrative provisions

On the administrative front, the JEOM considers that the responsibilities and the role of the electoral council members, as well as those of senior management and the resulting executive structure, should be more clearly defined by the law in order to avoid any ambiguity.

The current provisions of the law are not sufficiently clear as to the role and responsibility of the Departmental Electoral Bureaus (BED) and the Communal Electoral Bureaus (BEC). The mission considers that a better definition of the tasks incumbent on the different levels of the electoral institution could contribute to better control of both bodies and greater efficiency in the electoral machinery.

The same logic applies to the dispute resolution bureaus responsible for hearing electoral challenges at the departmental (BCED) and national (BCEN) levels: their powers and responsibilities need to be clearly defined in order to make the procedure more efficient.

5.2.3. Register of voters

After consulting stakeholders involved in compiling the register of voters, the mission strongly recommends that the deadline for voter registration be legally established at six months prior to election day, in order to give the National Identification Office (ONI) sufficient time to process the data on new registrants and to transmit said data to the CEP so that it can respect the time limits set by the Electoral Law. At the same time, the ONI would benefit from additional time for printing and distributing CINs throughout the country.

5.2.4. Vote Tabulation Center (CTV)

The Electoral Law should redefine the role of the CTV to include the verification of tally sheets as well as pre-established criteria for determining their validity.

5.2.5. Electoral challenges

The Electoral Law should clearly stipulate that in considering whether to include or exclude tally sheets the BCEN (in the absence of a specific commission for this purpose) must first consult the CTV, which will verify the documentation in question and prepare a report for the bureau.

5.3. Political parties

- The mission calls upon the Haitian authorities to adopt the Political Parties Law as quickly as possible, in order to provide a legal framework for political groups, to regulate the establishment of political parties, and to foster transparency in their financing. The mission recommends that the financing of political parties during and outside the electoral period should be made public in order to enhance transparency.
- The mission calls upon the electoral authorities to work with the political parties outside the electoral period to strengthen ties between political players and the electoral authorities and to enhance political stakeholders' understanding of the legal framework governing elections and the procedure to be followed in each phase of the process. Regular meetings could be held between political party representatives and the electoral authorities with a view to institutionalizing channels of communication and agreeing on uniform criteria for the recruitment of party poll watchers and polling station members.
- The mission calls on the CEP to continue holding briefings with political parties during the election period.

5.4. Electoral organization

5.4.1. Electoral administration

- Strengthen communication between the BEC, the BED, and the CEP in order to ensure proper coordination of their activities on election day.
- Strengthen communication among the various directorates of the CEP to achieve better coordination of electoral operations.
- Adopt procedural manuals for all phases of the election process, clearly spelling out all the responsibilities of each section.
- Computerize the election day emergency center to make it more effective and to expedite the handling of problems detected.

5.4.2. Election personnel

- Greater attention must be paid to the training of election officers at all levels. Training should be provided at various times to ensure that agents understand and remember the information

communicated. The mission also considers it necessary to do everything possible to avoid last-minute training.

- Likewise, recruitment of election officials should take place in all transparency and should be based on experience and merit. To this end, the reasons for rejecting or accepting candidates as election officials, whether appointed by the CEP or by the political parties, should be published together with the lists of candidates accepted or rejected.
- The performance of all election officials involved in previous elections should be assessed on the basis of objective, predetermined criteria. Agents who have not met the assessment criteria should be replaced through transparent recruitment based on professional competence.
- Training should be mandatory for all agents. They should sign an attendance sheet at the beginning and end of training.
- Election officers (supervisors, polling station members, ASEs, facilitators) found guilty of irregularities should be punished and banned from recruitment in subsequent elections.
- Following the training, manuals should be provided to agents for the use of polling station members, along with the other materials used on election day, to help them visualize the various stages of the voting process.
- The mission invites the electoral authorities to maintain and strengthen the role of the facilitators.
- Training should emphasize the following aspects:
 - Opening the polling stations on time;
 - Rigorous verification of CINs and their registration in the LEP;
 - Exhaustive investigation of the names of voters on the LEP in order to prevent the exclusion of voters.
 - Methodical use of indelible ink;
 - Detailed treatment of the tally sheets, the discharge form, and the LEP;
 - Evaluation of election officers at the end of training to verify the level of knowledge acquired; and
 - The importance of agents' responsibilities and of the civic duty they perform on election day.

- Respect the criteria of professionalism and experience in selecting supervisors, who must provide training to election officers, coordinate

stakeholders, and arbitrate any disputes that may arise on election day.

- Ensure the visibility of all election officers.

5.4.3. Poll watchers

- Ensure the timely provision of accreditation to poll watchers and make election officers aware of the importance of valid credentials.
- Include a photograph in the accreditations.
- Establish a time limit for submitting the lists of poll watchers.
- Establish clear procedures for selecting poll watchers and for determining the number to be allowed into each polling station and their rotation.

5.4.4. Vote Tabulation Center (CTV)

- Enhance the training of lawyers of the Legal Control Unit (UCL).
- Enhance quality control in the UCL.
- Prepare random samples of tally sheets to avoid having a single lawyer examine all the sheets from the same district.
- Consider combining all the tally sheets from the same polling station to allow for more in-depth verification in light of the LEP but also of other tally sheets.
- Publish the national and local results, both preliminary and official, for the presidential, legislative, municipal, and local elections, by candidate and by party, in order to give voters a better understanding of the elections (preeminence of one party throughout the country) and to give political parties key information about electoral geography to enable them to refine their strategies.

5.5. Voter list

- Improve the procedure for transferring information between the ONI and the CEP with the help of a data transmission protocol that will define the responsibilities, tasks, and calendar for the pre-election period.
- Conduct prior quality control, comparing the databases of the two institutions.

- Define in advance mechanisms for updating the voter list.

- Post the voter list (LECV) in a prominent place in the voting center at least two weeks prior to election day to allow voters to verify that their names are registered.

- Ensure that the voter list is published in such a way that voters can readily identify their polling stations.

- Standardize the format of compound names on the voter lists to avoid any confusion.

- Avoid the scattering of family members living at the same address among various voting centers.

5.6. Voter education and information

- Prolong and intensify the voter awareness campaign, with emphasis on innovative and effective media for reaching the maximum number of citizens.

- Offer voters at least one facilitator in each polling station to show them the station to which they have been assigned. The facilitators should be trained at the same time as the polling station members. They should have a copy of the LECV and the LEC for the commune in which they are located. They should have privileged access to the call center on election day in order to provide guidance to voters.

5.7. Election materials

- Ballots should be numbered and contained in ballot books with numbered stubs.

- Election materials should be delivered in advance, under the supervision of BED and BEC personnel.

- Instructions for use of the election kits should be written in *Créole*.

- The voting booth format should be changed to guarantee secrecy of the vote.

- Steps must be taken to ensure that the ballots delivered correspond to the appropriate electoral district.

- Accreditations for national and international observers and for poll watchers and the media must be produced and made available in a timely fashion.

5.8. Security

- Strengthen coordination between the ASEs and the PNH to guarantee security at polling stations and voting centers.
- Maintain a constant and effective PNH presence in the vicinity of all polling stations.
- Clearly define the role and responsibilities of personnel involved in security within and outside the polling stations.

5.9. Media

- Inform and explain to the media the conditions for access to the polling stations and voting centers on election day.

CHAPTER VI: FINANCIAL REPORT



Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des États Américains
Organization of American States

FINANCIAL STATEMENTS

Department of Financial and Administrative Management Services
Financial Reporting and Administrative Coordination Section

PRELIMINARY AND UNAUDITED

AREA Chapter 6 - Secretariat for Political Affairs
SUBPROGRAM The Department of Electoral Cooperation and Observation (62B)
PROJECT Electoral Observation Mission to Haiti 2010 - 2011
MANAGER B. Santoscoy OFFICER N. Monroy

DONOR Various

PROJECT PERIOD 21-Jul-10 TO 6-Apr-12

GS/OAS REF. [Project: SPA-DECO/071]

REPORT STATUS INTERIM ID # 708
REPORTING PERIOD 21-Jul-10 TO 31-Mar-12
PREPARED BY SE ON 31-Mar-12

REVIEWER  A. Escobar

CERTIFIED BY  D. Yrivarren
Financial Reporting Manager

I. STATEMENT OF RECEIPTS AND PAYMENTS		
	Note	(in USD)
Add: receipts		
Contribution	8	4,336,205
Transfers in		-
Interest		966
Other receipts		-
Total receipts		4,337,171
Less: payments		
Transfers out		-
Return to donor		-
Expenditures	8	4,311,313
Other payments		-
Total payments		4,311,313
Increase/(decrease) in cash		25,858
<hr/>		
Cash at beginning of period		-
Add: increase/(decrease) in cash		25,858
Cash at end of period		25,858

II. STATEMENT OF FUND BALANCE		
	Note	(in USD)
Cash at end of period		25,858
Less: unliquidated obligations	5	49,490
Fund balance at end of period		(23,632)

III. STATEMENT OF CONTRIBUTIONS		
	Note	(in USD)
Actual receipts		
Argentina		20,000
Brazil		350,000
Canada		115,053
Chile		45,000
China		25,000
European Union	9	655,739
Finland		288,099
France		546,827
GS/OAS Regular Fund	8	97,341
Luxemburg		4,847
Norway		335,893
Panama		10,000
Peru		10,000
Portugal		5,000
Slovenia		9,704
Spain		343,298
Suriname		1,000
Switzerland		19,784
United States (Letter of credit)	10	1,453,619
Subtotal actual receipts	3	4,336,205
Add: projected receipts		
European Union	9	55,861
United States (Letter of credit)	10	46,381
Subtotal projected receipts		102,242
Total contribution as per agreement	11, 12	4,438,447

The accompanying notes form part of the financial statements



PRELIMINARY AND UNAUDITED

IV. STATEMENT OF EXPENDITURES AND UNLIQUIDATED OBLIGATIONS BY BUDGETARY ITEM				
Activities	Note	(in USD)		
		A	B	C = A + B
		Expenditures	Obligations	Total
Preliminary mission		34,362	-	34,362
Deployment of the mission (international contracts)		1,452,214	-	1,452,214
OAS headquarters contracts		276,367	-	276,367
International travel		657,768	-	657,768
Local contracts		80,582	-	80,582
Local travel		964,262	-	964,262
Operating costs		266,491	-	266,491
Report, publication and distribution		13,497	-	13,497
Cost contingency		87,924	-	87,924
Evaluation cost		12,500	12,500	25,000
Audit cost		-	25,000	25,000
Publication cost (final report)		-	11,990	11,990
Total direct costs		3,845,968	49,490	3,895,458
Indirect cost recovery	6	465,345	-	465,345
Grand total project costs	8	4,311,313	49,490	4,360,803

The accompanying notes form part of the financial statements



- 1 **Basis of preparation.** The financial statements have been prepared under the cash basis of accounting and in accordance with GS/OAS financial rules and regulations. The accounting policies have been applied consistently throughout the period. A summary of GS/OAS financial rules and regulations may be found at:
http://www.oas.org/legal/english/admmem/OAS_Financial_Handbook_for_Specific_Fund_Agreements_Feb_2008_Rev_3.doc
- 2 **Audit of accounts.** The OAS Board of External Auditors, consisting of three Members elected by the General Assembly, is entrusted with auditing all accounts, funds, and operations of the Organization as a whole on an annual basis with the assistance of an external auditing firm. The annual external audit is intended to provide a reasonable level of assurance that the financial statements are fairly stated in all material respects. The auditing firm's opinion on the financial statements is based on auditing procedures, which include a review of internal controls and selected tests of transactions and records. The audit of all Specific Funds, including the accounts presented in this financial statement, is performed within this general context. In this regard, this project has not been subject to a specific audit but its transactions and records may or may have not been selected for tests by the external auditing firm. The latest GS/OAS annual audit of accounts may be found at:
http://www.oas.org/documents/eng/press/Digital_Audit_Book_2010_English.pdf
- 3 **Reporting currency.** The functional currency of the GS/OAS is the United States dollar (USD). All financial transactions including financial statements are denominated in USD. If the contribution is made in a currency other than USD, it is converted to USD at the exchange rate of the day of the receipt of funds.
- 4 **Award and reporting periods.** Award period refers to the timeframe when expenditures and unliquidated obligations can be incurred as per donor agreement restrictions, if any. Reporting period refers to the timeframe up to when unliquidated obligations are paid and/or when final adjustments are posted. The reporting period may extend beyond the award period as these circumstances arise.
- 5 **Unliquidated Obligations.** Unliquidated obligations are amounts related to commitments to disburse monies for the procurement of goods or services in future periods. Such amounts represent liabilities to third parties at the end of the respective periods and are anticipated to be expended in subsequent periods in the completion of a particular program or activity. This amount may be lower in subsequent periods as deobligations occur.
- 6 **Indirect Cost Recovery (ICR).** Pursuant to OAS General Standards approved by its Member States and in accordance to Executive Order 07-01, issued by the OAS Secretary General on May 29, 2007, the ICR rate for contributions is established at a minimum of 11% (Member States) or at a minimum of 12% (other donors) of the total contribution amount. Agreements signed prior to this policy are grandfathered, thus each percentage of ICR may differ. ICR partially defrays costs incurred in the administration of projects including, among others, the following products and services: planning, monitoring, review and evaluation of projects; resource mobilization services; financial management framework (e.g., financial manuals, handbooks, guidelines, and training); staff recruitment; overall administrative functions of the General Secretariat; legal and financial review of agreements; banking operations (e.g., receipt of funds, check emission, bank reconciliations); financial reporting; external audit coordination and audits; setup and management of accounts; procurement of goods and services; recording and processing of transactions; facilities and utilities; and general use office equipment and supplies (e.g., networks), etc. Specific ICR guidelines and procedures may be found at:
http://www.oas.org/legal/english/admmem/ADMMEM116_ICR_Indirect_Cost_Recovery_GP.doc
- 7 **Rounding.** Totals may differ from the sum of individual figures shown due to rounding.
- 8 Includes a total amount of USD 97,341 financed by the GS/OAS Regular Fund.
- 9 The total amount agreed from this agreement is EUR 500,000 equivalent to USD 711,600 at exchange rate 1 EUR = 1.4232 USD.
- 10 The total amount to be drawn from this letter of credit is USD 1,500,000.
- 11 Does not include contributions from NORDEM - Norwegian Centre for Human Rights University of Oslo (USD18,584 to cover the cost of five Norwegians Observers). As per donor's authorization funds have been allocated to the Fund of the Electoral Observation Mission.
- 12 On March 7, 2011, the Permanent Mission of Canada to the OAS authorized a contribution through CIDA's Multilateral Election Observation Program of up to an additional CAD 250,000 to support the deployment of 30 Canadian observers via CANADEM. A total of USD 44,221 was received from CANADEM and authorized to be deposited in the OAS Electoral Observation Missions Fund to reimburse the costs of these observers' participation in the Second Round Electoral Observation Mission to Haiti.

The accompanying notes form part of the financial statement



ANNEX

ANNEXES

ANNEX A. LETTER OF INVITATION FROM THE GOVERNMENT OF HAITI

ANNEX B. LETTER OF RESPONSE FROM THE SG/OAS

ANNEX C. AGREEMENT ON PRIVILEGES AND IMMUNITIES

ANNEX D. AGREEMENT ON THE ELECTORAL OBSERVATION PROCESS

ANNEX E. AGREEMENT BETWEEN GS/OAS AND CARICOM

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ANNEX J. LIST OF OBSERVERS FOR THE FIRST ROUND

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ANNEX A. LETTER OF INVITATION FROM THE GOVERNMENT OF HAITI



RÉPUBLIQUE D'HAÏTI

Le Président

PN/RP/569/2009

Port-au-Prince, le 28 octobre 2009.

Son Excellence
Monsieur José Miguel Insulza
Secrétaire Général
Organisation des Etats Américains
En ses Bureaux

Monsieur le Secrétaire Général,

La République d'Haïti s'apprête à organiser les élections législatives au début de l'année 2010 pour renouveler le tiers du Sénat et l'ensemble de la Chambre des Députés. Ensuite, à la fin du deuxième semestre, nous aurons les élections présidentielles et celles des collectivités territoriales.

Etant donné l'expérience et le sérieux avec lesquels l'Organisation des Etats Américains épaula la construction de la démocratie dans l'Hémisphère, dont les échéances électorales sont un passage obligé, nous serions heureux qu'elle puisse déployer une Mission d'Observation Electorale (MOE) afin d'accompagner la bonne tenue de ces élections.

D'autre part, nous saurions gré à l'Organisation des Etats Américains d'apporter, également, un appui technique, dont les conditions seraient à définir mutuellement, au Conseil Electoral Provisoire, organe chargé de l'organisation des élections en 2010.

Veillez agréer, Monsieur le Secrétaire Général, l'assurance de ma haute considération.

A handwritten signature in cursive script, reading 'René Préal'.

René Préal

Palais National, Port-au-Prince, Haïti

ANNEX B. LETTER OF RESPONSE FROM THE SG/OAS



17th St. & Constitution Avenue N.W.
Washington, D.C. 20006
Etats-Unis d'Amérique

Organisation des États Américains

T. 202.458.3000
www.oea.org

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El Salvador
Etats-Unis
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Guyana
Haïti
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Mexique
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Panama
Paraguay
Pérou
République dominicaine
Saint-Kitts-et-Nevis
Sainte-Lucie
Saint-Vincent-et-Grenadines
Suriname
Trinité-et-Tobago
Uruguay
Venezuela

Le 9 novembre 2009

Son Excellence
Monsieur René Préval
Président
République d'Haïti

Monsieur le Président,

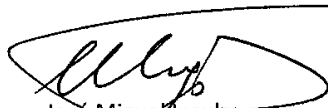
C'est avec plaisir que je m'adresse à Votre Excellence pour confirmer la réception de la lettre datée du 28 octobre dernier, à travers laquelle le gouvernement et les autorités électorales de la République d'Haïti ont demandé le déploiement d'une mission d'observation électorale de l'Organisation des États américains (OÉA) pour les élections législatives, présidentielles et des collectivités locales d'Haïti pour l'année 2010.

À ce sujet, le Secrétariat général accueille favorablement l'invitation et anticipe sa disposition à organiser la Mission demandée afin d'observer les diverses étapes des processus électoraux de 2010. Je profite également de l'occasion pour signaler que, selon les dispositions en vigueur, le déploiement de la dite Mission dépend de l'obtention de ressources externes pour son financement.

Pour ce qui est de l'appui au Conseil Électoral Provisoire pour la réalisation des élections de 2010, une communication subséquente adressera spécifiquement le thème de la coopération technique électorale.

Permettez-moi, Monsieur le Président, de vous remercier pour la confiance des institutions démocratiques d'Haïti au travail entrepris par l'OÉA pour le renforcement de la démocratie hémisphérique.

Veillez agréer, Monsieur le Président, l'assurance de ma plus haute considération.



José Miguel Insulza
Secrétaire général

ANNEX C. AGREEMENT ON PRIVILEGES AND IMMUNITIES

ACCORD
ENTRE
LE GOUVERNEMENT D'HAÏTI
ET
LE SECÉTARIAT GÉNÉRAL DE
L'ORGANISATION DES ÉTATS AMÉRICAINS
RELATIF
AUX PRIVILÈGES ET IMMUNITÉS DE LA MISSION D'OBSERVATION
ÉLECTORALE OEA DANS LE CADRE DES ÉLECTIONS PRÉSIDENTIELLES ET
LÉGISLATIVES DU 28 NOVEMBRE 2010

ACCORD
ENTRE
LE GOUVERNEMENT D'HAÏTI
ET
LE SÉCRÉTARIAT GÉNÉRAL DE
L'ORGANISATION DES ÉTATS AMÉRICAINS
RELATIF
AUX PRIVILÈGES ET IMMUNITÉS DE LA MISSION ÉLECTORALE OEA DANS LE
CADRE DES ÉLECTIONS PRÉSIDENTIELLES ET LÉGISLATIVES
DU 28 NOVEMBRE 2010

Le Secrétariat général de l'Organisation des États Américains (ci-après dénommé le « Secrétariat général de l'OEA ») et le Gouvernement d'Haïti (ci-après dénommé le « Gouvernement d'Haïti »), Parties au présent Accord,

VU :

Que le 28 octobre 2009, le Gouvernement d'Haïti a invité le Secrétariat général de l'Organisation des États Américains (ci-après dénommée « l'OEA » ou « l'Organisation ») à observer les élections présidentielles et législatives en Haïti, maintenant prévues pour le 28 novembre 2010, et le deuxième tour, s'il y a lieu ;

Que le Secrétaire général de l'OEA a informé le Gouvernement qu'il a accepté l'invitation à établir une Mission d'observation (ci-après dénommée la « Mission d'observation OEA ») pour les élections présidentielles et législatives, sous réserve d'obtenir les ressources nécessaires pour financer l'établissement de la Mission d'observation OEA en Haïti (ci-après dénommée soit la « Mission » soit la « Mission OEA ») ;

Que la Mission OEA sera composée de responsables du Secrétariat général de l'OEA, d'autres personnes recrutées au siège du Secrétariat général de l'Organisation, et d'autres observateurs internationaux recrutés par le Secrétariat général de l'OEA exclusivement pour les besoins de la Mission d'observation OEA (ci-après dénommés soit les « membres de la Mission d'observation OEA » soit les « membres ») ;

Que les principaux privilèges et immunités dont jouissent l'OEA ainsi que le Secrétariat général de l'OEA et son personnel en Haïti sont établis aux termes de la Charte de l'Organisation, de l'Accord sur les Privilèges et Immunités de l'Organisation des États Américains, ratifié par Haïti en 1952; et de l'accord intervenu en 1972 entre le Gouvernement de ce pays et le Secrétariat général de l'OEA pour l'établissement et le fonctionnement en Haïti du bureau hors siège du Secrétariat général,

LES PARTIES SONT CONVENUES DE CE QUI SUIT :

TITRE I

PRIVILÈGES ET IMMUNITÉS DE LA MISSION D'OBSERVATION OEA

ARTICLE PREMIER

Les privilèges et immunités de la Mission d'observation OEA sont ceux accordés à l'OEA, ses organes et son personnel.

ARTICLE II

2.1. Les biens et avoirs de la Mission d'observation OEA situés à n'importe quel endroit du territoire haïtien et en possession de toute personne jouissent de l'immunité contre tout type de procédure judiciaire, à l'exception toutefois des cas précis pour lesquels ladite immunité est expressément levée, par écrit, par le Secrétaire général de l'OEA.

2.2 Il est toutefois entendu que ladite levée d'immunité par le Secrétaire général de l'OEA n'aura pour effet d'assujettir n'importe lequel de ces biens et avoirs à aucune mesure d'exécution.

ARTICLE III

3.1 Les locaux occupés par la Mission d'observation OEA sont inviolables.

3.2 Les biens et avoirs de la Mission d'observation OEA situés à n'importe quel endroit du territoire haïtien et en possession de toute personne ou entité jouissent de l'immunité contre toute perquisition et saisie, confiscation ou expropriation, et contre toute forme d'intervention, qu'elle soit de nature exécutive, administrative, judiciaire ou législative.

ARTICLE IV

Les dossiers de la Mission d'observation OEA et tous les documents la concernant, ou qui sont en possession de toute personne ou entité sont inviolables, où qu'ils se trouvent.

ARTICLE V

5.1 La Mission d'observation OEA est exonérée :

- a) de tout impôt interne, étant entendu toutefois qu'elle ne peut demander aucun type d'exonération d'impôt qui, de fait, constitue une rémunération pour des services d'utilité publique ;
- b) de tout type de droit de douane, prohibition et restriction à l'égard des articles et publications qu'elle pourrait importer ou exporter dans l'exercice de ses fonctions ; il est entendu toutefois que les articles importés en franchise peuvent être vendus en Haïti exclusivement aux conditions convenues expressément entre les Parties ;
- c) de tout arrêté, règle ou moratoire ; la Mission est également habilitée à détenir toutes devises, avoir des comptes dans n'importe quelle monnaie étrangère et convertir ses fonds en monnaie étrangère.

ARTICLE VI

La Mission d'observation OEA peut établir et exploiter sur le territoire haïtien un système indépendant de radiocommunication afin de fournir un lien de communication constant entre les membres et les véhicules utilisés par ces derniers pour relier les bureaux de la Mission au siège régional, comme le bureau central de Port-au-Prince, et pour relier ce dernier au siège du Secrétariat général de l'OEA sis à Washington, D.C., États-Unis d'Amérique. Le Gouvernement fournit tout l'appui administratif et technique nécessaire à ces fins.

TITRE II
MEMBRES DE LA MISSION D'OBSERVATION OEA

ARTICLE VII

Les membres de la Mission d'observation OEA sont des personnes désignées par le Secrétariat général de l'OEA et accréditées auprès des autorités haïtiennes.

ARTICLE VIII

8.1 Durant la période où les membres de la Mission d'observation OEA exercent leurs fonctions et durant leurs déplacements en provenance et à destination d'Haïti, ils jouissent des privilèges et immunités suivants :

- a) immunité de détention ou d'arrestation et immunité contre tout type de procédure judiciaire en rapport avec leurs actes et déclarations, que celles-ci soient orales ou écrites, dans l'exercice de leurs attributions ;
- b) inviolabilité de tous dossiers et documents ;
- c) droit de communiquer avec le Secrétariat général de l'OEA par radio, téléphone, télégraphe, courrier électronique, satellite ou par d'autres moyens, et de recevoir des documents et de la correspondance par l'intermédiaire de courriers ou par valise scellée, jouissant à ces fins des mêmes privilèges et immunités accordés aux messages, courrier et valise diplomatiques ;
- d) droit d'utiliser, pour leurs déplacements à travers le territoire national, tous moyens de transport, que ce soit par voie aérienne, maritime ou terrestre ;
- e) exonération, pour eux-mêmes et pour leurs conjoints et enfants, de tout type de restriction au regard de l'immigration et de l'enregistrement des étrangers, et de tout type de service militaire en Haïti ;
- f) mêmes privilèges que ceux qui sont accordés aux représentants de gouvernements étrangers en mission officielle au regard des restrictions de change ;
- g) mêmes immunités et privilèges relatifs à leurs bagages personnels que ceux qui sont accordés aux envoyés diplomatiques ;
- h) tous autres privilèges, immunités et aménagements compatibles avec les dispositions précédentes et dont jouissent les envoyés diplomatiques, à l'exception de toute exonération de droits de douane sur des marchandises importées (ne faisant pas partie de leurs effets personnels) ou encore de taxes sur les ventes ou la consommation.

ARTICLE IX

Les dispositions de l'article précédent ne s'appliquent pas aux nationaux d'Haïti travaillant comme personnel recruté localement par la Mission d'observation OEA, à l'exception des cas où ils remplissent des fonctions officielles ou lorsqu'ils font des déclarations dans l'exercice de leurs attributions.

TITRE III COOPÉRATION AVEC LES AUTORITÉS

ARTICLE X

La Mission d'observation OEA collabore avec les autorités haïtiennes compétentes pour prévenir tout usage abusif concernant les privilèges et immunités précités. De même, les autorités compétentes font tout leur possible pour fournir la collaboration que leur demande la Mission d'observation OEA.

ARTICLE XI

Sans porter atteinte aux privilèges et immunités accordés, les membres de la Mission d'observation OEA respectent les lois et normes qui sont en vigueur en Haïti.

ARTICLE XII

12.1 Les Parties prennent toutes les mesures nécessaires pour parvenir à un règlement amiable de manière à régler comme il convient les cas suivants :

- a) tout litige résultant de contrats ou d'autres questions de droit privé ;
- b) tout litige auquel la Mission d'observation OEA et/ou n'importe lequel de ses membres serait partie, concernant des domaines pour lesquels ils jouissent de l'immunité.

TITRE IV NATURE DES PRIVILÈGES ET IMMUNITÉS

ARTICLE XIII

13.1 Les privilèges et immunités sont accordés aux membres de la Mission d'observation OEA pour préserver leur indépendance dans l'exercice de leurs attributions relatives à l'observation des élections présidentielles et législatives en Haïti et non pour leur

bénéfice personnel ou encore pour réaliser des activités de nature politique à l'intérieur du territoire haïtien.

13.2 Le Secrétaire général de l'OEA peut lever les privilèges et immunités de l'un quelconque des membres de la Mission d'observation OEA s'il décide, de lui-même, que l'exercice de ces privilèges et immunités peut faire obstacle à la procédure judiciaire, tant que le Secrétaire général juge qu'une telle levée ne porte pas atteinte aux intérêts de l'OEA ou du Secrétariat général de l'Organisation.

TITRE V DISPOSITIONS GÉNÉRALES

ARTICLE XIV

14.1 Le Gouvernement reconnaît que le « Document de voyage officiel » émis par le Secrétariat général de l'OEA constitue un document valable et suffisant pour les déplacements des membres de la Mission d'observation OEA qui le possèdent.

14.2 Le Gouvernement émet à chaque membre de la Mission d'observation OEA un visa pour entrer dans le pays et y séjourner jusqu'à la fin de la Mission d'observation OEA.

ARTICLE XV

Le Gouvernement convient d'accorder les privilèges et immunités conférés par le présent Accord aux membres de la Mission d'observation OEA désignés par le Secrétariat général de l'OEA qui ont été accrédités par les autorités haïtiennes.

ARTICLE XVI

Le présent Accord peut être modifié par consentement mutuel établi par écrit par les représentants des Parties dûment autorisés à cet effet.

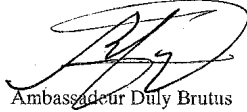
ARTICLE XVII

Le présent Accord entre en vigueur à la date de signature et devient sans effet dès que les membres de la Mission d'observation OEA auront achevé leur mission, conformément aux dispositions de la requête émanant du Gouvernement.

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet, ont signé le présent Accord en double exemplaire, à la date et au lieu indiqués ci-après.

POUR LE GOUVERNEMENT D'HAÏTI :

POUR LE SECRETARIAT GÉNÉRAL DE
L'ORGANISATION DES ÉTATS
AMÉRICAINS :



Ambassadeur Dily Brutus

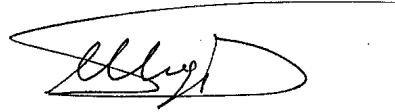
Représentant Permanent

Mission Permanente d'Haïti

Auprès de l'Organisation des États Américains

Washington, D.C., Etats-Unis d'Amérique

Le 4 août 2010



Monsieur José Miguel Insulza

Secrétaire Général

Organisation des États Américains

Washington, D.C., Etats-Unis d'Amérique

Le 4 août 2010

ANNEX D. AGREEMENT ON THE ELECTORAL OBSERVATION PROCESS

**ACCORD
ENTRE
LE SECÉTARIAT GÉNÉRAL DE
L'ORGANISATION DES ÉTATS AMÉRICAINS
ET
LE CONSEIL ÉLECTORAL PROVISOIRE D'HAÏTI
SUR LE PROCESSUS D'OBSERVATION
DES ÉLECTIONS PRÉSIDENTIELLES ET LÉGISLATIVES DU 28 NOVEMBRE
2010 EN HAÏTI**

**ACCORD
ENTRE
LE SECRÉTARIAT GÉNÉRAL DE
L'ORGANISATION DES ÉTATS AMÉRICAINS
ET
LE CONSEIL ÉLECTORAL PROVISOIRE D'HAÏTI
SUR LE PROCESSUS D'OBSERVATION
DES ÉLECTIONS PRÉSIDENTIELLES ET LÉGISLATIVES DU 28 NOVEMBRE
2010 EN HAÏTI**

Les parties, le Conseil Électoral Provisoire d'Haïti (ci-après dénommé le "Conseil Électoral Provisoire") et le Secrétariat général de l'Organisation des États Américains (ci-après dénommé le "Secrétariat général"),

CONSIDÉRANT:

QUE le 28^e jour d'octobre 2009, le Gouvernement d'Haïti (ci-après dénommé "le Gouvernement"), par le truchement de son Premier Ministre, a invité le Secrétaire général de l'Organisation des États Américains (ci-après dénommé le "Secrétaire général") à envoyer une Mission d'observation des élections en Haïti afin qu'elle soit témoin des élections présidentielles et législatives qui auront lieu le 28 novembre 2010 en Haïti et le deuxième tour, s'il y a lieu (ci-après dénommées les "Élections Présidentielles et Législatives");

QUE dans la résolution AG/RES. 991 (XIX-O/89), l'Assemblée générale de l'Organisation des États Américains (ci-après dénommée "l'OEA") recommandait au Secrétaire général "d'organiser et d'envoyer dans les États membres qui, dans l'exercice de leur souveraineté, en font la demande, des missions chargées d'observer le déroulement, autant que possible à toutes ses étapes, de chacun des processus électoraux";

QUE les passages pertinents de l'article 24 de la Charte démocratique interaméricaine se lisent ainsi:

Les missions d'observation des élections sont organisées à la demande de l'État membre intéressé. À ces fins, le gouvernement de cet État et le Secrétaire général de l'OEA souscrivent un accord déterminant la portée et la couverture de la mission électorale en question. L'État membre devra garantir les conditions de sécurité, le libre accès à l'information et une large coopération avec la mission d'observation des élections.

Les missions d'observation des élections sont organisées conformément aux principes et aux normes de l'OEA. L'Organisation devra assurer l'efficacité et l'indépendance de ces missions et à ces fins, elle leur fournira les ressources nécessaires. Ces missions devront être menées de manière objective, impartiale et transparente; elles devront aussi être dotées de la capacité technique appropriée;

QUE le Secrétaire général a répondu affirmativement à la demande du Gouvernement d'envoyer une Mission dans le but d'observer les Élections Présidentielles et Législatives de 2010;

QUE le 25^{ème} jour d'octobre 2010, le Secrétariat général et la Communauté Caribéenne (ci-après dénommée "CARICOM") ont signé un Accord de Coopération (ci-après dénommé "l'Accord de Coopération") pour établir un cadre pour la Mission d'Observation Électorale Conjointe du Secrétariat général et de la CARICOM pour les Élections Présidentielles et Législatives (ci-après dénommée "la Mission"); et

QUE conformément à l'Accord de Coopération, le Secrétaire général adjoint de la CARICOM pour les relations internationales et de la Communauté sera le Chef de Mission, et la CARICOM fournira au Secrétariat général une liste des noms des observateurs qualifiés à partir de laquelle le Chef de Mission et le Département de Coopération et d'Observation Électorale du Secrétariat général sélectionneront les personnes qui composeront la Mission,

PAR CONSÉQUENT, LES PARTIES SONT CONVENUES DE CE QUI SUIT:

Premièrement: Garanties

a) Le Conseil Électoral Provisoire garantit à la Mission l'accès à toutes les installations pour permettre une observation adéquate des élections tenues en 2010 jusqu'à la conclusion du processus des Élections Présidentielles et Législatives en Haïti, conformément aux lois et aux normes en vigueur en Haïti ainsi qu'aux conditions du présent Accord.

b) Le Conseil Électoral Provisoire garantit à la Mission, le jour des élections et après cette journée, l'accès à tous les bureaux de vote et autres endroits et installations liés à l'élection jusqu'à ce que le comptage officiel soit terminé à l'échelle nationale et que le processus des Élections Présidentielles et Législatives soit terminé.

c) Le Conseil Électoral Provisoire garantit à la Mission un accès total à tous les endroits où le processus de comptage et de tabulation des votes sera effectué, tant avant que pendant ce processus.

d) Le Conseil Électoral Provisoire garantit à la Mission l'accès à tous les organes électoraux responsables du comptage et de la tabulation des votes. De même, le Conseil Électoral Provisoire permet à la Mission de réaliser toutes les évaluations que la Mission jugera nécessaires du système de votation ainsi que des communications utilisées pour transmettre les résultats de l'élection. En même temps, le Conseil Électoral Provisoire garantit à la Mission un accès total au processus de plaintes et aux contrôles de qualité qui ont lieu avant et après le processus électoral et qui présentent un intérêt pour la Mission.

e) Le Conseil Électoral Provisoire garantit également à la Mission un accès à tous les bureaux de vote et autres organes sur l'ensemble du territoire national d'Haïti. À la demande de la Mission, le Conseil Électoral Provisoire garantit qu'il rendra disponibles, d'ici la fin du processus de votation et avant la fermeture des bureaux de scrutin, des copies de tous les documents imprimés électroniquement.

Deuxièmement: Information

a) Le Conseil Électoral Provisoire fournira à la Mission tous les renseignements relatifs à l'organisation, au déroulement et à la supervision du processus électoral. La Mission peut demander au Conseil Électoral Provisoire les renseignements supplémentaires nécessaires à l'exercice des fonctions de la Mission, et le Conseil Électoral Provisoire doit fournir promptement tous les renseignements demandés.

b) La Mission peut saisir le Conseil Électoral Provisoire de toute irrégularité et/ou interférence observée par la Mission ou dont la Mission pourrait avoir connaissance. De même, la Mission peut demander que le Conseil Électoral Provisoire fournisse tout renseignement relatif aux mesures que prendra le Conseil Électoral Provisoire relativement à de telles irrégularités, et le Conseil Électoral Provisoire doit fournir tous ces renseignements promptement.

c) Le Conseil Électoral Provisoire doit fournir à la Mission des renseignements relatifs à la liste électorale ainsi que d'autres données électorales à ce sujet. De même, le Conseil Électoral Provisoire doit fournir tout autre renseignement relatif aux systèmes informatiques utilisés le jour des élections, et il doit offrir à la Mission des démonstrations du fonctionnement des systèmes.

Troisièmement: **Dispositions générales**

a) Le Secrétaire général désignera comme Chef de Mission le Secrétaire général adjoint de la CARICOM pour relations internationales et de la Communauté, pour représenter la Mission et ses membres auprès du Conseil Électoral Provisoire et auprès du Gouvernement.

b) Le Secrétariat général communiquera au Président du Conseil Électoral Provisoire les noms des personnes qui composeront la Mission, lesquelles seront dûment identifiées.

c) La Mission agira de façon impartiale, objective et indépendante dans l'accomplissement de son mandat.

d) Le Secrétariat général enverra au Président du Conseil Électoral Provisoire une copie du rapport final de la Mission d'observation des élections après les Élections Présidentielles et Législatives en Haïti.

e) Le Conseil Électoral Provisoire fera connaître et diffusera le contenu du présent Accord auprès des organes électoraux ainsi que de tout le personnel participant au processus électoral.

Quatrièmement: Privilèges et Immunités

Rien dans le présent Accord ne doit être interprété comme une renonciation explicite ou implicite des privilèges et immunités de l'OEA, de ses organes, de son personnel et de ses biens aux termes de la Charte de l'Organisation; aux termes de l'Accord sur les Privilèges et Immunités de l'Organisation des États Américains, ratifié par Haïti en 1952; aux termes de l'Accord entre le Gouvernement et le Secrétariat général sur le fonctionnement du Bureau du Secrétariat général en Haïti, signé par les parties en 1972; et aux termes de l'Accord entre le Gouvernement et le Secrétariat général sur les privilèges et immunités de la Mission d'observation des Élections Présidentielles et Législatives de 2010 en Haïti envoyée par l'OEA, signé par les parties le 2^e jour du mois d'août; ou aux termes du droit international.

Cinquièmement: Règlement des différends

Les parties tenteront de régler au moyen de négociations directes tout différend qui pourrait survenir concernant l'interprétation et/ou l'application du présent Accord. Si les négociations n'amènent pas le règlement du différend, la question sera soumise à une procédure de règlement des différends dont les représentants dûment autorisés des parties auront convenu ensemble.

Sixièmement: Modifications

Toute modification du présent Accord doit être faite par écrit et signée par les représentants dûment autorisés des parties et jointe au présent Accord.

Septièmement: Entrée en vigueur et cessation

Le présent Accord entrera en vigueur à la date et au moment de la signature des représentants dûment autorisés des parties. Le présent Accord restera en vigueur jusqu'à ce que la Mission ait terminé sa mission d'observation des Élections Présidentielles et Législatives du 28 novembre 2010 et du deuxième tour, s'il y a lieu.

L'une ou l'autre des parties peut mettre fin au présent Accord avec ou sans motif. Pour ce faire, la partie qui désire mettre fin au présent Accord doit en aviser l'autre partie par écrit au moins cinq jours à l'avance.

EN FOI DE QUOI les soussignés, dûment autorisés, ont signé le présent Accord en deux copies à la date et aux lieux indiqués ci-dessous.

POUR LE SECRÉTARIAT GÉNÉRAL
DE L'ORGANISATION DES
ÉTATS AMÉRICAINS:



Ambassadeur Colin Granderson
Chef de Mission
Mission d'Observation Électorale Conjointe
de l'OEA et de la CARICOM
Port-au-Prince, Haïti
Date: 09 Novembre 2010

POUR LE CONSEIL
ÉLECTORAL PROVISOIRE
D'HAÏTI:



Gaillot Dorsinvil
Président
Conseil Electoral Provisoire d'Haïti
Port-au-Prince, Haïti
Date: 09 Novembre 2010



ANNEX E. AGREEMENT BETWEEN GS/OAS AND CARICOM

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CARIOMSECRETARIAT

#3297 P.002 /006

**COOPERATION AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES
AND
THE CARIBBEAN COMMUNITY
ON THE 2010 JOINT OAS-CARICOM ELECTORAL OBSERVER MISSION IN HAITI**

THE PARTIES TO THIS AGREEMENT, the General Secretariat of the Organization of American States (hereinafter "GS/OAS") a public international organization, with headquarters at 1889 F. St. N.W., Washington, D.C. 20006, represented by its Secretary General, Mr. José Miguel Insulza, and the Caribbean Community (hereinafter "CARICOM"), an international organization with its secretariat at Turkeyen, Georgetown, Cooperative Republic of Guyana,

CONSIDERING:

THAT on May 18, 1992, the GS/OAS and the CARICOM entered into a general cooperation agreement (the "GS/OAS-CARICOM Agreement"), through which the two entities agreed to "consult and cooperate with each other on matters of common interest within the scope of the general objectives of their respective Organizations";

THAT the GS/OAS-CARICOM Agreement states in Article IX that "[t]he Secretary General of the OAS and the Secretary-General of CARICOM may, for purposes of the application of this Agreement, enter into such supplementary agreements as may be deemed desirable in the light of experience";

THAT the Government of Haiti invited both organizations to field an international electoral observer mission to the general elections scheduled for November 28, 2010 in the Republic of Haiti; and

THAT the GS/OAS is the central and permanent organ of the Organization of American States ("OAS") and is authorized to carry out relations of cooperation in accordance with Article 112(h) of the Charter and OAS General Assembly Resolution AG/RES. 57 (I-O/71),

HEREBY AGREE as follows:

**ARTICLE I
PURPOSE**

1.1. The purpose of this Agreement is to establish an operative framework with respect to the Joint GS/OAS and CARICOM Electoral Observer Mission to the Presidential and Legislative Elections in Haiti scheduled for November 28, 2010 and a possible second round election with a date to be determined (hereinafter the "Mission").

- 1 -



**ARTICLE II
OBLIGATIONS OF CARICOM**

2.1. Through secondment of its Assistant Secretary General for Foreign and Community Relations, CARICOM will provide the Chief of Mission. He will travel and remain in country as determined by political developments in Haiti. The Chief of Mission will present an oral report to the OAS Permanent Council. He will be available to give interim reports to the same body if so required.

2.2. CARICOM will provide a list of names of qualified observers from which the Chief of Mission and the OAS Department for Electoral Cooperation and Observation ("DECO") will select individuals who will be recruited, contracted, trained and deployed by GS/OAS in accordance with its rules and procedures, as part of the Mission.

2.3. In the performance of their duties as part of the Mission, CARICOM and its staff, consultants and other members of its personnel shall abide by the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers as well as the Manual for the OAS Electoral Observer Missions issued through Executive Order No. 09-3 of 18 December 2009 (the "Manual").

2.4. CARICOM shall cooperate with the GS/OAS, its personnel, consultants, contractors in all matters necessary for the optimal performance of the Mission.

**ARTICLE III
OBLIGATIONS OF THE GS/OAS**

3.1. Through its Department for Electoral Cooperation and Observation, the OAS General Secretariat will draft a work-plan, proposal and budget that includes the observation of the various facets of the Presidential and Legislative Elections in Haiti, scheduled for November 28, 2010.

3.2. The GS/OAS will seek financing for the Mission among the Member States and Permanent Observers.

3.3. The GS/OAS will provide DECO specialists to serve as members of the Core Group of the Mission, as defined in the Manual. It will also provide the necessary administrative support for the contracting of the other members of the Mission.

3.4. The GS/OAS will recruit, contract, train and deploy the various members of the Mission, including the members of the core group, the coordinators and short-term observers of the Mission, including those chosen by the CARICOM Secretariat. The training will be in accordance with the Declaration of Principles for International Election Observation and Code of

Conduct for International Election Observers as well as the methodology established in the Manual.

3.5. In order to execute the Mission, GS/OAS shall assign personnel and enter into contracts with the contractors and consultants required, in accordance with its rules and procedures.

ARTICLE IV OBLIGATIONS OF THE PARTIES

4.1 Under the supervision of the Chief of Mission and with the support of the GS/OAS, the Parties to this Agreement, as coordinated by the Core Group, will collect information regarding the electoral process and draft press releases and other reports detailing the observations and recommendations of the Mission.

ARTICLE V COORDINATION AND NOTICE

5.1. Within the GS/OAS, the department responsible for coordinating GS/OAS activities under this Agreement is the Department for Electoral Cooperation and Observation of GS/OAS' Secretariat for Political Affairs, and the Coordinator is its Director, Mr. Pablo Gutierrez. Notifications and communications should be directed to the Coordinator at the following street address, fax and electronic mail:

General Secretariat of the OAS
Dr. Pablo Gutierrez, Director/DECO
1889 F Street, N.W.
Washington, D.C. 20006
United States of America
Tel.: (1-202) 458-3589
Fax: (1-202) 458-6250
Email: pgutierrez@oas.org

5.2. The department responsible within CARICOM for coordinating the activities relating to the Mission under this Agreement is the Directorate of Foreign and Community Relations, and the Coordinator is Mrs. Valerie Alleyne-Odle, Officer in Charge, FCR. Notifications and communications should be directed to the Coordinator at the following street address, fax and electronic mail:

CARICOM Secretariat
PO Box 10827
Turkeyen, Georgetown,
Guyana
Tel.: 592-222-0159
Fax: 592-222-0164/0165
E-mail: valerieo@caricom.org

5.3. All communications and notifications under this Agreement will be validly made only when they are sent by mail, facsimile, or electronic mail and are addressed to the Coordinators whose names are set out in Articles 5.1 and 5.2 of this Agreement. When the communications and notifications are transmitted by electronic mail they shall be valid if and when they are sent directly from the electronic address of the Coordinator of one of the Parties to the electronic address of the Coordinator of the other.

5.4. Either Party may change the responsible department, the designated Coordinator, the address, telephone, fax or electronic mail indicated by notifying the other Party in writing.

ARTICLE VI PRIVILEGES AND IMMUNITIES

6.1. Nothing in this Agreement constitutes an express or implied waiver of the privileges and immunities of the Parties.

ARTICLE VII DISPUTE RESOLUTION

7.1. The Parties shall first seek to resolve by amicable conversations any dispute between them arising out of this Agreement or the Mission. In the event that proves unsuccessful, either Party may then submit the dispute for final and binding arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL). The place of arbitration shall be Washington, DC, United States of America, and the law applicable to the arbitration proceedings shall be the law of the District of Columbia, United States of America. The language of the arbitration shall be English. The sole arbitrator may decide as amiable *compositeur* or *ex aequo et bono*.

ARTICLE VIII GENERAL PROVISIONS

8.1. Modifications to this Agreement may only be made by mutual agreement in writing by the duly authorized representatives of the Parties. The instruments in which the modifications are set out shall be attached as annexes to this Agreement and shall form part of it.

8.2. This Agreement shall enter into force upon signature by the duly authorized representatives of the Parties and shall remain in force throughout the finalization of the Mission. Nonetheless, the Parties may extend the period of this Agreement by mutual consent in writing by their duly authorized representatives.

8.3. This Agreement may be terminated by mutual consent or by either of the Parties by written notice from one to the other with not less than thirty days notice.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement in duplicate on the dates and at the places indicated below:

FOR THE CARIBBEAN COMMUNITY (CARICOM):

FOR THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES:

Name: *LOHITA... APPEL... HAITI*
Signature: *[Handwritten Signature]*
Title: *for* Secretary-General

Name: Ricardo Sefrenus
Signature: *[Handwritten Signature]*
Title: OAS Representative in Haiti

Place: Georgetown, Guyana
Date: 25 October 2010.

Place: Port-au-Prince, Haiti
Date: 22/10/2010.

ANNEX F. MEMORANDUM OF UNDERSTANDING BETWEEN MINUSTAH AND GS/OAS

**Memorandum of Understanding
between
the United Nations Stabilization Mission in Haiti
and the General Secretariat of the Organization of American States
concerning support to the Joint OAS/CARICOM Electoral Observer Mission in Haiti**

WHEREAS, by resolution 1542 (2004) of 30 April 2004, the Security Council decided to establish the United Nations Stabilization Mission in Haiti (MINUSTAH) and requested that, in carrying out its mandate, MINUSTAH cooperate and coordinate with the General Secretariat of the Organization of American States (hereinafter referred to as "GS/OAS");

WHEREAS Security Council Resolution 1927 (2010) reiterated that the ownership and primary responsibility for stabilization and development lies with the Government and people of Haiti, recognized the supporting role of MINUSTAH in this regard and requested MINUSTAH to continue its support to the Haitian Government and to the Provisional Electoral Council, as requested, in the preparation and conduct of Haiti's elections, and to coordinate international electoral assistance to Haiti in cooperation with other international stakeholders, including the GS/OAS;

WHEREAS GS/OAS and the Caribbean Community (hereinafter referred to as "CARICOM") have established a Joint OAS/CARICOM Electoral Observer Mission to the Presidential and Legislative Elections scheduled for 28 November 2010 and a possible second round election with a date to be determined (hereinafter referred to as the "Joint Mission");

WHEREAS by letter dated 19 October 2010 to the Special Representative of the Secretary-General of the United Nations, the Chief of the Joint Mission requested the support of MINUSTAH to the Joint Mission in the areas of exchange of information, security, transportation and emergency medical support;

WHEREAS MINUSTAH has been providing such support since the initial phase of the Joint Mission, beginning in August 2010;

NOW THEREFORE, MINUSTAH and GS/OAS hereby agree as follows:



**Article I
Scope**

1.1. MINUSTAH will provide support to the members of the Joint Mission (hereinafter referred to as "Observers"), on a best efforts basis within its operational capabilities and subject to availability of resources, in the following areas:

- Exchange of information between the Joint Mission and MINUSTAH Electoral Section;
- Security;
- Emergency medical support;
- Air transportation;

1.2. Any request for additional support not expressly provided for in this MoU shall be dealt with on a case-by-case basis and shall be subject to a prior written agreement between MINUSTAH and GS/OAS.

1.3. Upon signature of this MoU, GS/OAS shall provide MINUSTAH with a list of the Observers to whom MINUSTAH will provide support pursuant to this MoU.

**Article II
Exchange of Information**

The Chief of the MINUSTAH Electoral Section and the GS/OAS focal point referred to in paragraph 1 of Article VII will share information relevant to the electoral process, taking due account of any confidentiality, sensitivity and privacy considerations.

**Article III
Emergency Medical Support**

Scope

3.1. MINUSTAH agrees to provide to the Observers emergency medical care in its Level I and II hospitals in Haiti as well as medical evacuation to Santo Domingo (MEDEVAC/CASEVAC), on a cost-reimbursable basis.

3.2. MINUSTAH will provide MEDEVAC/CASEVAC to the Observers, at GS/OAS' expense, in case of an acute illness or injury, for the purpose of securing essential medical care or treatment, which cannot be secured locally. MINUSTAH will provide



such MEDEVAC/CASEVAC on a case by case basis and will invoice GS/OAS for the actual costs to MINUSTAH of such MEDEVAC/CASEVAC.

3.3. With the exception of life-threatening emergency situations, MINUSTAH will provide MEDEVAC/CASEVAC only to Observers included on the list referred to in paragraph 3 of Article I of this MoU who present a valid Joint Mission ID card and sign the waiver of liability referred to in paragraph 2 of Article X.

3.4. GS/OAS shall cooperate with MINUSTAH in order to facilitate the provision of medical support to the Observers, including by promptly providing to MINUSTAH medical personnel, upon request, relevant medical information, including any pre-existing conditions, in respect of Observers for which medical support is required.

3.5. In case MEDEVAC/CASEVAC of an Observer is required, the Observer will be transported in a UN aircraft and will be escorted with an AERO MEDEVAC team. On arrival at the airport in Santo Domingo, the AERO MEDEVAC team will transfer custody of the Observer to the receiving ambulance services.

3.6. GS/OAS shall be responsible for making arrangements for the transportation, medical and/or hospital care for the Observer in Santo Domingo, including but not limited to securing any required visas, immigration and customs formalities, ambulance services and admission to a medical/hospital facility, as well as for obtaining all information and familiarizing themselves with all formalities, procedures or other requirements for this purpose. MINUSTAH will assist GS/OAS by providing relevant information available to it, upon request.

3.7. MINUSTAH shall in no event be held liable for the costs of medical or hospital care for the Observers, or for any related costs.

Article IV
Transportation support

Scope

4.1. MINUSTAH agrees to provide air transportation on regular United Nations flights to the Observers, subject to space availability and MINUSTAH priorities.

4.2. Except for MEDEVAC/CASEVAC flights, Observers shall not be admitted on MINUSTAH flights unless they have submitted to MINUSTAH's Movement Control



(MOVCON) a duly completed Movement of Personnel (MOP) form at least 48 hours prior to flight departure.

Special Flight Request

4.3. On a cost-reimbursable basis and on exceptional and case-by-case basis, the MINUSTAH Chief of Mission Support may, upon request, authorize special flight for transportation of Observers. Each Special Flight Request (SFR) shall be submitted by the Joint Mission's focal point referred to in paragraph 1 of Article VII to the MINUSTAH Mission Air Operations Centre (MAOC) or to the MINUSTAH Movement Control Section (MOVCON) at least 72 hours prior to flight departure. An overall estimated cost of the flight will be submitted by the Aviation Section to GS/OAS upon receipt of a Special Flight Request. GS/OAS shall confirm its acceptance within 24 hours from reception of such estimated costs.

4.4. GS/OAS acknowledges and agrees that all aircraft hourly rates, fuel costs, and ancillary charges are based on market factors.

4.5. GS/OAS will be invoiced by MINUSTAH for the actual costs of each Special Flight and shall reimburse MINUSTAH for such costs in accordance with Article VI.

Article V Security Support

5.1. GS/OAS shall have the primary responsibility for taking adequate measures for protection, safety and security of the Observers their materials, supplies and equipment.

5.2. For the purposes of this MoU, the Joint Mission Security Coordinator (Pierre Ratelle, tel: 3117-7758; email: pierre2ratelle@hotmail.com), and the MINUSTAH Chief Security Adviser (Andre Bouchard, tel.: 3708 2019; email: bouchard@un.org) are the focal points for security-related matters.

5.3. The MINUSTAH Security will coordinate with the Joint Mission Security Coordinator on matters relevant to the security of the Observers and will provide to the Joint Mission Security Coordinator relevant releasable security information and security advisories, within the limits of confidentiality. One MINUSTAH radio will be provided to the Joint Mission Security Coordinator for the purposes of obtaining security updates and advisories, as necessary.



5.4. The Joint Mission Security Coordinator is responsible for communicating to the Observers security updates and advisories provided by the MINUSTAH Security section.

5.5. MINUSTAH will use its best efforts to provide security support to the Joint Mission within its operational capacities and will include the Observers in the MINUSTAH security framework and crisis evacuation plan. Transportation costs in case of any required evacuation of Observers for security reasons shall be invoiced based on the applicable schedule of costs and paid by **GS/OAS** in accordance with Article VI. The Observers agree to abide by all security regulations, policies and procedures of MINUSTAH and the United Nations.

5.6. **GS/OAS** acknowledges and agrees that the only obligation of MINUSTAH in providing security support for the Observers under this MoU is a best efforts obligation, within its operational capabilities and resources and **GS/OAS** assumes the risks and liabilities which may arise from the Joint Mission.

Article VI
Financial Provisions

6.1. Observers are not required to pay MINUSTAH directly for emergency medical support provided to them by MINUSTAH. **GS/OAS** assumes financial responsibility for the costs to MINUSTAH of all support provided to the Observers on a cost-reimbursable basis under this MoU. **GS/OAS** agrees to accept invoices issued by MINUSTAH for reimbursement of such costs and shall settle invoices in accordance with paragraphs 3 and 4 of this Article.

6.2. **GS/OAS** only assumes financial responsibility for, and MINUSTAH shall only issue invoices in respect of Emergency Medical Support, Transportation Support and security-related evacuation, based on the applicable schedule of costs. The schedule of costs for November 2010 is attached as **Annex C**. The applicable schedule of costs for any support provided after November 2010 will be communicated to **GS/OAS** upon issuance.

6.3. An administrative fee will be charged at the rate of 14% of the total costs of the support provided under this MoU and will be included in each invoice.

6.4. **GS/OAS** shall reimburse MINUSTAH within 45 days of receipt of each invoice by transferring the invoiced amounts into the following bank account:

Account Name: **UNITED NATIONS STABILIZATION MISSION IN**



Bank Name:
Address:

**HAITI (MINUSTAH)
JPMORGAN CHASE BANK
International Agencies Banking,
1166 Americas Avenue,
17th Floor, New York,
10036-2708 USA**

Account Number:
Swift Code:
ABA:
Currency:

**485-002280
CHASUS33
021000021
USD**

6.5. The GS/OAS focal point referred to in paragraph 1 of Article VII shall notify MINUSTAH within 30 days of any dispute concerning any invoice and may not deduct the disputed amount from the invoice to which it relates. The GS/OAS focal Point and the MINUSTAH focal point shall consult in good faith to promptly resolve any such dispute. In case a dispute regarding an invoice has been resolved in favour of **GS/OAS**, MINUSTAH shall pay to **GS/OAS** any amounts due pursuant to such resolution within fifteen (15) days of such resolution.

6.6. MINUSTAH will provide GS/OAS with copies of relevant and available documents in support of the invoices.

6.7. No later than thirty (30) days from signature of this MoU, MINUSTAH will invoice **GS/OAS** for support provided to the Joint Mission before signature of this MoU, based on the applicable schedule of costs plus the administrative fee referred to in paragraph 3 of this Article, and **GS/OAS** shall settle such invoice in accordance with paragraphs 4 and 5 of this Article.

Article VII Focal Points

7.1. The following individuals are designated by each Party as their focal point to coordinate with relevant officials of the other Party on administrative, operational and technical matters related to support provided under this MoU (with the exception of security-related matters):



For GS/OAS:

Mr. Jean-Francois Ruel
Tel.: (509) 3456 7051
Tel.: (509) 3117 7712
Email: jruel@oas.org

For MINUSTAH:

Mr. Phillip Compte
Senior Administration Officer
Tel.: (509) 3702 5770
Email: compte@un.org

Article VIII Notices

Any notice or request required or permitted to be given or made in this MoU shall be in writing and addressed as follows:

- a) Notices and requests on security-related administrative, operational and technical matters shall be deemed to be duly given or made when delivered by hand, mail, facsimile or email addressed to, the Parties' focal points for security-related matters referred to in paragraph 2 of Article V;
- b) Notices and requests on administrative, operational and technical matters which are not security-related shall be deemed to be duly given or made when delivered by hand, mail, facsimile or email addressed to the Parties' focal points referred to in paragraph 1 of Article VII;
- c) Notices and requests on other matters, including but not limited to matters related to the amendment or early termination of this MoU, the alleged breach of this MoU or any dispute, controversy or claim arising from this MoU, shall be addressed, as appropriate and shall be deemed to be duly given or made when delivered by hand, mail, or facsimile to the party to which it is required to be given or made, at the following address:



For MINUSTAH:

The Chief of Mission Support
MINUSTAH
Logbase
Port-au-Prince, Haiti

For GS/OAS:

Mr. Jean-Francois Ruel
Tel.: (509) 3456 7051
Tel.: (509) 3117 7712
Email: jruel@oas.org

**Article IX
Disclosure of Information**

The Parties agree that any information, data and/or documents received within the framework of this MoU shall not be disclosed or used for any purpose other than the performance of their obligations under the provisions of this MoU. Each party shall take reasonable measures to prevent inadvertent disclosure.

**Article X
Liability**

10.1. Each Party shall be solely liable for any loss, damage, injury suit, claim, demands and liability of any nature or kind, including all litigation costs, attorney's fees, settlement payments, damages and all other related costs and expenses, based on, arising out of, related to, or in connection with any acts and omissions of that Party or its officials, agents, servants and employees, in the performance of its obligations and responsibilities under this MoU, except as otherwise expressly provided in paragraph 2 of this Article.

10.2. The provision of emergency medical support to an Observer under this MoU will be subject to the prior signing by the Observer of a General release from liability on account of provision by UN of medical care in the form provided in **Annex A** of this MoU. The transportation of an Observer on MINUSTAH aircraft under this MoU will be subject to the prior signing by the Observer of a General release from liability in connection with travel by third parties on UN-provided aircraft in the form provided in **Annex B**. GS/OAS shall ensure that the Observers are made aware of this provision. GS/OAS agree to indemnify, hold and save harmless and defend at their own expense MINUSTAH against any claim and liability which may arise from the provision by MINUSTAH of emergency medical support or MEDEVAC/CASEVAC to Observers or from the transportation of Observers on MINUSTAH aircraft pursuant to this MoU, except where such claim or liability arises as a result of gross negligence or willful misconduct.



10.3. In the event that MINUSTAH is found liable in accordance with Article XI, such liability, if any, shall be subject to the terms of paragraphs 8 and 9 of General Assembly resolution 52/247 of 17 July 1998.

**Article XI
Settlement of Disputes**

11.1. Any relevant matter for which no provision is made in this MoU, and any controversy, claim or dispute regarding the interpretation or application of this MoU shall be settled by negotiations between the Parties.

11.2. In the event of failure to amicably resolve the controversy, claim or dispute, the Parties may refer the controversy, claim or dispute to arbitration in accordance with the UNCITRAL Arbitration Rules. The Parties shall be bound by the arbitration award rendered in accordance with such arbitration as the final adjudication of such controversy, claim or dispute. The expenses of the arbitration shall be borne equally by the Parties concerned.

**Article XII
Privileges and Immunities**

Nothing in or relating to the provisions of this MoU shall be deemed a waiver, express or implied of any of the privileges and immunities of the United Nations including MINUSTAH or of the GS/OAS.

**Article XIII
Entry into force**

13.1. This MoU shall enter into force upon signature by both Parties, and shall terminate upon the completion of the final phase of the Joint Mission, but no later than 30 days after the final results of the elections have been officially announced.

13.2. This MoU may only be modified or amended by a written agreement signed by both Parties.



IN WITNESS WHEREOF, the duly authorized representatives of MINUSTAH and GS/OAS have signed this MoU on the dates indicated below

For MINUSTAH:

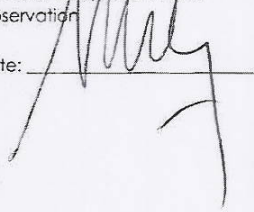
For GS/OAS:

Gilles Briere
Chief of Mission Support



Date: 28 Nov 10

Pablo Gutiérrez
Director of the Department of
Electoral Cooperation and
Observation



Date: _____



ANNEX G. TERMS OF REFERENCE OF THE OAS MISSIONS OF EXPERTS

**ACCORD ENTRE
LE SECRÉTARIAT GÉNÉRAL DE L'ORGANISATION DES ÉTATS AMÉRICAINS,
LE GOUVERNEMENT DE LA RÉPUBLIQUE D'HAÏTI ET
LE CONSEIL ÉLECTORAL PROVISOIRE
SUR LA MISSION D'EXPERTS DE
DE LA MISSION D'OBSERVATION ÉLECTORALE CONJOINTE DE
L'ORGANISATION DES ÉTATS AMÉRICAINS ET DE LA COMMUNAUTÉ DES
CARAÏBES**

LE SECRÉTARIAT général de l'Organisation des États Américains ("SG/OEA"), le Gouvernement de la République d'Haïti et le Conseil Électoral Provisoire ("CEP"), Parties au présent Accord,

CONSIDÉRANT :

Que le 4 août 2010, le SG/OEA et le Gouvernement de la République d'Haïti ont signé un Accord concernant l'observation des élections du 28 novembre ainsi que d'un deuxième tour qui pourrait en découler, le cas échéant, en Haïti, ("Accord P&I"), et que le 9 novembre 2010, le SG/OEA et le CEP ont convenu d'un Accord concernant ces mêmes élections ("Accord d'observation");

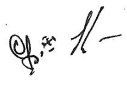
Que pour accomplir leurs fonctions aux termes de ces Accords, le 22 octobre 2010, le SG/OEA et la Communauté des Caraïbes ("CARICOM") ont signé l'Accord de coopération par lequel ils ont créé la Mission d'Observation Électorale Conjointe ("MOEC");

Que le 13 décembre 2010, le Président de la République d'Haïti, Son Excellence René Prével, a demandé à l'OEA d'envoyer une mission d'expertise d'appui à la vérification de la Tabulation des Votes et une assistance technique juridique pour la phase contentieuse du processus électoral;

Que le Président de la République d'Haïti et le Secrétaire général de l'OEA, monsieur José Miguel Insulza, ont convenu que l'OEA enverra en Haïti une mission (la "Mission") suivant les conditions établies ci-dessous,

DÉCIDENT:

1. Que l'Accord P&I et l'Accord d'observation doivent tous deux demeurer en vigueur selon les conditions qu'ils contiennent, et que le présent Accord doit être interprété de façon conséquente avec ces Accords.
2. Que la Mission sera composée d'experts en droit, en statistique, en technologie électorale et en technologie de l'information ("Experts"), choisis par le SG/OEA en consultation avec la CARICOM. En tant que membres de la MOEC, les Experts

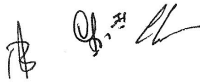
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jouiront de tous les privilèges et immunités conférés aux membres de la MOEC aux termes de l'Accord P&I et de l'Accord d'observation.

3. Que les objectifs de la Mission sont les suivants:
- a. Évaluer les pratiques et procédures appliquées lors des élections présidentielles du 28 novembre 2010 relativement à la tabulation des votes ainsi que d'autres facteurs affectant celle-ci et relativement aux résultats préliminaires publiés par le CEP, à la lumière de la Charte de l'OEA, de la Charte démocratique interaméricaine et des normes établies et appliquées en la matière par le SG/OEA pour les missions d'observation électorale de l'OEA, de même que de la Constitution de la République d'Haïti et de la Loi électorale du 9 juillet 2008;
 - b. Assister aux auditions du Bureau du Contentieux Électoral National ("BCEN") portant sur l'élection présidentielle et faire les observations et recommandations appropriées;
 - c. Fournir au CEP une assistance technique juridique, à la demande de celui-ci, pour la phase contentieuse du processus électoral;
 - d. Remettre au Gouvernement de la République d'Haïti deux rapports (les "Rapports"), l'un sur l'évaluation du processus de tabulation et l'autre sur le contentieux électoral, et en discuter immédiatement avec le Gouvernement d'Haïti. Les Rapports porteront sur les conclusions de la Mission conformément aux paragraphes 3a, 3b et 3c ci-dessus, y compris, sans toutefois s'y limiter, les conclusions concernant l'évaluation du processus de tabulation et du contentieux électoral, de même que les recommandations correspondantes;
 - e. Après avoir remis les Rapports au Gouvernement de la République d'Haïti et après en avoir discuté avec celui-ci conformément au paragraphe 3d ci-dessus, publier et/ou commenter publiquement les Rapports ainsi que toute autre observation ou recommandation que la Mission jugera pertinent; il est entendu que ni la Mission ni aucune des Parties au présent Accord ne doit publier ou commenter publiquement le travail de la Mission tant que les Rapports n'auront pas été remis au Gouvernement d'Haïti et que la Mission n'en aura pas discuté avec ce dernier conformément au paragraphe 3d;
 - f. Par le truchement de la MOEC et suivant la pratique des missions d'observation électorale de l'OEA, transmettre une copie des Rapports ainsi que toute autre observation ou recommandation au Conseil permanent de l'OEA;
 - g. Contribuer à accroître la confiance du peuple haïtien dans le résultat final de l'élection du 28 novembre 2010.

R. F. H. K.

4. Que pour atteindre ses objectifs, la Mission doit faire ce qui suit:
 - a. Examiner les feuilles contenant les résultats ou procès-verbaux ("PV") des bureaux de scrutin et tout autre document électoral que la Mission jugera pertinent;
 - b. Réaliser des entrevues avec des chefs de partis politiques, des candidats à la présidence, des dirigeants d'organisations non gouvernementales qui ont participé au processus d'observation des élections ainsi qu'avec d'autres intervenants importants dans le processus, choisis par la Mission;
 - c. Demander au Gouvernement et au CEP toute assistance qu'elle juge nécessaire pour faire enquête.
5. Que le CEP garantira à la Mission un accès illimité à toute personne et lui fournira tous les documents, toute l'assistance et toute l'information qu'elle jugera utiles pour atteindre ses objectifs, y compris mais sans s'y limiter:
 - a. Tous les PV originaux, y compris ceux qui auront été rejetés pour les résultats préliminaires, la liste électorale partielle, les feuilles de dépouillement du scrutin/de comptage, et les déclarations d'irrégularités de chaque bureau de scrutin;
 - b. Tous les documents originaux relatifs aux recours entrepris par les candidats auprès des bureaux du contentieux électoral;
 - c. Une analyse des résultats et des décisions du BCEN pour contrôler l'application des normes;
 - d. Une analyse statistique de tous les résultats pour chercher des anomalies dans ces résultats, y compris des décompositions spécifiques à des fins statistiques demandées par la Mission;
 - e. Toutes les comparaisons des PV avec les listes électorales partielles;
 - f. Tous les PV mis de côté ainsi que les documents d'appui (registre des électeurs/listes partielles, feuilles de dépouillement du scrutin/de comptage et PV d'irrégularités et d'incidents), y compris l'accès aux documents des bureaux de vote qui n'ont pas été transmis le jour de l'élection;
 - g. Un accès illimité aux experts du Centre de Tabulation des Votes ("CTV") et aux auditions du BCEN ainsi qu'à toute autre personne ayant des connaissances relatives au processus électoral;



- h. Une révision comparative des PV ainsi que des documents d'appui de chaque bureau de scrutin dans la conduite de la phase contentieuse du processus électoral.
6. Que le CEP fera tout ce qui est en son pouvoir pour recevoir de tous les candidats qui le désirent leurs copies carbone des PV, si disponibles, des divers bureaux de scrutin dans le cadre des contestations introduites auprès des bureaux du contentieux électoral.

SIGNÉ, par les représentants dûment nommés des Parties, en trois exemplaires originaux, aux dates et endroits indiqués ci-dessous:

SG/OEA

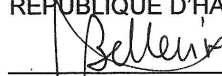


Amb. Colin Granderson

Chef de Mission
Mission d'Observation Electorale
Conjointe OEA/CARICOM

Le 29 décembre 2010
Port-au-Prince, Haïti

GOVERNEMENT DE LA
RÉPUBLIQUE D'HAÏTI

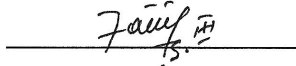


M. Jean-Max Bellerive

Premier Ministre
République d'Haïti

Le 29 décembre 2010
Port-au-Prince, Haïti

CONSEIL ÉLECTORAL PROVISOIRE (CEP)



M. Gaillot Dorsinvil

Président
Conseil Electoral Provisoire

Le 29 décembre 2010
Port-au-Prince, Haïti

ANNEX H. FINAL REPORT OF THE OAS EXPERT MISSION FOR THE VERIFICATION OF VOTE TABULATION



Organization of
American States

FINAL REPORT

Expert Verification Mission of the Vote Tabulation of the November 28,
2010 Presidential Election in the Republic of Haiti

Organization of
American States

Port-au-Prince, Haiti
January 13, 2011



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I. EXECUTIVE SUMMARY

Invited by the Government of Haiti on December 13, 2010, the OAS Expert Verification of the Tabulation Mission was requested to assess the practices and procedures used in tabulating the preliminary results of the November 28, 2010 presidential elections as well as other factors that had an impact on these results. On Election Day, international and national observers witnessed a number of problems: disorganization, irregularities as well as instances of ballot stuffing, intimidation of voters and vandalism of polling stations. These problems were further exacerbated by the precipitous decision of many candidates to call for the cancellation of elections, hours before the polls closed. In the days following Election Day, the OAS-CARICOM Joint Election Observation Mission received numerous allegations of ballot-box stuffing and alterations to the official result sheets ("Procès-Verbaux") of the individual polling stations. By any measure, these were problematic elections.

In the Center de Tabulation de Vote (CTV), where the Expert Mission focused its efforts, these problems manifested themselves in two particular ways. Some 1,045 Procès-Verbaux (PVs), 9.3 percent of the total from the 11,181 polling stations, never arrived and were identified as "missing." Secondly, although electoral participation ebbed to 22.8 percent, 216 PVs recorded participation rates of 75 percent and above and 118 PVs reached or exceeded 100 percent.

The critical question facing the Expert Mission was did the irregularities of November 28 impact the outcome of the presidential elections? After a thorough statistical analysis, explained in more detail in the body of this report, the Expert Mission has determined that it cannot support the preliminary results of the presidential elections released on December 7, 2010. The Expert Mission offers three concrete recommendations for the immediate term that would mitigate some of the anomalies caused by the more egregious irregularities and instances of fraud and ensure that the preliminary results better reflect the will of the people.

Procedure dictates that upon receipt of the PVs, staff in the Tabulation Center reviews the results through its plastic, transparent cover. If there are no visible signs of alterations, these results are immediately inputted separately by two data-entry operators. Initially, the Tabulation Center visually reviewed those PVs in which a single candidate obtained 225 or more votes. Subsequently, the Tabulation Center lowered that threshold to 150.

The Expert Mission's examination of a large number of PVs indicates that despite the disposition of Articles 171 and 173.2 of the electoral law of Haiti, there was no consistent framework to decide whether or not a Procès-Verbal under review should be included or excluded in tabulating the preliminary results.



Consequently, despite all the problems on Election Day, only 312 presidential PVs were excluded from the final vote tally.

As stipulated in Article 173.2, when sent to the Tabulation Center, the Procès-Verbal should be accompanied by the voters list for that particular polling station and the tally worksheet used to count the ballots. According to Article 161.1, the Secretary of the polling station is supposed to record the voter's national identity ("CIN") number on the voter list. This allows the validity of the elector to be confirmed.

In accordance with these provisions of the law, the Expert Mission set specific criteria to determine if a PV should be included: the inclusion of the required signatures of the polling officials on the Procès-Verbal; the presence of the list of registered voters; the presence of the CIN numbers to identify those voters who cast their ballots at that particular polling station. The Mission also took into account the validity of the CIN numbers. In addition, though not part of the electoral law, if a Procès-Verbal had been obviously altered to change the results that PV was also excluded.

After careful statistical analysis of a national random sample of the vote count, the Expert Mission determined that as the recorded voter participation rose above the national average, the probability of serious irregularities increased. Thus, using the criteria extracted from the electoral law, the Mission reviewed and evaluated all 205 Procès-Verbaux with a participation rate of 50 percent or greater and where a single candidate received 150 votes or more. In addition, the 118 PVs with a participation rate of more than 100 percent were reviewed in their entirety irrespective of the number of votes received by the winning candidate.

1. The Expert Mission found 234 of the PVs did not meet the criteria previously mentioned. Based on these findings, the Expert Mission recommends that these Procès-Verbaux, listed as an appendix to this report (Appendix VI), be excluded from the final vote tally. Should this recommendation be implemented, the position of the candidate in third place would change to second. The candidate now in second place would move to third.
2. For the second round, the Tabulation Center of the CEP should continue to use these criteria to determine whether or not a PV should be included in the final vote tally.
3. Lastly, the Expert Mission recommends that complete standards be drafted to determine when a Procès-Verbal should be reviewed and under what conditions its results should be excluded. These standards should conform to the electoral law and be applied consistently.



Other significant changes need to be implemented before the second round elections. To that effect, the Expert Mission strongly recommends that the CEP undertake a number of improvements prior to the second round:

1. Reinforce the training of polling workers on the use of the sachet and the documents that must be placed in it, including the PV, Voters List with CIN numbers, tally sheet and other supporting documentation;
2. Create a more transparent and consistent verification process at the Tabulation Center;
3. Replace poll workers and supervisors of polling stations and voting centers where irregularities were discovered.

The OAS Expert Mission recognizes that these recommendations do not completely remedy everything that went wrong on November 28. They cannot bring back the lost votes of those destroyed polling centers. Nevertheless, the Expert Mission believes that the immediate implementation of these recommendations will at least partially rectify the consequences of the problems and outright fraud on Election Day and will begin to restore the confidence of the Haitian people in their electoral process.

The 2010 presidential election was the fifth conducted since the adoption of the Haitian constitution in 1987. While the OAS Expert Verification Mission has identified significant irregularities, which it believes influenced the outcome of the first round of the presidential election, the Haitian electorate should regard the first round of the presidential elections as an opportunity to draw lessons for the future. In learning from the shortcomings and irregularities which marred these elections, a number of measures can be implemented which would, in the short and long term, avoid the repetition of these failings and strengthen the process. Such reforms and improvements can become a major step forward in reinforcing the integrity, transparency and legitimacy of the electoral process as the true and faithful expression of the will of the people.

II. INTRODUCTION

A. Background

Following the post-electoral crisis, triggered by the publication on December 7, 2010 of the preliminary results of the first round of the presidential elections, the Provisional Electoral Council (CEP) proposed a review of the tabulation of the preliminary results by a Mixed Commission including Haitian electoral authorities, national and international observers and representatives from the private sector and the international community. The presidential candidates and others objected that the electoral code did not contemplate such a commission and thus, it was not constituted.

On December 13, 2010, President René Préal requested that the Organization of American States (OAS) send two expert missions, one to verify the tabulation of the preliminary results of the presidential elections and the other to accompany the “contestation” process in which political parties and candidates can present challenges to the preliminary results. The OAS and the Government of Haiti and the CEP signed an Agreement which includes the Terms of Reference for the two expert missions. The Agreement is attached as Appendix I.

Comprised of nine members, the Expert Verification Mission arrived in Haiti on December 30, 2010. Its members included people with experience in statistics, voting results auditing, data analysis, voting results tabulation, information technology, election organization and election monitoring. The list of the team members and their nationalities is included as Appendix II.

B. Structure of Report

This report is organized into five major sections:

1. A description of the methodologies employed by the Expert Mission regarding data collection, document custody, and statistical sampling techniques;
2. An evaluation of the practices and procedures of the Tabulation Center (CTV) and of other factors that had an impact on the preliminary results of the first round presidential election;
3. A set of findings from the data collected and its impact on the first round election results;
4. A recommendation to the CEP on a course of action to take in its certification of the first round results based upon the Mission findings; and



A set of recommendations to the CEP on policy and procedural improvements intended to correct the deficiencies of the first round.

III. METHODOLOGIES

A. Terms of Reference

The scope of the expert verification mission is described in Paragraph 3.a of the Agreement as follows:

“Evaluate, in accordance with the Charter of the OAS, the Inter-American Democratic Charter and the standards developed and applied thereto by the GS/OAS for OAS electoral observation missions, the Constitution of the Republic of Haiti and the electoral law of July 9, 2008, the practices and procedures implemented during the November 28, 2010 Presidential elections relating to the vote tabulation and any other factors affecting and relating to the preliminary results published by the CEP.”

B. General Approach

The Expert Mission initiated its activities in accordance with the following precepts:

1. To conduct the verification in a transparent and impartial manner adhering to the Electoral Law of Haiti as well as internationally accepted electoral and statistical norms and practices;
2. To maintain accountable controls so that the chain of custody in its inspection of CEP documents is auditable; and
3. To examine as many sources of data as possible in developing its recommendations.

In conducting its activities, the Expert Mission remained cognizant of international precedents involving electoral verification, certification and, the employment of statistical modeling in electoral forensics. The methodology employed to determine the statistical sample for the national review of PVs is shown as Appendix III.

C. Statistical Approach

The Expert Mission drew a national representative sample to begin its work. The sample served to demonstrate parameters to determine potentially problematic areas, such as geography, voter participation or individual candidate vote count. The CTV had already used the latter indicator, specifying initially 225 and, subsequently, 150 as a threshold for review. The use of the national sample also allowed the mission to become familiar with the contents of the package ("sachet"): the Procès-Verbal, the voters' list, the tally sheet and the forms to record irregularities and incidents. Team members were able to view many PVs that conformed to legal requirements and compare them to the other, problematic ones. Factors included comparing the vote tallies from the PVs to those of the tally sheets, confirming that the written numbers corresponded to the digits, and verifying the presence of a sufficient number of CIN numbers in the voter lists.

The Expert Mission first looked at a small sample of eleven together as a team in order to achieve minimum consensus about what to consider "irregular" and what to consider "conforming." The team drafted a checklist, which has been included as an appendix of this report (Appendix IV). Utilizing the services of a statistician, the Expert Mission utilized "replicates" to control the workload and maintain representative samples at every point. (See Appendix III for more information on "National Statistical Sampling Methodology.")

D. Complete Review and Evaluation of PVs

Upon completion of the national sample, the members of the Expert Mission had identified what constituted the most regularly viewed irregularities that contravened the electoral code of Haiti, specifically the lack of accurate CIN numbers in the voter lists or the lack of complementary documentation altogether. The sample also demonstrated that using parameters of voter participation and individual vote count would be the most effective in identifying irregularities and fraud.

The Expert Mission narrowed its evaluation criteria to those points noted in the Executive Summary and other sections of this report. Its members reviewed every single Procès-Verbal (205) with a participation rate of greater than 50 percent and a vote total of at least 150 votes for any single candidate. Every one of the 118 PVs with a turnout rate of 100 percent or greater was reviewed. In total, the Expert Mission reviewed 919 Procès-Verbaux, representing 192,063 votes and 16.9 percent of the total votes processed by the CTV. The reviews focused on the state of the Procès-Verbal, the presence of the voters list and the tally sheet as well as the validity of the CIN numbers listed. The Mission confirmed the validity of the CIN numbers through a barcode scanner linked to the electoral registry allowing to verify barcodes which are printed next to everyone of the names on the electoral list.

E. Document Processing and Quality Control Procedures

Teams of two inspected every document contained in the sachet. In nearly all cases, teams were bi-national with at least one native or fluent French speaker. To ensure chain of custody, each team member signed his or her name on the required document before recording information with regard to a particular sachet. Other team members recorded their names on the chain of custody document spot checks and comparisons, which are described below. When not being reviewed, sensitive election materials were kept under lock at the CTV with tamper evident seals. The CTV is under guard by MINUSTAH.

To ensure that each member of the Expert Mission applied the same review criteria, it first changed the two-member teams after one day. This provided an opportunity for the team members to compare with one and the other how each analyzed the points on the checklist and to determine the point at which they would deem that the PV under review did not comply with one of the criteria. Secondly, the teams entered data on previously evaluated sachets and the results were compared by a third person independent of the data entry process. Once the information was entered, the PVs were labeled according to the specific groupings and the team members' names were recorded on the packages. Two different members of the Expert Mission conducted spot checks by randomly pulling PVs from the different groups and teams. They visually inspected the contents and compared them to the evaluation made of the sachet to determine the accuracy of the assessment of the team.

IV. ELECTORAL PROCESS TABULATION SYSTEM

The Tabulation Centre aggregates the tally of votes on the results sheets (Procès-Verbaux) sent from each polling station. On arrival at the Tabulation Centre, an inventory is taken of the PVs with a bar-code scanner, and they are then submitted to the first visual control. The PVs that have been incorrectly inserted in the transparent sachets are rearranged in order to facilitate the inputting of the results by the computer operators. Once this has been completed, the PV is brought to the attention of the Visual Control Unit. If irregularities are encountered, the PV is sent to the Legal Control Unit (LCU) for closer examination. If the lawyers consider that the PV conforms to the stipulations of the Electoral law, its results are inputted. If it does not, that PV is set aside and its results not taken into account.

The task of inputting the results into the tabulation system is carried out separately by two operators selected randomly. If the information input by the



two operators is the same, it is stored in the data base and the PV is sent to the archives to facilitate extraction. If there is a difference in the input information, the process is renewed. Should the problem persist, the PV is then sent to the LCU for closer examination.

A. System Controls

The tabulation system was programmed initially to isolate all PVs that exceeded 225 votes for a single candidate. Subsequently, during a second control measure, this threshold was lowered to 150 votes for a single candidate.

In addition, all PVs that exceeded the number of voters registered in a given polling station (450) were identified and sent to the Legal Control Unit for review. Finally, Tabulation Center officials decided to put under observation or set aside all PVs that exceeded 300 votes or more. These PVs were not tabulated for the preliminary results.

Despite the verification guidelines and the fact that the CTV review process was based on all available evidence, it was uncertain whether the control and monitoring procedures utilized by CTV officials were uniformly implemented. In the course of its own PV verification exercise, the Expert Mission came across a number of PVs that were either not accompanied by any of the required supporting documents, or from which one of the legally required documents was missing, but whose results were tabulated. In addition, a number of PVs with abnormal winning results for one candidate were accompanied by voter lists on which many of the identity card number were invalid and clearly fabricated.

Despite shortcomings in the uniform and consistent application of the guidelines and criteria, the Tabulation Center's review process resulted in the identification of a number of irregular PVs which were excluded from the tabulation of the preliminary results. The 64,867 excluded votes were unevenly shared by the two first candidates. The second candidate lost 38,541 votes, which represent 59.4% of the disallowed votes.

The Expert Mission reviewed the user access logs of the Tabulation Center system. A reference analysis was conducted to detect irregularities by implementing cross-examinations between the tabulation system logs and the extracts of the PV results. The logs were also reviewed to verify that the first and second data entry operators were completed by other users. Finally, a review was conducted to verify that the person verifying the quality control was not involved in data entry. The review concluded that all user control policies were followed.



V. SOURCES OF INFORMATION

The Expert Mission utilized the following sources of information to inform its verification study.

1. Sachets or packets containing the Procès-Verbaux, from a national sample of polling stations.
2. Sachets with PVs displaying anomalous patterns, but whose results were tabulated.
3. Sachets with “mis à l'écart” or disallowed PVs.
4. An extract from the CTV database of full results by candidate, polling station, and vote status as counted, set aside (“mis à l'écart”) or missing.
5. A sampling of voted ballots from each Bureau Electoral Départemental (BED) and a comparison of voted ballots with the results recorded in the CTV.
6. A review of the Election Day Call Log from the CEP Emergency Call Centre.
7. A review of Election Day reports from international and domestic election observation organizations.
8. A review of the Election Day incidents log from the UN peacekeeping mission (MINUSTAH).
9. User access logs for the CTV tabulation system.

The Expert Mission verified 442 PVs from a national sample representing 71,423 votes and 454 PVs where it applied the criteria for disallowing PVs, which represent 118,478 votes. Additionally, the Expert Team retrieved 23 ballot bags from all Electoral Departments, representing 2,162 votes. Team members traveled to the Electoral Departments and brought the bags to be reviewed in the receiving center where electoral materials from the West Department were returned on Election Day. In the presence of CEP authorities, they reviewed the contents of the bags and conducted a manual count of the ballots.

The Expert Mission reviewed a total of 919 PVs or 8.2 percent of the total PVs processed by the CTV. This number represented 192,063 votes or 16.9 percent of the total votes processed by the CTV.

Finally, the Expert Mission's mandate required it to conduct interviews with electoral stakeholder to obtain their insights and opinions about the first round of the presidential elections. In fulfilling this mandate, Mission members met with advisors of the presidential candidacies of Mr. Martelly, and of the Group of Twelve presidential candidates which is petitioning the election results. Contact was made with Mrs. Manigat, but the proposed meeting with her representatives never materialized. Mission members also met with representatives of the following civil society organizations – Initiative de la Société Civile, (ISC), Réseau National de Défense des Droits de l'Homme (RNDDH) and the Conseil National d'Observation des Elections (CNO). These informative meetings also permitted the Expert Mission to offer information on its composition, its methodology and on some of its own insights.

VI. ELECTORAL VERIFICATION FINDINGS

For the purposes of this Expert Mission, an "electoral irregularity" is defined as the purposeful or erroneous violation of official electoral procedures resulting in the disputed validity of voted ballots, electoral documents, or voter eligibility and, as a consequence, electoral results. Keeping in mind the relevant provisions of the Haitian Electoral Law, the Expert Mission noted the following kinds of irregularities in its verification process:

1. Absence of PVs, voter lists, tally sheets and other supporting documents to record incidents and irregularities in the sachets.
2. Absence of required signatures on the PVs or the tally sheets.
3. Alterations (an attempt to change the results on the PV) versus corrections, which did not change results.
4. The absence of written CIN numbers on the voter lists indicating that an elector had voted.
5. Irregular patterns when recording CIN numbers (e.g. the first few pages completely full of electors who voted with the remaining pages blank.)
6. Invalid CIN numbers confirmed by using a bar code scanner linked to the national voter registry.

From the analysis of the information obtained from these sources, the Expert Mission made the following findings:

1. As the participation rate and total number of votes for the winning candidate increases, so too does the probability of irregularities and fraud.
2. When compared to the total field of candidates, the irregularities impacted two candidates in particular. (See table below.)
3. Given that most of the irregularities were found on source documents coming from polling stations, the Expert Mission must conclude that most of the irregularities and fraud emanated from the polling stations.
4. At the Tabulation Center, however, the Legal Control Unit's inconsistent practices and ambiguous lines of authority contributed to the uncertainties surrounding the validity of the preliminary results.

In recommending remedies to address these irregularities, the Expert Mission identified four options for consideration:

1. Conduct a new nationwide election.
2. Conduct a new election in certain problematic locations.
3. Conduct a nationwide recount of presidential ballots.
4. Review those PVs in the particularly problematic areas, as identified by voter participation and vote total for a single candidate, and disallow those that do not comply with Articles 171 and 173.2 of the electoral code of Haiti.

The option to conduct a new national election was ruled out. As it pertains to the presidential election, which is the focus of the Expert Mission's mandate, the irregularities identified most profoundly affected the candidacies of the first, second and third place presidential candidates in the first round. The Expert Mission believes that a new election would involve more contests and candidacies than the evidence warranted.

The Expert Mission has ruled out the option of organizing a presidential election in selected areas for similar reasons.

The Expert Mission does not consider a nationwide recount of presidential ballots as a feasible option. The Electoral Law of Haiti does not have explicit provisions to conduct a physical recount of ballots. According to Haitian legislation, the PVs serve as the final accounting of election results and the basis for any recalculation of the preliminary outcomes.

The Expert Mission therefore proceeded with the option of verifying the preliminary results by way of the visual verification of a large number of PVs in



order to determine whether the preliminary results reflected the will of the people.

In accordance with the provisions of the electoral law, the Expert Mission set specific criteria to determine if a PV should be included: the presence of the required signatures of the polling officials on the Procès-Verbal; the presence of the list of registered voters; the presence of the CIN numbers to identify those voters who cast their ballots at that particular polling station. The Mission also took into account the validity of the CIN numbers. In addition, though not part of the electoral law, if a Procès-Verbal had been obviously altered to change the results that PV was also excluded.

Following the second "red flag" utilized by the LCU in the Tabulation Center, the Expert Mission reviewed those PVs where any single candidate received more than 150 votes or more. Because of the statistically significant patterns demonstrated in the national sample, it reviewed and evaluated all 205 PVs with a turnout of 50 percent and above and the previously mentioned candidate total. Every single one of the 118 PVs with a participation rate that exceeded 100 percent was reviewed, irrespective of the candidate vote total. Other PVs reviewed in the national sample that had participation rates lower than 50 percent and candidate totals lower than 150, were also recommended to be disallowed if they did not meet the abovementioned criteria.

A. Major Finding and Recommendation

The Expert Mission found 234 of the PVs did not meet the criteria previously mentioned. Based on these findings, the Expert Mission recommends that these Procès-Verbaux, listed as an appendix to this report (Appendix VI), be excluded from the final vote tally.

The table below shows the impact of disallowing these irregular PVs on vote totals for each presidential candidate when these criteria are applied compared with the officially reported election results from the CEP.

Table I

No.	CANDIDATE	PARTY	Total As Reported By CEP	OAS Recommends Exclusion	Revised Total	Revised % Total Vote
1	ALEXIS JACQUES EDOUARD	MPH	32,932	1,497	31,435	3.1%
8	MARTELLY MICHEL JOSEPH	REPONS PEYIZAN	234,617	7,150	227,467	22.2%
10	CELESTIN JUDE	INITE	241,462	17,220	224,242	21.9%
12	JEUNE LEON	KLE	3,738	182	3,556	0.3%
13	ABELLARD AXAN DELSON	KNDA	3,110	114	2,996	0.3%
20	CRISTALIN YVES	LAVNI	17,133	742	16,391	1.6%
21	JOSEPH GENARD	SOLIDARITE	9,164	331	8,833	0.9%
22	VOLTAIRE LESLIE	ANSANM NOU FO	16,199	655	15,544	1.5%
40	BAKER CHARLES HENRI	RESPE	25,512	2,116	23,396	2.3%
42	ANACACIS JEAN HECTOR	MODEJHA	4,165	756	3,909	0.4%
48	CHARLES ERIC SMARCKI	PENH	2,597	157	2,440	0.2%
58	JEUDY WILSON	FORCE 2010	6,076	246	5,830	0.6%
60	JEUNE JEAN CHAVANNES	ACCRHA	19,348	675	18,673	1.8%
61	LAGUERRE GARAUDY	WOZO	2,802	124	2,678	0.3%
63	CEANT JEAN HENRY	RENMEN AYITI	87,834	4,088	83,746	8.2%
64	BLOT GERARD MARIE NECKER	PLATFOM I6 DESANM	2,621	212	2,409	0.2%
67	NEPTUNE YVON	AYISYEN POU AYITI	4,217	257	3,960	0.4%
68	MANIGAT MIRLANDE	RDNP	336,878	13,830	323,048	31.6%
69	BIJOU ANNE MARIE JOSETTE	INDEPENDANT	10,782	688	10,094	1.0%
0	OKENN KANDIDA		12,869	395	12,474	1.2%
	Total		1,074,056	50,935	1,023,121	100.0%

In compliance with its mandate to produce findings and recommendations, the above voting figures resulting from the verification exercise undertaken by the OAS Expert Verification Mission are recommended to the CEP to inform its decision on the certification of the preliminary results of the presidential elections and the ranking of the three leading candidates. In terms of the number of votes received, should this recommendation be implemented, the



placement of the second and third candidates will be reversed and bring the preliminary results of the presidential elections in line with the intent of the voters who cast their votes.

The implementation of the recommendation of the OAS Expert Verification Mission by the CEP should be included as part of the statutory process of contestation for a legal hearing of disputes so that a final result for the first round of the presidential elections can be certified.

VII. OTHER RECOMMENDATIONS

In order to improve the integrity of polling and tabulation in the second round of voting, the CEP can consider instituting the following policy and administrative improvements.

A. Polling Station Administration

1. It is essential to reinforce the training of the polling staff in order to guarantee the accuracy of the information contained in the PV transmitted to the CTV and avoid the irregularities noted during the examination of PVs and to include the supporting documentation. Poll worker training should emphasize the proper search techniques on the voter registry in identifying the names of voters, vote tabulation procedures, and the proper completion and inclusion of electoral documents in the sachet. Attendance at the training sessions should be mandatory and a senior officer from the Tabulation Center should be present at the training of trainers to improve the quality of the information recorded on the PV and other material included in the sachet.
2. In order to improve the accuracy of accounting for ballots cast and voters, the record of voting by Political Party Agents ("mandataires") and poll workers not on the voters list of the polling station where they officiate should be documented and accounted for on a dedicated Procès-Verbal.
3. Further, the President, Vice-President, and Secretary of the polling stations should not only be required to list their names on the PV, but also sign the form for authentication. The PV may require a change in format to accommodate these signatures.
4. Improved training should be provided for the "Agents de Sécurité Électorale (ASE)" to better prepare them in polling station security and conflict management. This training should include establishing communication protocols among the ASE, Haitian National Police, and MINUSTAH for rapid

responses to security incidents. Poll workers should receive better training in electoral security incident documentation and reporting.

5. The performance of poll workers employed at stations where irregularities occurred should be reviewed. Those individuals who served in polling stations where the malfeasance occurred should not be re-employed for the second round. Similarly, the PVs yield the evidence that in some cases entire polling centers were subject to irregularities. In those cases, the polling center supervisors should not be re-employed for the second round.

6. Numbering the names of voters on the partial list in each polling station would also facilitate the identification of the names of voters by the poll workers.

B. Tabulation Center Administration

The Expert Mission focused its efforts and activities in the CTV. Its two chief deficiencies concerned the lack of clear criteria for determining the validity of the Procès-Verbal and for assessing the impact of the absence of complementary documentation. To this end, the Expert Mission provides the following recommendations.

1. The Legal Control Unit should continue using the specific criteria defined by the Mission of experts to determine if a PV should be included: the inclusion of the required signatures of the polling officials on the Procès-Verbal; the presence of the list of registered voters; the presence of the CIN numbers to identify those voters who cast their ballots at that particular polling station. In addition, though not part of the electoral law, if a Procès-Verbal had been obviously altered to change the results that PV should also be excluded.
2. A clear chain of authority should be established for the examination of those PVs, which after the first review, remain in doubt as to their validity. This chain should include lawyers with particular knowledge of the electoral law.
3. Additional recommendations should include:
 - a) The CTV should formalize the Manual of Operations and have it approved by the CEP thereby giving it a statutory base. This manual would improve the quality control measures through greater consistency, uniformity and thoroughness in the application of the verification criteria. Likewise, it could take steps to improve the organization of the chain of visual verification process with practical measures to isolate the results sheets being worked on from those already verified and those awaiting verification.

b) The CTV should be provided with sufficient resources to open during the visual verification process a larger number of sachets in order to check for the statutory presence of the voters lists and tally sheets. Without such documents, the PVs should be sent for further investigation by the LCU.

c) The CTV should employ scanners to create an electronic log of the image of the PVs received. By creating PDF copies, the PV can be posted on the CEP web site for public inspection and transmitted electronically when required. By initiating the scanning capability at the Tabulation Center, the basic technology will be put into place which could then be expanded downward to Electoral Departmental Offices (Bureaux Électoraux Départementaux, BED), Electoral Communal Offices (Bureaux Électoraux Communaux, BEC), and even voting centers in future elections.

d) The resources for the Tabulation should be increased so that the PV tabulation completion time can be reduced from its current ten days.

e) International and domestic election monitors should be permitted to observe all of the activities of the CTV including the intake of sachets, initial inspection procedures, the organization of PV for tabulation as well as the various stages of the verification process.

C. Legal Control Unit (LCU)

1. Strengthen the training provided to the LCU lawyers, in particular with regard to the voting and tabulation processes.
2. A mechanism of accountability for the work being performed by the lawyers should be put in place in order to ensure a quality control of the legal verification of irregular PVs.
3. Information on PVs verified, even if they were not set aside, should be made public.
4. Provide a larger cadre of trained lawyers in order to increase the volume of verification undertaken.
5. The LCU attorneys should be provided with improved office facilities and equipment to facilitate better document control, processing, and organization.

D. Provisional Electoral Council

1. The CEP should expand the incoming call capacity of the Emergency Call Center so that security responses to intimidation, threats, and attacks at polling stations can be effectively organized.
2. For improved ballot control and accountability, the CEP should print ballots with numbered counterfoils. This procedure should allow poll workers to reconcile ballots cast with voter turnout enhancing the integrity of the tabulation figures on the PVs.
3. The CEP should improve the format of the PV form to reflect the following changes:
 - a) The official copy of the form should not be white as this copy is easier to fraudulently reproduce;
 - b) The total votes from all the candidates should be placed at the bottom of the of the tally column;
 - c) The form should contain space for the signature of all polling staff and political party agents.
4. The CEP and the Office of National Identification need to better coordinate their registration activities in order to avoid the dispersal of voters from the same household over two or several distant polling stations.

E. International Community

1. The number of international observers should be increased for the second round and deployed in greater numbers at the polling locations where irregularities were identified in the first round as a deterrent to fraud.
2. The OAS Expert Verification Mission has identified polling locations where violence occurred and voting was disrupted. Such patterns of electoral violence provide the international community with a map of "hot spot" locations where the probability of a repetition of such violence exists. Therefore, in these areas where polling stations are designated as "hot spots," the international observation presence can be more robust and the presence of MINUSTAH forces can be reinforced in support of the Haitian National Police.

VIII. CONCLUSION

The 2010 presidential election was the fifth conducted since the adoption of the Haitian constitution in 1987. While the OAS Expert Verification Mission has identified significant irregularities, which it believes influenced the outcome of the first round of the presidential election, the Haitian electorate should regard the first round of the presidential elections as an opportunity to draw lessons for the future. In learning from the shortcomings and irregularities which marred these elections, a number of measures can be implemented which would, in the short and long term, avoid the repetition of these failings and strengthen the process. Such reforms and improvements can become a major step forward in reinforcing the integrity, transparency and legitimacy of the electoral process as the true and faithful expression of the will of the people.

ANNEX I. FINAL REPORT OF THE OAS LEGAL EXPERTS MISSION



Organization of
American States

Final Report

Mission of Legal Experts of the Organization of American States
to support the challenges phase of the presidential election process
of November 28, 2010, in the Republic of Haiti

Port-au-Prince

February 3, 2011

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1. Mission Objectives

Under the agreement between the General Secretariat of the Organization of American States, the Government of the Republic of Haiti, and the Provisional Electoral Council (the Agreement), two missions were established, one to verify the vote tally from the presidential election of November 28, 2010, and the other to provide technical legal assistance during the challenges phase of the electoral process at the presidential level (Annex I).

The first mission issued its report on January 13, 2011. The report was sent to the President of the Republic, His Excellency Mr. René Préval, who sent it in turn to the Provisional Electoral Council (CEP). The Council made it available to the general public, to the political parties, and to the candidates, ensuring, by way of a press release of January 18, 2011, that the report would be taken into consideration (Annex II).

The technical legal assistance mission (the Mission), according to Article 3 of the Agreement, is charged with:

- b. *Attending the hearings of the National Electoral Challenges Office (BCEN) on the presidential election and issuing appropriate observations and recommendations;*
- c. *Providing technical legal assistance to the CEP, at the request of latter, in the challenges phase of the electoral process.*

Under Article 3.d of the Agreement, the Mission is to deliver its report to the Government of the Republic of Haiti.

The OAS Secretary General, Mr. José Miguel Insulza, appointed the following experts to this Mission:

Jean-Michel Arrighi (Uruguay), Secretary of Legal Affairs, OAS General Secretariat

Bertha Santoscoy (Mexico), Assistant Head of the OAS-CARICOM Electoral Observation Mission, OAS General Secretariat

Luis Toro Utillano (Chile), Principal Legal Officer, Department of International Law, OAS General Secretariat

Claude Trudel (Canada), attorney, international consultant

2. The Mission's Preliminary Activities

On Monday, January 24, 2011, the members of the Mission met with the members and Director General of the Provisional Electoral Council (CEP). They explained the objectives of their work and placed themselves at the disposal of the CEP for any assistance it might require. This was welcomed by the CEP, which appointed Council member Laurette Croyance as liaison with the Mission.

On Tuesday, January 25, 2011, the Mission met first with Ms. Croyance, then with the Council's Director of Legal Affairs, Anthony Mathieu Chérubin, Esq., with whom it discussed the procedure employed by the BCEN in this electoral challenges phase. Mr. Chérubin explained that, because the electoral law contains numerous gaps and is often unclear, it is usually supplemented by the procedure employed in the civil court of first instance.

On Friday, January 28, 2011, CEP members Ms. Croyance and Mr. Belzin informed the Mission members that the hearing of arguments in legal challenges concerning the presidential election was scheduled for the following day at the CEP offices in Pétion-Ville. For many days, the BCEN had been hearing arguments in over 100 challenges concerning the legislative elections.

3. Electoral Dispute

Article 197 of the Constitution of the Republic of Haiti provides that the CEP “shall rule on all disputes arising either in elections or in the enforcement or the violation of the Electoral Law, subject to any legal prosecution undertaken against an offender or offenders before the courts of competent jurisdiction.”

The electoral law of 2008 provides that challenges regarding the presidential election involve two phases. The first instance is the Electoral Challenges Office of the West Department (BCED). The second and final instance is the National Electoral Challenges Office (BCEN), comprised of the members of the CEP assisted by attorneys they appoint. It is housed at the Permanent Electoral Council. Petitions are heard, at both the legislative and presidential levels, by chambers comprised of three CEP members (Chapters I and XIII of the electoral law of 2008).

a. First Instance

On Friday, January 21, 2011, members of the Mission attended the BCED hearings, at which, in the first instance, the Office heard the only three challenges received, those of presidential candidates Mr. Michel Joseph Martelly, Mr. Jude Célestin, and Mr. Charles Henry Backer.

That same day, the BCED issued rulings on the three challenges, which were presented to the BCED on Sunday, January 23, 2011 (Annex III):

- As for the petition by Mr. Martelly, the BCED found it admissible in form, “*in that the request by the challenging candidate is not contrary to electoral law and it is appropriate for the BCED to accept it and either rule on it or refer the matter to the BCEN.*” As to the substantive issues, the BCED “*finds it lacks competence to rule on the request presented; and therefore refers the case to the BCEN for appropriate action.*”
- As for the petition by Mr. Célestin, the BCED found it admissible: “*because the candidate’s request is grounded in fact and in law, considering not only that the legal unit of the Vote Tally Center had decided on the validity of these tally sheets but also that the request is consistent with the spirit and letter of Article 166.2 of the electoral law of 2008. That the BCED finds grounds to declare the action admissible and refer the petitioner to the appropriate authority.*”
- Finally, the BCED found the petition by Mr. Backer inadmissible, “*because the candidate has requested the BCED to void the entire electoral process; because this request is not consistent with the law.*” The BCED instructs the candidate “*to take his case to the appropriate authority.*”

Challenges to these rulings before the BCEN must be lodged within seventy-two (72) hours of their announcement (Article 186 of the electoral law of 2008). For the rulings issued on Sunday, January 23, the CEP set that deadline at 1:30 p.m. on January 26. The three candidates submitted their challenges to the BCEN within the established deadline.

b. Second Instance

The challenge by candidate Mr. Michel Joseph Martelly, presented on January 24, requests that the BCEN, inter alia, “*respect and apply fully, in form and content, the recommendations issued in the OAS Mission’s report; and therefore issue an injunction to the Provisional Electoral Council to publish the new results, on the basis of this report, declaring candidate Michel Joseph Martelly eligible to participate in the second round of voting in the presidential election, subject to any additional arguments.*” (Annex IV).

The challenge by candidate Mr. Charles Henri Backer, presented on January 25, requests, inter alia, that it “*declare*

invalid the contested decision” and “null and void the presidential election held on November 28, 2010, considering the inability of millions of Haitians to vote, the failure of representatives to monitor the voting, the stuffing of ballot boxes, the falsification of tally sheets, and the systematic violence in all the country’s electoral districts” (Annex V).

The challenge by candidate Mr. Jude Célestin, lodged on January 26, requests the BCEN to “*consider and count, in the tabulation of results of the election of November 28, 2010, the entirety of the tally sheets for which there is no evidence that they were compiled in a manner inconsistent with the electoral law or with the procedural rules established in that law but that were nonetheless excluded by the Tally Center, even though they were analyzed and handled by the Center’s legal unit; to include in the input and processing of data from the tally sheets for purposes of announcing the results those tally sheets that were improperly excluded, and to proceed with new calculations, so as to determine the true number of votes cast for the petitioner.*” (Annex VI).

For its part, the BCEN announced the requests of the three petitioners before the hearing began (Annex VII).

Once the petitions had been received, the BCEN scheduled the hearing of arguments for Saturday, January 29. Presiding over the Chamber was Mr. Gaillot Dorsinvil, President of the CEP, accompanied by Council members Mr. Léonel Raphael and Mr. Guerrier Anténor, and assisted by two CEP attorneys, including its Director of Legal Affairs, Anthony Mathieu Chérubin, Esq., and Wilfort Pierre Louis, Esq.

The session was convened for 11 a.m. The hearings began at 1:00 p.m. in public session, attended, *inter alia*, by the members of the OAS Mission, observers from other international organizations, and the local and international press. The hearings were broadcast on radio and television. The petitioning candidates were represented by teams of eminent Haitian attorneys. One of the candidates, Mr. Charles Henri Backer, was also present during the entire session.

At the beginning of the session, the BCEN President announced the decision to join the petitions of candidates Mr. Martelly and Mr. Célestin, since their aims were similar.

The representatives of two parties opposed this decision and requested that the two challenges be entertained separately, as presented in the first instance. The BCEN ultimately accepted the attorneys’ objections and decided to hear the two matters separately.

The representatives of Mr. Michel Joseph Martelly began their arguments at 2:00 p.m. They requested that the recommendations of the OAS Final Report of January 13, 2011, be implemented. They recalled the reasons for which the CEP had signed the Agreement requesting verification of the vote tally by OAS experts, and said that, even if its legal character was debatable, the Report could only be accepted or rejected in its entirety by the CEP. They requested, in case of rejection of the Report, authorization for candidate Martelly to appoint experts to examine, at the Tally Center, the 234 tally sheets already excluded, as well as other tally sheets specified in the petition.

The attorneys for Mr. Jude Célestin, began their arguments at 3:00 p.m. They reaffirmed that their client had received the clear majority in the first round and that this fact had not been recognized because a significant number of votes had been “impounded” without legal justification. As for the OAS report, it should be viewed simply as a technical reference document. They requested verification therefore, at the Tally Center, of all the tally sheets, and that all votes without exception be counted. According to them, such a recount would show that the candidate had received the clear majority of votes.

The BCEN rejected the request for verification of Tally Center data, reasoning that it bore directly upon the substantive issues and to issue such an order would be premature. A single decision, therefore, would be taken in the deliberations, both on the injunction and on the substantive issues.

Mr. Charles Henry Backer and his attorneys were heard at 6:00 p.m. They requested that the election of November 28, 2010, be annulled. Candidate Backer, speaking in person and in Creole, described the difficulties faced by voters in exercising their right to vote and the numerous incidents of fraud and irregularity found at the polling stations. His attorneys gave other examples of irregularities, including the exclusion of a large part of his representatives from the polling places, and observed that the CEP had established the second-round electoral calendar even before ruling on his request to void the first round. Lastly, they requested the formation of a commission to investigate the allegations.

The BCEN also rejected this request to form a commission, reasoning that it bore directly upon the substantive issues and to issue such an order would be premature. A single decision, therefore, would be taken in the deliberations, both on the injunction and on the substantive issues. The session concluded at 7:25 p.m.

On January 28, 2011, the CEP announced the calendar for the second round of voting in the presidential and legislative elections of November 28, 2010 (Annex VIII).

On the morning of February 2, 2011, the Mission met with the President of the CEP. It reported that both the rulings of the BCEN and the final results would be announced to the public around 9:00 p.m. At that time, the President thanked the Mission for its presence and support throughout the process.

c. Final Rulings

Under Article 191 of the electoral law, *“the rulings of the National Electoral Challenges Office (BCEN) are final and cannot be appealed. Such rulings should be announced after the deliberations of the BCEN.”*

On February 2, 2011, the President of the CEP informed the Mission that the BCEN had ruled on each of the requests presented.

As for the request by candidate Mr. Michael Joseph Martelly, the BCEN decided, in accordance with the Agreement, to take into account the recommendations of the OAS Report; and it *“orders the CEP to amend the ranking already published, organizing a second round between candidates Mirlande Hyppolite Manigat and Joseph Michel Martelly”* (Annex IX).

This ruling, dated February 2, 2011, was made public on February 3, 2011, at 7:00 a.m., along with the announcement of the final results of the presidential and legislative elections of November 28, 2010 (Annex X), in keeping with Article 175 of the electoral law of 2008: *“the Permanent Electoral Council, after settling the issues in its disputes departments, as provided in section H of this Law, announces the final results of the elections.”* This information was immediately broadcast by radio throughout the country.

As for the requests by candidates Mr. Baker and Mr. Célestin, at the time of this report the CEP communications center informed us that its rulings were still being drafted.

4. **Final Remarks**

This Mission had occasion to observe the Haitian electoral process solely during the phase of the challenges, before the BCEN, by candidates Martelly, Backer, and Célestin, to the results of the first-round presidential election.

Considering its limited mandate, the Mission is not in a position to judge the entirety of the Haitian electoral process or the credibility of the institutions taking part therein, often called into question in the arguments. However, the absence of clear rules in the 2008 electoral law regarding the procedure to be employed by the BCEN should be corrected. For example, the law should specify deadlines for the presentation of challenges and for rendering and announcing rulings. Attention was called to this lack of precision by the attorneys for all the parties at the beginning of the hearing.

In this second instance of the challenges concerning the presidential election, the candidates had every opportunity to submit their petitions and to present oral arguments. The proceedings were public and transparent and were broadcast on national radio and television.

The BCEN had three options concerning the substance of the requests lodged by the petitioners: to void the election; to take into account the recommendations of the OAS report; or to recognize one of the candidates as the winner in the first round.

The scope of the decision rendered, therefore, is consistent with the scope of the petitions presented.

Lastly, the Mission wishes to thank the members of the CEP, its Director General, and the Director of Legal Affairs. It also wishes to thank the officials of the joint OAS/CARICOM electoral observation mission, in particular the Head of Mission, Ambassador Colin Granderson.

ANNEX J. LIST OF OBSERVERS 1st ROUND



Organisation des
États Américains

MISSION D'OBSERVATION ÉLECTORALE CONJOINTE OEA/CARICOM
ÉLECTIONS PRÉSIDENTIELLES ET LÉGISLATIVES



HAITI, 28 NOVEMBRE 2010

GROUPE DE BASE			
#	Nom	Pays	Position
1	Amb. Colin Granderson	Trinidad-et-Tobago	Chef de Mission
2	Pablo Gutiérrez	Chili	Directeur DECO
3	Steven Griner	E-U	Chef Observ. électorale DECO
4	Bertha Santoscoy	Mexique	Chef-Adjointe de Mission
5	Jean-François Ruel	Canada	Coordonnateur général
6	Micaela Martinet	Bolivie	Analyste politique
7	Fernando Requena	Uruguay	Officiel financier
8	Teresa Bustamante	Pérou	Officielle financière
9	Sarah Davidson	Canada	Conseillère juridique
10	Vanessa Gonzales	E-U	Officielle logistique
11	Mark Smith	E-U	Officiel logistique
12	Alex Bravo	E-U	Technologie électorale
13	Pierre Ratelle	Canada	Officiel de sécurité
14	François Gélinau	Canada	Statisticien
15	John Enright	Canada	Officiel de presse
ARTIBONITE			
16	Ana Maria Caceres Resquin	Paraguay	Coordonnatrice Départementale
17	Luis J. Narváez	Vénézuela	Coordonnateur Départemental
18	Edward Alexander	Dominique	Observateur
19	Gary Downey	E-U	Observateur
20	Max Victor Bellemare	France	Observateur
21	Gabriela Buettner	Suisse	Observatrice
22	Juan Carlos Machado	Equateur	Observateur
23	Philippe Gutmann	Suisse	Observateur
24	Thomas Eduardo Salcedo	Vénézuela	Observateur
25	Elise Salomon	Canada	Observatrice
26	Frederic Paruta	France	Observateur
27	Laura Kalfon	Espagne	Observatrice
CENTRE			
28	Alvaro Arciniegas	Colombie	Coordonnateur Départemental
29	Marcia Alvarez	Equateur	Observatrice
30	Richard Roy	Canada	Observateur
31	Alexei Guerra	Chili	Observateur
32	Marguerite Garcia	France	Observatrice
33	Jon Roar Strandenes	Norvège	Observateur
GRANDE-ANSE			
34	Oscar Asturias	Guatemala	Coordonnateur Départemental
35	Tatiana Auguste	Portugal	Coordonnatrice Départementale
36	Mercedes Rosende	Uruguay	Observatrice
37	Juan Aristides Barranco	Panama	Observateur

NIPPES			
38	Beatriz Ana Bosque	Argentine	Coordonnatrice Départementale
39	Michel Mercier	Canada	Coordonnateur Départemental
40	Nancy Robinson	E-U	Observatrice
41	Claudio Martinez	Chili	Observateur
NORD			
42	Claude Trudel	Canada	Coordonnateur Départemental
43	Michel Huneault	Canada	Coordonnateur Départemental
44	Jean Baptiste Gasper	Sainte Lucie	Observateur
45	Sylvie Grégoire	E-U	Observatrice
46	Linda Joensen	Norvège	Observatrice
47	Maylis de Verneuil	France	Observatrice
48	Ricardo Vargas	Pérou	Observateur
49	Francisco Benavides	Mexique	Observateur
50	Françoise Raymond	France	Observatrice
51	Hector Oliva	Espagne	Observateur
NORD-EST			
52	Arthur Small	Trinidad-et-Tobago	Coordonnateur Départemental
53	Morisson Blanchard	Sainte Lucie	Coordonnateur Départemental
54	Carolina Carrera	Chili	Observatrice
55	Normand Lake	Canada	Observateur
NORD-OUEST			
56	Violeta Lopez Bernal	El Salvador	Coordonnatrice Départementale
57	Ruth Burke	Sainte Lucie	Coordonnatrice Départementale
58	Jorge Guerra	Chili	Observateur
59	Heber Rocha Costa	Brésil	Observateur
60	Catherine Maurice	Canada	Observatrice
61	Christian Taupiac	France	Observateur
OUEST I			
62	Ginette Dupaul	Canada	Coordonnatrice Départementale
63	Theodore Coonen	E-U	Coordonnateur Départemental
64	Timothy Crowell	E-U	Observateur
65	Raymond Carrier	E-U	Observateur
66	Marta Gil	Espagne	Observatrice
67	Mildred Yadira Beltran	Guatemala	Observatrice
68	Leonardo Valdés	Mexique	Observateur
69	Rafael Riva Palacio	Mexique	Observateur
70	Carlos Navarro	Mexique	Observateur
71	Paul Spencer	Antigua-et-Barbuda	Observateur
72	Lara Bremner	Canada	Observatrice
73	Andrea Valenzuela	Chili	Observatrice
74	Isabelle Bourassa	Canada	Observatrice
75	Ingvild Burkey	Norvège	Observatrice
76	Nicolas Fajardo	Espagne	Observateur
77	Sophie Jouineau	France	Observatrice
78	Elena Isabel Rodriguez	Espagne	Observatrice
79	Jean-Claude Heyraud	France	Observateur

80	Hans-Jurg Pfaff	Suisse	Observateur
81	Isabel Ellsen	France	Observatrice
82	Eric Mielczarek	France	Observateur
83	David Alvarez	Chili	Observateur
84	Macrine Mayanja	Ouganda	Observatrice
85	Richard Ward	Sainte Lucie	Observateur
86	Mary-Leona Gabriel	Sainte Lucie	Observatrice
87	Vivian Brates	E-U	Observatrice
88	Isabel Rubiano	Colombie	Observatrice
89	Hugo Prado	Bolivie	Observateur
90	Nicolas Caputo	Argentine	Observateur
91	Christine San Juan	France	Observatrice
92	Flavielle Morais	Brésil	Observatrice

QUEST II

93	Marta Gomez Denamps	Argentine	Coordonnatrice Départementale
94	Clem John	Dominique	Observateur
95	Carole Kraemer	E-U	Observatrice
96	Linda Francisque	France	Observatrice
97	Rosa Izquierdo	Espagne	Observatrice
98	Juan Antonio Julian	Espagne	Observateur
99	Noémie Julien	Canada	Observatrice
100	Vito Robbiani	Suisse	Observateur
101	Margrethe S. Toresen	Norvège	Observatrice
102	Jaume Tardy	Espagne	Observateur
103	Claire Emmanuelle Bernard	France	Observatrice
104	Gustavo Cortes Lima	Brésil	Observateur

SUD

105	Mercedes Bustamante Svilicic	Chili	Coordonnatrice Départementale
106	Mauricio Forero	Colombie	Coordonnateur Départemental
107	Guillermo Corsino	Uruguay	Observateur
108	Irma del Aguila Peralta	Pérou	Observatrice
109	Michele Calastri	Suisse	Observateur
110	Pascal Delumeau	France	Observateur
111	Rocio de Lorenzo	Espagne	Observatrice
112	Pierre-Yves Arnaud	France	Observateur

SUD-EST

113	Sonia Tobierre	Sainte Lucie	Coordonnatrice Départementale
114	Jean-Marc Baudot	Canada	Coordonnateur Départemental
115	Paola Cleri	Argentine	Observatrice
116	Wolfe Linke	Allemagne	Observateur
117	Fernanda Brasil	Brésil	Observatrice
118	Germain Calleja	France	Observateur

ANNEX K. LIST OF OBSERVERS 2nd ROUND



Organisation des
États Américains

MISSION D'OBSERVATION ÉLECTORALE CONJOINTE OEA/CARICOM
ÉLECTIONS PRÉSIDENTIELLES ET LÉGISLATIVES



HAITI, 20 MARS 2011

GROUPE DE BASE

#	Nom	Pays	Position
1	Amb. Colin Granderson	Trinidad-et-Tobago	Chef de Mission
2	Victor Rico Frontaura	Bolivie	Secrétaire aux Affaires Politiques
3	Pablo Gutiérrez	Chili	Directeur DECO
4	Bertha Santoscoy	Mexique	Chef-Adjointe de Mission
5	Jean-François Ruel	Canada	Coordonnateur général
6	Micaela Martinet	Bolivie	Analyste politique
7	Fernando Requena	Uruguay	Officiel financier
8	Vanessa Gonzales	Etats-Unis	Officielle logistique
9	Sarah Davidson	Canada	Conseillère juridique
10	Alex Bravo	Etats-Unis	Technologie électorale
11	John Enright	Canada	Officiel de presse
12	Pierre Ratelle	Canada	Officiel de sécurité
13	Francois Gélinau	Canada	Expert statisticien
14	Théo Noel	Canada	Organisation électorale

ARTIBONITE

15	Ana Maria Caceres Resquin	Paraguay	Coordonnatrice Départementale
16	Réjean Tanguay	Canada	Observateur
17	Hans-Jurg Pfaff	Suisse	Observateur
18	Carolina Carrera	Chili	Observatrice
19	Thomas Salcedo	Vénézuela	Observateur
20	Juan Carlos Machado	Équateur	Observateur
21	Jose Palencia Osorio	Colombie	Observateur
22	Laura Kalfon Garcia	Espagne	Observatrice
23	Bradley Michael Lyon	Etats-Unis	Observateur
24	Daniel Nash	Canada	Observateur
25	Ana Jiménez Dato	Espagne	Observatrice
26	Frederic Oberson	France	Observateur
27	Francois-Guillaume Lapointe	Canada	Observateur
28	Steven Martin	Canada	Observateur
29	Stephanie Rajotte	Canada	Observatrice
30	Christine Medycky	Belgique	Observatrice
31	Sylvie Viens	Canada	Observatrice
32	Claude Malette	Canada	Observateur
33	Mbonella Phiri	Canada	Observatrice
34	Nikki Forfar	Canada	Observatrice
35	Yves De Wolf	Belgique	Observateur
36	Marilou Moisan-Domm	Canada	Observatrice
37	Murielle Timbo	France	Observatrice
38	Joan Martinez	France	Observatrice

CENTRE			
39	Alvaro Arciniegas	Colombie	Coordonnateur Départemental
40	Richard Roy	Canada	Coordonnateur Départemental
41	Heber Rocha Costa	Brésil	Observateur
42	Patricio Ortiz	Chili	Observateur
43	Alexei Guerra	Chili	Observateur
44	Juan Sebastián Molano	Colombie	Observateur
45	Audrey Hanard	Belgique	Observatrice
46	Jennifer Langlais	Canada	Observatrice
47	Caroline Lemay	Canada	Observatrice
48	Leonard Munyandinda	Canada	Observateur
49	Louis Lafrance	Canada	Observateur
50	Marie Frechon	Canada	Observatrice
GRANDE-ANSE			
51	Mauricio Forero	Colombie	Coordonnateur Départemental
52	Luis J. Narváez	Vénézuéla	Coordonnateur Départemental
53	Mercedes Rosende	Argentine	Observatrice
54	Juan Barranco	Panama	Observateur
55	Christine San Juan	France	Observatrice
56	Pierre Minn	Etats-Unis	Observateur
57	Maria Jose Gamez	Espagne	Observatrice
58	Jacques Veyrat de Lachenal	France	Observateur
NIPPES			
59	Beatriz Ana Bosque	Argentine	Coordonnatrice Départementale
60	Carole Kraemer	Etats-Unis	Coordonnatrice Départementale
61	Maeva Bernadotte	France	Observatrice
62	Robin Mackay	Canada	Observateur
63	Cyril Kulenovic	France	Observateur
64	Guy D'Astous	Canada	Observateur
65	Pierrot Rugaba	Etats-Unis	Observateur
66	Paule Robitaille	Canada	Observatrice
NORD			
67	Claude Trudel	Canada	Coordonnateur Départemental
68	Gabriela Buettner	Suisse	Coordonnatrice Départementale
69	Jean Baptiste Gasper	Sainte-Lucie	Observateur
70	Marguerite Garcia	France	Observatrice
71	Françoise Raymond	France	Observatrice
72	Eduardo Collier	Brésil	Observateur
73	Joel Teurtrie	France	Observateur
74	Francis Gagnon	Canada	Observateur
75	Mar Aguilera	Espagne	Observatrice
76	Ticiano García	Espagne	Observatrice
77	Lloyd Robert Dalziel	Canada	Observateur
78	Frédéric Paruta	France	Observateur
79	Paul Ruotte	France	Observateur
80	Maria Fernanda Celeri	Argentine	Observatrice
81	Javier Vargas de Luna	Mexique	Observateur
82	Katherine Buckel	Etats-Unis	Observatrice
83	Audrey Auclair	Canada	Observatrice
84	Javier Blanco	Espagne	Observateur
85	Luis Romero Pintor	Espagne	Observateur
86	Laurence Cossart	France	Observatrice
NORD-EST			
87	Michel Mercier	Canada	Coordonnateur Départemental
88	Max Victor Bellemare	France	Coordonnateur Départemental
89	Alain Cloue	France	Observateur
90	Sonia Bouffard	Canada	Observatrice
91	Tyler Finn	Etats-Unis	Observateur
92	Marco Giacometti	Suisse	Observateur
93	Delia Fagundes	Portugal	Observatrice
94	Daniel Labrecque	Canada	Observateur

NORD-OUEST

95	Violeta Lopez Bernal	El Salvador	Coordonnatrice Départementale
96	Veronica S. Espinosa	Mexique	Coordonnatrice Départementale
97	Jorge Guerra	Chili	Observateur
98	Christian Taupiac	France	Observateur
99	Ambroise Mazal	France	Observateur
100	Maude Bourassa	Canada	Observatrice
101	Guillermo Candiz	Argentine	Observateur
102	Laia Castells Vicente	Espagne	Observatrice
103	Guido Rada	Chili	Observateur
104	Johannes Kozyn	Canada	Observateur
105	Marylise Cournoyer	Canada	Observatrice
106	Mona Yacoub	Canada	Observatrice

OUEST I

107	Ginette Dupaul	Canada	Coordonnatrice Départementale
108	Oscar Asturias	Guatemala	Coordonnateur Départemental
109	Julie Brisson	Canada	Observatrice
110	Mirce Pacheco	Costa Rica	Observatrice
111	Timothy Crowell	Canada	Observateur
112	Raymond Carrier	Canada	Observateur
113	Grace-Anne Crichlow	Barbade	Observatrice
114	Paul Spencer	Antigua-et-Barbuda	Observateur
115	Steven Griner	Etats-Unis	Observateur
116	Vivian Brates	Etats-Unis	Observatrice
117	Andrea Valenzuela	Chili	Observatrice
118	Isabelle Ellsen	France	Observatrice
119	Nicolas Fajardo	Espagne	Observateur
120	Elena Isabel Rodriguez	Espagne	Observatrice
121	Peter Pollis	Etats-Unis	Observateur
122	Isabelle Bourassa	Canada	Observatrice
123	Alejandra Barceló	Mexique	Observatrice
124	David Alvarez Veloso	Chili	Observateur
125	Sophie Leduc	Canada	Observatrice
126	Charlotte McDowell	Etats-Unis	Observatrice
127	Alexandra Simpson	Royaume-Uni	Observatrice
128	Dora Rose	Etats-Unis	Observatrice
129	Johanna Mendelsohn	Etats-Unis	Observatrice
130	Margarita Perez de Rada	Espagne	Observatrice
131	Michelle Joseph	Sainte Lucie	Observatrice
132	Daniela Carvallo	Chili	Observatrice
133	Guisselle Velásquez	Nicaragua	Observatrice
134	Jorge Raul Caballero	Bolivie	Observateur
135	Willibald Sonnleitner	Mexique	Observateur
136	Andrea Groehn Kick	Brésil	Observatrice
137	Aaron Schwirian	Etats-Unis	Observateur
138	Ana Forsberg	Brésil	Observatrice
139	Gary Paul Gilbert	Etats-Unis	Observateur
140	Jean-Francois Bonin	Canada	Observateur
141	Suzanne Stump	Canada	Observatrice
142	Mariam Rossignol	Canada	Observatrice
143	Vincent Szyc	Canada	Observatrice
144	Brenda Santamaría	Argentine	Observatrice
145	Joel Angel Bravo	Mexique	Observateur
146	Paloma Temiño	Espagne	Observatrice
147	Valeria Benavente	Bolivie	Observatrice
148	Eloise Roux	France	Observatrice

149	Elena Mizrokhi	Russie	Observatrice
150	Pierre Marion	Canada	Observateur
151	Dominic Tetu	Canada	Observateur
152	Lea Beaudry	Canada	Observatrice
153	Robert Richard	Canada	Observateur
154	Bruce Hatch	Canada	Observateur
155	Marcelo Rojas Framm	Chile	Observateur
156	Jose Maria Siles	Espagne	Observateur
157	Joanie Trudel	Canada	Observatrice
158	Jean-Francois Bonin	Canada	Observateur
159	Gabriel Gross	Équateur	Observateur
160	Kerne Stanley	Trinidad-et-Tobago	Observateur
161	Luigi Villegas	Mexique	Observateur
QUEST II			
162	Tatiana Auguste	Portugal	Coordonnatrice Départementale
163	Eric Mielczarek	France	Observateur
164	Linda Francisque	France	Observatrice
165	Gabriel Coulombe	Canada	Observateur
166	Gustavo Cortes de Lima	Brésil	Observateur
167	Juan Antonio Julian	Espagne	Observateur
168	Jaume Tardy	Espagne	Observateur
169	Margrethe Toresen	Norvège	Observatrice
170	Hélène Martin	Canada	Observatrice
171	Stéphanie Plante	Canada	Observatrice
172	Juan Pablo Pallamar	Chili	Observateur
173	Marta Nogareda	Espagne	Observatrice
174	Laura Alfaya	Espagne	Observatrice
175	Maria Zolotova	Russie	Observatrice
SUD			
176	Mercedes Bustamante Svilicic	Chili	Coordonnatrice Départementale
177	Irma del Aguila Peralta	Pérou	Coordonnatrice Départementale
178	Claire-Emmanuelle Bernard	France	Observatrice
179	Claudio Martinez	Chili	Observateur
180	Guillermo Corsino	Uruguay	Observateur
181	Marcia Alvarez	Équateur	Observatrice
182	Michele Calastri	Suisse	Observateur
183	Pascal Delumeau	France	Observateur
184	Ian Parenteau	Canada	Observateur
185	Ruben Martinez Dalmau	Espagne	Observateur
186	Kate Fiander	Canada	Observatrice
187	Gemma Cassadeval Serra	Espagne	Observatrice
188	Louise Bosetti	Canada	Observatrice
189	Yoann Le Strat	France	Observateur
SUD-EST			
190	Sonia Tobierre	Sainte Lucie	Coordonnatrice Départementale
191	Jean-Marc Baudot	France	Coordonnateur Départemental
192	Germain Calleja	France	Observateur
193	Mary-Leona Gabriel	Sainte Lucie	Observatrice
194	Fernanda Brasil	Brésil	Observatrice
195	Ariana Szepesi	Vénézuéla	Observatrice
196	Andres Canessa	Canada	Observateur
197	Isabel García Martin	Espagne	Observatrice
198	Serge Villeneuve	Canada	Observateur
199	Hugo Passarello	Argentine	Observateur
200	Jihane Lamouri	France	Observatrice
201	Philippe Woerth	France	Observateur

ANNEX L. PRESS RELEASES OF THE OAS/CARICOM JEOM



Organization of
American States

PR#1 JEOM OAS/CARICOM
Port-au-Prince, August 12, 2010

The Electoral Observation Mission (OAE/CARICOM) Begins Activities in Haiti

The first elements of the Joint Electoral Observation Mission of the Organization of American States (OAS) and the Caribbean Community (CARICOM) led by Ambassador Colin Granderson arrived in Port-au-Prince on August 3rd and began their meetings with various members of the government, the Provisional Electoral Council (CEP), the political parties, civil society organizations, members of the international community and all stakeholders involved in the Haitian electoral process. The Joint OAS/CARICOM Mission observed the registration of candidates for the presidential election and will be present for the publication of the list of registered candidates.

This long-term mission of electoral observation will deploy its observers progressively in the 10 departments of the country beginning in September to observe the unfolding of the various stages of the electoral calendar through the publication of the official results. Ambassador Granderson will present the report of the Mission to the OAS Permanent Council and the CARICOM Secretary General.



Organization of
American States

PR#2 JEOM OAS/CARICOM
Port-au-Prince, August 21, 2010

OAS/CARICOM Mission in Haiti Observes the Registration and Validation of Presidential Nominations

The Joint Electoral Observation Mission of the Organization of American States (OAS) and the Caribbean Community (CARICOM) led by Ambassador Colin Granderson has held meetings with candidates, political parties, civil society organizations, national authorities and the technical and operational entities of the Provisional Electoral Council (CEP) for the next presidential and legislative elections in the Caribbean country.

The Mission took note of the successful drawing of lots by the CEP on August 12 to determine the order in which the new political parties registered for the presidential election will appear on the ballot paper. The Mission also observed the registration of presidential nominees and the challenge process at West I Departmental Electoral Challenges Office (BCED). In this respect, the Mission followed with interest the arguments advanced by the lawyers representing the challengers and the nine challenged candidates, as well as the decisions adopted by the BCED thereon.

The members of the Mission also noted the appeals filed at the National Electoral Challenges Office (BCEN) in accordance with article 185 of the electoral law currently in force. The Mission recognizes the work done and dedication shown by the personnel of the CEP, including all the Commissioners, during the challenges and appeals phase. The Mission noted the Spartan conditions in which the BCED hearings have been held.

Given the extent of the work required of the BCEN to address the appeals, the CEP made the decision to postpone the publication of the list of approved candidates from August 17 to 20, 2010. This delay added to the suspense that surrounded the presentation of the list and brought with it a proliferation of rumors and speculation.

The list of approved candidates was announced in a hurried manner by the spokesperson of the CEP. The electoral body approved 19 nominations, thus giving the Haitian electorate a broad political spectrum to choose from. As regards the 15 nominations that were ruled ineligible, an explanation of the reasons for invalidating them would have contributed to the transparency of the process.

The Mission appeals to the candidates, political parties and their followers to contribute to the stability of the ongoing electoral process by continuing to show their public-spiritedness and democratic commitment. The conclusion of this phase marks a milestone in the electoral process. The Mission encourages all the stakeholders involved to continue their efforts to ensure that the elections are credible, transparent, and well-attended.



Organization of
American States

PR#3 JEOM OAS/CARICOM
Port-au-Prince, August 22, 2010

OAS / CARICOM Mission deploys its first observers to the departments

The Joint Electoral Observation Mission of the Organization of American States (OAS) and the Caribbean Community (CARICOM), led by Ambassador Colin Granderson, begins deployment of its first batch of electoral observers to the various departments of the Republic of Haiti. These first observers will be present at the drawing of the members of polling stations done in the Communal Electoral Offices. At this stage, political parties will have an important role in appointing members of the polling stations as they provide the lists of persons who will perform those functions on Election Day.

The observers will monitor the final phase of the verification of the electoral list in the Departments of the West, South East and Nippes. The observers deployed will also meet with election officials in the departments, parliamentary candidates, and all actors involved in the electoral process at the regional level.

The Mission is now composed of 16 members on the ground and expects to double its complement of observers to monitor the electoral campaign that will begin on September 27. The Mission is continuing its regular meetings with members of the Provisional Electoral Council (CEP), national authorities, political parties, including those that are not participating in these elections, presidential candidates, civil society organizations and representatives of the international community.



Organization of
American States

PR#4 JEOM OAS/CARICOM
Port-au-Prince, September 30, 2010

**The OAS/CARICOM Mission observes the drawing of lots for polling
station members and the activities of the verification operation
centers**

The Joint Electoral Observation Mission of the Organization of American States (OAS) and the Caribbean Community (CARICOM) (JEOM) continues to follow closely the different phases of the electoral process.

The observers deployed in the ten electoral departments witnessed the proper implementation and the transparency of the sessions to draw lots for the designation of Polling Station Members in the communes in which the Mission's teams were present. The Mission welcomed the presence of the political parties during the drawing of lots, which demonstrated their involvement and sense of responsibility in keeping with the role conferred upon them by the Electoral Law. The Mission once again calls upon the political parties to submit their lists of names of the persons who will staff the polling stations and encourages the electoral authorities to provide these persons with adequate training in order to ensure the proper functioning of the Polling Stations on election day.

The observers also witnessed the last stages of the updating of the electoral list carried out by the Provisional Electoral Council. They observed that the address verification operations proceeded smoothly and that the number of visitors varied from Center to Center during the verification process. According to the observers, citizens would have benefited from more information about the purpose and functioning of these verification centers.

On occasion, the posting of signs indicating the location of these centers and the sensitization campaign to inform the population about the verification process could have been implemented more effectively. The JEOM drew the attention of the CEP to what it had observed. The Mission visited the data processing center where the address verification forms are continuously submitted and processed. These forms had to be filled out by hand due to the lack of timely delivery of computers. The Mission recognizes the efforts made by the electoral authorities to recruit additional technicians to overcome this shortcoming in the data collection which is essential to update the electoral list.

The Mission encourages the CEP to continue its efforts to inform the political parties, voters and other actors involved in the forthcoming stages of the organization of the elections. An essential step is the launching of the sensitization campaign in order to inform voters and contribute to a high level of voter participation in the elections.

Regarding the activities of the National Identification Office (ONI), the observers noted the increased size of the crowds of citizens seeking to register before the end of the registration period set out in the Electoral Law in order to be included in the electoral list for the upcoming elections. As a result, the ONI's processing capacity was challenged by the large number of applicants..

Additionally, the Mission facilitated a meeting between representatives of civil society organizations and the National Identification Office to contribute to information sharing and a better understanding of the different aspects of the process including obtaining a National Identity Card which is required to exercise one's right to vote. This initiative is part of a broader effort to promote dialogue between the different actors and to contribute to the transparency of the elections.

The Mission continues to strengthen its field presence as 28 observers will be permanently present in the 10 electoral departments beginning the first week of October. The JEOM will observe, among other things, the unfolding of the first phase of the electoral campaign which was officially launched on 27 September. The observers will pay close attention to the observance of the deadlines and restrictions stipulated by the Provisional Electoral Council in its Press Release #26, which addresses the extension of the electoral campaign. The posting of campaign publicity billboards and posters commenced on 27 September, while the broadcasting of messages in the media and the holding of public rallies will be authorized only as of 15 October. The Mission calls upon all political actors to display mutual respect and tolerance during the electoral campaign and hopes that the candidates will emphasize the details of their respective programmes in order to enable voters to make an informed choice.



Organization of
American States

PR # 5 JEOM OAS/CARICOM
Port-au-Prince, October 12, 2010

The Joint Electoral Mission OAS/CARICOM observes the beginning of the electoral campaign

The Joint Electoral Observation Mission of the Organization of American States (OAS) and the Caribbean Community (CARICOM) (JEOM) deployed 27 observers to Haiti's 11 electoral Departments and has closely followed the start of the electoral campaign which began on 27 September. During this first phase, known as the « silent campaign », the candidates may only initiate a visual campaign using publicity billboards and posters.

Based on its observations in the field, the JEOM has drawn its first conclusions on the unfolding of the electoral campaign. Certain candidates became impatient and failed to observe the silence requirement. Even if it is understandable that candidates may find it difficult to temper their enthusiasm in the silent phase of the campaign, respecting the Electoral Law and the directives of the Provisional Electoral Council (CEP) that flow there from is of utmost importance for the proper conduct of the electoral process.

The JEOM would also like to remind candidates and political parties about the provisions of Article 121 of the Electoral Law governing the use of State assets and resources in the electoral campaign. The Mission's observers have received complaints about the transgression of these rules. It is essential for all parties involved to respect these prescriptions, which are designed to guarantee the fairness of the electoral race.

The Mission also attended the information session organized by the CEP for the political parties. Information sharing contributes to the transparency of the process. The JEOM therefore welcomes this effort to inform political actors about the different phases of the organization of the elections and enhance their understanding of two critical stages in the process, particularly election day proceedings and the tabulation of votes. The CEP is committed to organizing other similar meetings. Moreover, the meeting offered a space for dialogue between the members of the CEP and political party representatives. During the meeting, the latter were able to voice their concerns about the electoral campaign, the preparation of the electoral list, the sequence of events on election day and the tabulation of results.

The Mission encourages the CEP to redouble its efforts at information sharing and invites political parties to take advantage of these opportunities to improve their understanding of the process and thereby enhance their readiness to play their role in the preparation of the elections and during Election Day. The combined vigilance of political actors and of national and international observers will contribute to ensuring free and credible elections.



Organization of
American States

PR#6 JEOM OAS-CARICOM
Port-au-Prince, October 23, 2010

Joint OAS/CARICOM Mission in Haiti Calls upon Political Actors to Respect the Electoral Law during the Campaign

The Joint Electoral Observation Mission (JEOM) of the Organization of American States (OAS) and the Caribbean Community (CARICOM), with observers deployed in the 11 electoral departments of Haiti, has closely followed the beginning of the second phase of the electoral campaign, which started on October 15. During this second phase, qualified as the “active campaign,” the candidates are allowed to organize rallies, publish messages in the media and campaign openly.

The JEOM calls once again upon candidates and political parties to scrupulously observe the provisions of the Electoral Law governing the campaign and hopes that the latter will be able to unfold in an atmosphere of cordiality, tolerance and mutual respect.

At the moment when the electoral campaign is becoming more active, the JEOM remains sensitive to the concerns expressed by the candidates, electoral officials and civil society representatives about the security environment. Even though no major violent incidents have occurred, the JEOM’s observers have reported isolated incidents of intimidation, disruption of political meetings and verbal aggression. The Mission is concerned about allegations of weapons distribution, which heighten the feeling of insecurity during the campaign. In this regard, the JEOM appeals to the sense of responsibility of persons making these allegations publicly to file formal complaints with the relevant authorities.

The Mission welcomes the efforts undertaken at the departmental level by electoral authorities as well as the Haitian National Police (PNH) and MINUSTAH to organize meetings with political actors in order to prevent acts of violence. The Mission encourages candidates and political parties to fulfill their responsibilities to contribute to a peaceful electoral campaign.

Although there are disparities between the candidates in terms of financial resources, these differences should not be exacerbated by the use of State resources in the electoral campaign. The JEOM thus calls once again for the respect of the relevant provisions designed to guarantee the fairness of the electoral race.

Among its activities, the JEOM has closely followed the operations of the Verification Operation Centers (COV) in the camps for displaced persons located in the electoral departments West I and II aimed at updating the electoral list. The Mission also noted the transfer of data collected by the National Identification Office (ONI) to the Provisional Electoral Council (CEP) for the elaboration of the electoral register, which must be published on October 28.

The Mission continues to strengthen its field presence, which now comprises 45 international observers deployed throughout the country.



Organization of
American States

PR#7 JEOM OAS-CARICOM
Port-au-Prince, November 11, 2010

The OAS/CARICOM joint Election Observation Mission calls on the political actors to carry out their campaigning in an atmosphere of tolerance and friendliness.

The OAS/CARICOM Joint Election Observation Mission (JEOM) continues to monitor the second phase of the election campaign which commenced on 15 October through its fifty seven observers deployed in the eleven electoral departments.

The JEOM is concerned by the incidents of election related violence which have taken place over the past few weeks. It calls on the candidates to carry out their campaigning in a calm atmosphere and to display tolerance, friendliness and mutual respect.

The Mission reminds the political parties and the candidates that in accordance with Article 115.1 of the Electoral Law, they must inform the Haitian National Police two days in advance of any public gathering in order to avoid any untoward situations. In this way they will contribute to the maintenance of a security environment that enables campaigning during this pre-electoral period.

The JEOM reiterates its concern with regard to the use of state resources during the election campaign. The Mission renews its appeal to the political parties to adhere to the provisions aimed at guaranteeing the fairness of the election race. The state authorities must take a firm position against those who infringe these provisions and ensure that agents of the state are not involved in activities related to campaigning as underlined in Article 121 of the Electoral Law.



Organization of
American States

PR#8 JEOM OAS/CARICOM
Port-au-Prince, November 19, 2010

The Joint Mission OAS/CARICOM in Haiti provides an update after more than three months of activity

The Joint Electoral Observation Mission (JEOM) of the Organization of American States and the Caribbean Community (CARICOM) in Haiti, led by Ambassador Colin Granderson, is a long-term mission that has been present on the ground in Haiti since August 3, 2010. The Mission is currently composed of 68 observers who are deployed in each of the 10 departments and it intends to increase its field presence in the coming days. The JEOM has observed the different phases of the organization of the electoral process: the registration, contestation and validation processes for presidential candidates; the assignment of numbers for new political parties participating in the presidential elections; the drawing of lots for the designation of polling station members based on nominations made by the political parties; the updating, preparation and publication of the electoral list; the technical, administrative and logistical preparations for election day; the unfolding of the two phases of the electoral campaign; and the training of trainers for polling station personnel. The Mission will accompany the process until the publication of the official results of the first and second rounds of the elections.

Since its arrival, the JEOM has met with governmental and electoral authorities, the presidential candidates, the senatorial and Lower House parliamentary candidates, representatives of political parties (including political parties which are not participating in the elections), civil society representatives, national observation organizations and representatives of the international community. These meetings have provided the Mission with insights into the political and electoral context. They have also enabled the JEOM early on to identify potential problems associated with the process such as the CEP's credibility deficit, fears concerning irregularities and fraud which could impede the expression of the will of the people and general apprehension concerning the security environment of the elections.

The Mission has played a proactive role in the observation of the elections. Its approach has involved regular interface with the Provisional Electoral Council (CEP for its French acronym) which has been open to the Mission's suggestions based on its observations and on the concerns expressed by political parties during its meetings with their representatives. The JEOM has also provided its good offices to facilitate meetings between the CEP and the National Identification Office (ONI) and civil society.

The Mission has consistently expressed three messages which it considers critical for the proper unfolding of the process during its meetings with political parties and presidential candidates: (i) the crucial role played by political parties in the preparation for the elections and the unfolding of election day through their designation of polling station members and of party agents who will defend their interests on Election Day; (ii) the importance of the latter's proper training and of the combined vigilance on Election Day of party agents and national and international observers which constitutes a safeguard against any attempts at fraud; and (iii) the importance of a sound knowledge of the Electoral Law, particularly concerning Election Day, in order to be able to identify the nature of problems or disputes which may arise and thus be able to respond in the most effective manner possible.

With the elections ten days away, the Mission welcomes the efforts made by the CEP to address the numerous technical, administrative, political and humanitarian challenges it has faced. Indeed, the CEP's mandate comprises the difficult task of organizing elections in a country whose humanitarian and social situation has deteriorated following the earthquake of January 12, 2010, as well as following the cholera epidemic and hurricane Tomas. The CEP has made efforts to adjust to the post-earthquake reality and challenges in order to guarantee every citizen's right to vote, including the internally displaced persons. In this regard, the Mission underscores the considerable work undertaken by the Verification Operation Centers (COV) during the updating process of the electoral list.

Fully aware of its tarnished image, the CEP has applied itself to improve this perception. On a technical and administrative level, the CEP has made every effort despite institutional weaknesses to meet the deadlines of the most important phases of the electoral process such as the publication of the Communal Electoral List (LEC). Notwithstanding these efforts, the launch of the sensitization campaign and the publication of the list of polling station members were delayed. On a political level, the CEP has sought to improve its relationship with political parties and candidates through efforts at improved communication, openness and transparency. The three meetings between the CEP and political actors provided a space for dialogue that enabled the latter to express their grievances

frankly and openly. The Mission considers that the progress in terms of communication between political parties and electoral authorities, albeit far from perfect, represents an important step forward toward the holding of elections on November 28.

The Mission has noted with satisfaction that the electoral dynamic has consolidated as the process has unfolded. The multiplicity of actors involved during Election Day all have a key role to play. The JEOM calls upon them to abide by the principle of neutrality and the provisions of the Electoral Law in the process of carrying out their work. In this regard, the ongoing training of supervisors will prove to be essential for the proper unfolding of the process and the JEOM underscores the importance of recruiting competent and experienced personnel to carry out the supervisory work. The Mission also underlines the responsible, impartial and dispassionate role that local justices of the peace must play by fulfilling their responsibilities in issuing affidavits on incidents in response to requests made by representatives of candidates and political parties. In like manner, the Haitian National Police (PNH), in close collaboration with MINUSTAH, is tasked with guaranteeing security on Election Day. Finally, the Mission wishes once again to remind political parties about the critical importance of the work of polling station workers and party agents in ensuring the transparency of the voting and vote-counting processes.

The preparations for the November 28 presidential and legislative elections are on track. Nevertheless, challenges remain. The impact of the cholera epidemic, which is generating growing anxiety, is difficult to measure, particularly regarding electoral participation. The longstanding apprehensions concerning the security environment have been exacerbated by the recent incidents in Cap Haïtien and Hinche. The CEP, long a target of pointed criticism, must deliver a faultless performance even though Election Day and the vote counting process are not entirely under its control. The training provided to polling station personnel will determine their mastery of voting procedures and, as a result, their efficiency. The CEP must also continue its efforts to reassure political actors about the transparency of the vote tabulation process since the latter must reflect the will of the voters. To this end, the ongoing information visits by political parties to the Vote Tabulation Center (CTV) and the distribution of an operations manual are important steps. The distribution of National Identification Cards (CIN) will undoubtedly continue until the last possible moment.

The Mission calls upon citizens to vote on November 28 in order to exercise their civil rights and their duty as a citizen which will enable them to choose a new Head of State and to renew the Parliament, whose critical tasks will include providing housing to displaced persons and rebuilding the country.



Organization of
American States

PR#9 JEOM OAS-CARICOM
Port-au-Prince, November 25, 2010

The OAS-CARICOM Joint Mission in Haiti makes a new appeal for calm

The OAS-CARICOM Joint Election Observation Mission in Haiti deplores the significant increase in pre-election violence which has tarnished the last days of the election campaign.

The Mission reminds the presidential candidates, political parties and political platforms which have signed the Code of Conduct for the Elections that they committed themselves, inter alia, to promote an atmosphere of tolerance during the election campaign as well as to renounce the use of weapons, physical or verbal aggression, and to respect the right of rival parties and their supporters to meet and to campaign without disruption throughout the country. The Mission calls on all political leaders, whether or not they have signed the electoral good conduct agreement, to demonstrate responsible leadership by publicly calling on their supporters to remain calm and to display restraint and tolerance.

The Mission strongly condemns the acts of violence, intimidation, vandalism and the torching of electoral offices, and in particular the confrontation between the supporters of “Respé” and “Inité” which led to the death of two persons. Nevertheless, the JEOM wishes to underline that its observers have been present at a large number of well conducted public rallies during the election campaign. This illustrates the democratic and pacific commitment displayed by citizens in general.

The Joint Mission calls on the Haitian National Police to do all in their power to curb this increase in violence and to take the necessary steps to prevent confrontations, especially when they have been alerted in advance of political rallies. In this way they will contribute to the maintenance of a peaceful pre-election environment and to the peace of mind necessary for voters to carry out their right to vote on Election Day.



**Statement by the OAS-CARICOM Joint Electoral Observation Mission on Haiti's Presidential and Legislative Elections of
28 November 2010**

Introduction

Present in Haiti since August 2010, the OAS-CARICOM Joint Election Observation Mission was able to monitor the administrative, technical and logistical preparations for both the postponed legislative elections and the presidential elections. In view of the fact that the legislative elections should have been held on 28 February 2010, but were postponed following the devastating earthquake of 12 January, the JEOM was not present for the political dimension of the legislative elections, the registration of political parties and the submission and validation of candidates. The Mission however notes that an important facet of this phase which would have an impact on the political dimension of the remainder of the electoral process was the non-validation of a number of political parties.

In the course of its monitoring activities, the JEOM made a number of observations, comments and recommendations to the Provisional Electoral Council as well as the political parties, which it believed could have been of assistance in bringing about free and fair elections.

The Last Preparatory and Election Campaign Phases

Despite the doubts cast by some commentators on the electoral register and the manner on which it was prepared, the JEOM is of the view that its preparation was in keeping with the respective legal responsibilities of the ONI and CEP. The late submission of the last batch of names by the ONI was unhelpful, but was no doubt due to the late surge of persons wishing to register in September, a mere two weeks before the transmission of the ONI data base to the CEP.

The very late launching of the "Where to Vote" campaign and the saturation of the call centers put in place by the CEP and, later, the Private Sector Forum, did not fully offset the negative repercussions of the delayed campaign. This would have a grave effect on the ability of voters to find their polling stations on Election Day and create an atmosphere of intense frustration and tension. The Mission believes that at the same time citizens have the responsibility to make an effort in advance of Election Day to identify their Polling Stations.

Despite the swift rise in election-related acts of violence and civil unrest in the last days of the campaign as pre-Election Day tensions rose and several earlier scuffles and grave incidents, the election campaign was to quite an extent well conducted and to the credit of the political parties and the citizenry. The public rallies, candidate posters, radio and television debates, the efforts of the media to inform the public on the candidates and their programs, as well as the polling, helped to instill some excitement in the campaign despite the dampening impact of the ravages of the cholera epidemic.

The JEOM noted and commented publicly on the enormous disparity in resources enjoyed by the ruling party and its competitors. It also noted that a number of presidential candidates appeared to have stopped campaigning with one conceding publicly that he had withdrawn.

The last days of the election campaign were accompanied by rumors as well as allegations by leading presidential candidates of preparations for massive fraud. Senior officials of the CEP appeared to be swept up in this toxic atmosphere and unhelpfully added their voices to these unsubstantiated claims.

Election Day Safeguards

Drawing the lessons from previous election experiences, including the partial legislative elections of 2009, a number of safeguards were built into the voting and vote count procedures:

- photographs accompanied the names of the voters on the polling station registers. However, the identity card numbers were left off

- in order to prevent the known practice of poll workers signing for absent voters and stuffing ballots;
- the ballots and proces-verbaux contained security features to deter counterfeiting;
- the tally sheet procedures also included deterrent elements to prevent the changing of the results;
- the provision of tamper-proof transparent envelopes for the tally sheets and other sensitive voting material.

Election Day

Election Day was marred by a number of irregularities:

- late opening of Polling Stations;
- inability of many voters to find the correct Voting Centre and/or Polling Station;
- inability of voters to find their names on the electoral registers posted up outside the Polling Stations;
- saturation of the call centers overwhelmed by callers seeking where to vote;
- instances of incorrect application of voting procedures (the signing of the ballots by BV Presidents before the arrival of the voter);
- instances of voter manipulation – repeat voting of some voters facilitated by complicit poll workers and unidentified party agents;
- the lack of control of already limited voting space by the poll workers , as well as the indiscipline of many party agents (mandataires), led to clogged polling stations where control of the process became tenuous and facilitated misconduct.

The observation reports transmitted by the JEOM observer teams indicate that the voting process unfolded far more smoothly in most of the provinces than in Port-of-Prince, though the above irregularities were also observed.

There were also deliberate acts of violence and intimidation to derail the electoral process both in Port-au-Prince and the provinces.

More subversive of the process was the toxic atmosphere created by the allegations of “massive fraud”. The JEOM observed instances where even before the voting started, any inconvenience or small problem led to the immediate cry of fraud. Such conduct continued during the day.

The presence of 66 parties meant that there would be a large number of party agents (“mandataires”) deployed. Foreseeing the problems that this would cause, the CEP had indicated that no more than five party agents would be allowed into the Polling Station at any one time. Rotation of party agents would therefore be necessary. However, all would be permitted to monitor the vote count. The JEOM observed the problems that this arrangement caused with many party agents claiming that their party agents were being denied entry. The JEOM teams followed up in several parts of the country the complaints made to it by party representatives on this problem and found that in general the complaints were not founded. This became another reason to cry fraud.

The electoral process continued until the very end in all the Departments despite the destruction of Polling Stations in a number of locations, discontinued polling in some polling stations because of rising but localized insecurity, and limited incidents of serious violence. According to information provided by MINUSTAH, the total number of Polling Stations destroyed did not exceed 4% in the entire country.

Recommendations to the CEP

Immediately struck by the deficit of credibility of the CEP and the lack of confidence it enjoyed on the part of the political parties, a perception which was repeatedly reinforced by both the political parties in their declarations and the media in their reporting, the JEOM suggested the following which it transmitted to the CEP as well as to the wider public through its press reports and releases:

- the CEP needed to be more open and communicative vis-à-vis the political parties and the wider public on its decisions and proposals in order to achieve greater transparency. To its credit, the CEP did take several steps in this direction. It held three meetings with the political parties, thereby providing a space for frank dialogue with the political parties and civil society, an essential ingredient in any electoral process. It also made its judicial services available to the non-validated presidential candidates. Despite the increase in suspicion towards the CEP following the controversial decision it took on the discharge for presidential candidates early in the presidential elections process, the CEP was successful in restoring some of its lost credibility. However, these gains were dissipated in the last two weeks of the pre-election period by the controversies and disruption that surrounded the recruitment of the electoral supervisors, and the knock-on effect on the designation of the poll workers, the persons designated by the political parties;
- the CEP should be more communicative. Regrettably, its communication strategy never fully lived up to expectations and was further weakened by the late launching of its most important public-related initiatives such as the voter sensitization, the public information and the “Where to Vote” campaigns. The latter would have a critical negative impact on the ability of voters to find their polling stations on Election Day;
- the importance of the training of supervisors and poll workers. Aware of the weaknesses that marred the handling of

the tally-sheets and the packaging of the sensitive voter material, the JEOM underlined the critical importance of these aspects of the training. Regrettably, the effectiveness of the training was marred by the disruption and protests caused by the controversies referred to above. This no doubt played a role in the weaknesses observed in their work on Election Day.

The mission believes that these recommendations remain valid.

Recommendations to the Political Parties

- the importance of the training of the party agents so they would become the effective protectors of the interests of the parties;
- the importance of their vigilance, combined with that of national and international observers, in preventing fraud on Election Day;
- the importance of insisting on the integrity and neutrality of the persons they would designate as mandataires and poll workers. The actions of a small number of these poll workers on Election Day were contrary to this recommendation.

Conclusions

The JEOM has considered whether the irregularities it observed were of the magnitude and consistency that would invalidate the legitimacy of the process. Based on its observations in the eleven electoral departments, the Joint Mission does not believe that these irregularities, serious as they were, necessarily invalidated the process.

Despite the disruptions of the polling and vote count process in several locations and the withdrawal decision made by twelve presidential candidates, the legislative and presidential elections continued until the end of the voting and vote count.

The decision of the twelve presidential candidates to call for the cancellation of the elections a few hours after the start of the process was precipitate and regrettable. Moreover, these candidates should have been minded of Article 226 of the Electoral Law which establishes that “the interruption of the vote for whatever the cause and wherever cannot be considered a reason to cancel the elections”.

These candidates could also have had recourse to the legal remedies available to them by the Electoral Law. Their allegations of “massive fraud” would have been ascertained by the vote count as well as by their substantiation of their claims. The Mission requests that the parties make available this evidence to the CEP within the legally stipulated claims process which is established to ensure the transparency and fairness of the process. Article 178 of the Electoral Law gives a candidate or his or her representative the authority, within 72 hours of the posting of the results, to challenge the election of another candidate if the vote count or the tally sheet were improperly carried out and contrary to the law; and if electoral fraud had taken place.

The Mission will continue to observe the electoral process starting with the operations of the Tabulation Centre today.

In concluding, the JEOM reiterates its call to all the political actors for peace and calm in the coming days and calls on them to display leadership by ensuring that their supporters do the same.



Organization of
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PR #11 JEOM OAS-CARICOM
Port-au-Prince, December 6, 2010

The OAS-CARICOM Joint Election Observation Mission in Haiti is continuing its observation tasks

The Joint OAS-CARICOM Election Observation Mission (JEOM) in Haiti continues to be active throughout the entire country and has maintained a presence in the Vote Tabulation Centre (VTC). The JEOM deployed a team of observers from the very start of the tabulation of votes in order to observe the reception, the data inputting and the verification of the validity of the results sheets (procès-verbaux) sent from the polling stations throughout the country. This phase of the electoral process is of critical importance. The procedures that underpin the treatment and verification of the results sheets help identify and fight against electoral fraud in order to obtain results that reflect the will of the people. The JEOM reminds that these procedures were explained to political party representatives during the information visits to the Vote Tabulation Centre organized by the Provisional Electoral Council (CEP).

The JEOM notes the opportunity for dialogue provided by the CEP when it met with the presidential candidates on 3 December. While admitting the irregularities, the disorganization and the incidents of vandalism and violence which had marred Election Day, the CEP committed itself to undertake the necessary corrective action to improve the second round.

The JEOM will continue to follow closely the coming phases of the electoral process, including the claims and challenge phase that follows the publication of the preliminary results. In this regard, the Mission reminds candidates and political parties that the results to be posted by the CEP on 7 December are preliminary. The Mission calls on candidates and political parties to carry out their claims and challenges in a peaceful manner and within the framework outlined by the Electoral Law which provides legal recourse to those who have grievances with regard to the results. The Mission also reminds that Article 174.1 of the Electoral Law stipulates that “where necessary, after the treatment of the data and before the proclamation of the official results, political parties and independent candidates participating in the elections have access to the Vote Tabulation Centre for verification purposes”. The Mission invites the actors to take advantage of this opportunity to verify in all transparency and within the framework of the law that the will of the people has been expressed through the ballot box. The Mission further reminds that if there is fraud or irregularity, Article 178 permits any candidate or his representative to contest the election of another candidate within 72 hours following the posting of preliminary results.

The Mission is very concerned by the many complaints received by its observers concerning acts of intimidation against candidates who are involved in the current electoral process. The JEOM calls on the relevant authorities and in particular the Haitian National Police (HNP) to take the necessary steps in this post-election period. The Mission points out again that the holding of free and fair elections is closely linked to respect for human rights as set out in the American Convention on Human Rights, of which Haiti is a signatory. The authorities have the obligation to see to the security of candidates and other persons who are the targets of acts of intimidation and of violence. The Mission wishes to compliment the HNP on efforts to this end it has already undertaken.

On the eve of the posting of the preliminary results, the Joint Mission calls on the political leaders and those candidates who wish to attain the highest elected position to take advantage of the opportunity to demonstrate that they are responsible and to display their leadership qualities by ensuring that calm is maintained and that the established rules are obeyed. This coming phase in the electoral process requires a peaceful and serene atmosphere where the candidates and political parties can take advantage of the legal remedies provided by the Electoral Law.



Organization of
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PR#12 JEOM OAS/CARICOM
Port-au-Prince, December 8, 2010

The Joint OAS-CARICOM Mission reminds actors of the legal provisions to challenge preliminary results

The results published by the CEP last night are preliminary and therefore not the final word on the outcome of the first round of the legislative and presidential elections. These results flow from the operations of the Vote Tabulation Centre where JEOM observers, as well as other international and national observers, were able to monitor closely the verification procedures undertaken in accordance with the Electoral Law. A number of tally sheets (procès verbaux des résultats) not in conformity with the Electoral Law and which were irregular or displayed evident signs of fraud were set aside and not tabulated in order to ensure the integrity of the preliminary results.

The Electoral Law provides several legal remedies during the claims and challenge process, which immediately follow the publication of the preliminary results. The JEOM reiterates its calls to the candidates and political parties to make prompt and full use of these legal recourses in order to address their respective grievances with regard to the preliminary results. The JEOM also calls on the CEP to ensure that these claims and challenges that are part of the contestation process are treated with the strictness, transparency and fairness they deserve in this difficult electoral environment where suspicions abound. The eventual outcome of the contestation phase will lead to the proclamation of the final results of the first round of the legislative and presidential elections on 20 December.

The Mission deplors the ongoing violent demonstrations which started last night following the publication of the results. Candidates and political leaders should urge their supporters to stay calm in order to create the peaceful environment necessary for a meaningful dialogue as well as to facilitate the constructive approach offered by the legal recourses of the Electoral Law which is an integral part of the Rule of Law.



Organization of
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PR#13 JEOM OAS/CARICOM
Port-au-Prince, December 17, 2010

The Joint Mission OAS-CARICOM

The period of complaints with regard to the preliminary results of the first round of the legislative and presidential elections came to an end on Wednesday 15 December, four days later than planned on the electoral calendar because of the unrest that followed the publication of the preliminary results.

The urgent and exceptional mechanism initiated by the CEP on 9 December to verify the tabulation of the preliminary results, the Special Verification Commission, did not get off the ground. The CEP informed the Joint Mission by letter dated 14 December that it was withdrawing its initiative on the grounds that its work would be duplicated by the “mission of experts in support of the verification of the tabulation” requested of the OAS Secretary General by President Preval.

With regard to the period of contestation, the OAS-CARICOM Joint Election Observation Mission notes that the number of complaints submitted by candidates varies from Department to Department, with the majority of them being submitted as expected by the legislative candidates at the level of the Lower House. The Mission notes that a large number of candidates have taken advantage of the legal recourses provided by the Electoral Law during this contestation phase. Several of the complaints submitted by presidential and legislative candidates call for the cancellation of the electoral process on the grounds of the irregularities and the instances of violence and fraud that marred the first round of the elections and which disenfranchised a large number of prospective voters.

The JEOM reiterates its call to the CEP that in carrying out its jurisdictional functions it must ensure that these claims, complaints and challenges at the BCED and BCEN auditions are treated with the transparency, thoroughness and fairness that they deserve. The auditions permit candidates to obtain redress when they provide proof that they have been the victim of irregularities or fraud. Despite the delays affecting the start of the audition period, the CEP must take its time to ensure that the due process procedures are carried out thoroughly.

These auditions are of critical importance as their outcome leads to the proclamation of the final results of the first round of the legislative and presidential elections. This was initially scheduled to take place on 20 December. The Mission hopes that the prevailing period of calm will provide an enabling environment for serene and meticulous deliberations and for equitable decisions by the respective BCEDs and the BCEN.



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PR #14 JEOM OAS-CARICOM
Port-au-Prince, December 30, 2010

The General Secretariat of the OAS, the Government of Haiti and the CEP sign the Agreement on the Expert Missions of the OAS-CARICOM Joint Election Observation

The Agreement between the General Secretariat of the Organization of American States (OAS), the Government of the Republic of Haiti and the Provisional Electoral Council (CEP) on the expert missions to reinforce the Joint OAS-CARICOM Election Observation Mission was signed on 29 December 2010. This Agreement sets out the terms of reference of the two OAS expert missions requested by President Préval in order to verify the tabulation of the votes and to accompany the claims and challenge phase of the electoral process. The Agreement also sets out the objectives of the missions as well as their access to the required information.

The verification mission will be composed of some ten experts in statistics, elections and information technology. It will evaluate the practices and procedures used during the tabulation of the votes and any other factors affecting and relating to the preliminary results of the presidential elections of 28 November 2010. The evaluation will take into account the Haitian Constitution, the Electoral Law, the OAS Charter, the Inter-American Charter of Democracy as well as the established norms applied by the OAS in its election observation missions. Once the evaluation has been completed, the Mission will provide a report on its conclusions and recommendations to the Government of the Republic of Haiti. The Agreement guarantees the Mission unlimited access to all documents and information, which it requires in order to attain its objectives. All the international experts comprising this Mission will be present in country as of 30 December 2010 and will commence working immediately with the goal of producing their report in good time.

The legal technical assistance mission for the claims and challenge process will provide legal assistance during that phase of the electoral process and will attend the audiences of the National Election Contestation Bureau (BCEN) with regard to the presidential elections. The Mission will submit its report with conclusions and recommendations to the Government of Haiti. The deployment of the mission will follow the report of the verification mission and will be done in time for the resumption of the audiences and decisions of the Departmental Election Contestation Bureau (BCED) of the West Department on the complaints linked to the presidential elections and for the start of the work of the BCEN.

The OAS-CARICOM Joint Election Observation Mission is aware of the constraints of time with regard to the electoral process and will do its utmost to carry out its work with care and thoroughness in the shortest period of time possible.



Organization of
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PR#15 JEOM OAS-CARICOM
Port-au-Prince, January 11, 2011

**CARICOM-OAS Mission Report to be Submitted to Government of Haiti in
Upcoming Days**

The Secretary General of the Organization of American States (OAS), José Miguel Insulza, said this afternoon that the Report of the technical team of the CARICOM-OAS Electoral Observation Mission on the presidential elections conducted in Haiti will be submitted in the next few days to the Government of President René Préval and the Provisional Electoral Council.

“Our wish was to submit the report to the government of President Préval and the CEP last Sunday, but it was not possible to finish it that day. President Préval shared his wish not to discuss the Report in the midst of commemorations of the first year of the terrible earthquake that affected the entire Haitian country on January 12, 2010. Under these circumstances, and taking into account that the wishes of President Préval are completely justified, we quickly tried to put together a new schedule, and I believe it can take place in the next few days. This was the context in which statements were made by OAS Assistant Secretary General Albert Ramdin.”



Organization of
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PR #16 JEOM OAS-CARICOM
Port-au-Prince, January 20, 2011

The OAS Expert Mission Presents its Verification Report of the Vote Tabulation

The Expert Mission of the Organization of American States (OAS) for the verification of the vote tabulation of the November 28, 2010 Presidential Election delivered its report to the Government of Haiti on January 13, 2011. Following the January 17 visit of OAS Secretary General, José Miguel Insulza, the report was officially submitted to the Provisional Electoral Council (CEP) by President Préval on January 18. This report contains an assessment and recommendations on the vote tabulation and other factors that had an impact on the preliminary results of the first round.

This Mission, consisting of nine experts in tabulation, statistics, data analysis, information technology and electoral systems, from Canada, Chile, France, Jamaica and the United States of America, worked in the country from December 30, 2010 until January 9, 2011.

The Expert Mission devised a specific methodology for assessing the vote tabulation of the first round. A review of a pilot sample allowed the experts to establish a checklist for data collection and to determine the criteria for the verification of the results sheets ("Procès-Verbaux" or PVs). Subsequently, the Mission utilized a national sample of 300 PVs, which enabled it to identify a number of trends as well as the most frequent irregularities.

The data analysis from the national sample also showed that the use of the parameters of vote turnout and total votes per candidate was the most effective way to identify irregularities and fraud. The experts therefore verified all PVs for which turnout reached 50% or more, and where one of the presidential candidates obtained 150 votes or more. The Mission also verified all PVs with a turnout of 100% or more. Overall, the Expert Mission verified 919 PVs representing 16.9% of total votes counted by the Vote Tabulation Center (CTV). The verification focused on the presence of signatures required on the PV, the presence of the partial list of electors (LEP) and the tally sheet in the "sachet" containing the PV, and on the presence and validity of the national identification card (CIN) numbers written on the LEP.

Following the evaluation of the PVs, the Expert Mission recommended to the Provisional Electoral Council (CEP) the exclusion of 234 PVs that were not in compliance with the above criteria, in order to help inform its decision on the validation of the preliminary results of the Presidential Election and the ranking of the second and third candidates. This recommendation should be taken into account during the contestation phase which allows candidates to challenge the preliminary results through the statutory hearings so that a final result for the first round of the presidential election can be proclaimed.

Regarding the evaluation of the practices and procedures used at the CTV, the OAS Expert Mission considers that these have not been implemented systematically. The Mission found a number of PVs for which results had been tabulated, but that did not meet the predetermined criteria. Despite these shortcomings, the Mission recognizes the efforts of the CTV to identify and exclude irregular PVs from the tabulation of the preliminary results. 64,867 excluded votes were shared disproportionately by the three leading candidates. The Expert Mission provided recommendations to standardize and make more transparent the verification of PVs. Its recommendations also cover the training and the organization of the work of the CTV to improve its effectiveness.

Through the examination of PVs, the Mission found that most of the irregularities and cases of fraud occurred in polling stations on Election Day. Therefore, the Mission believes that better training of election officials could overcome the deficiencies encountered in the filling out and handling of election documents. The Mission also recommended sanctions against polling station workers and voting center supervisors where serious irregularities and cases of fraud occurred.

The Joint OAS-CARICOM Mission (JEOM) deplores the leaking of a draft report before it was handed over to Haitian authorities, as stipulated in the terms of reference governing its work.

The JEOM notes the January 18, 2010 Press Release #63 of the CEP, which indicates that the recommendation concerning the change of position in the ranking of the second and third candidates on the preliminary results of December 7, 2010 “will be taken into account in the treatment of the contestations at the BCED and BCEN, as prescribed by the Electoral Law”.

The JEOM also notes that presidential candidates who filed contestations of the preliminary results may obtain from the CEP a copy of the Expert Mission’s report, and that the technical recommendations of the Expert Mission will be considered for the second round.

During his visit to Haiti, the OAS Secretary General informed the President of the Republic that the second OAS Expert Mission would accompany the contestation phase at the national level to ensure that hearings are conducted transparently and in accordance with the Electoral Law.

The Joint Mission wishes to thank the staff of the CEP and CTV for their availability and collaboration that enabled the OAS Expert Mission to carry out its work and to receive all the information it required.



Organization of
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PR # 17 JEOM OAS-CARICOM
Port-au-Prince, January 25, 2011

The OAS Legal Expert Mission Begins its Work

Requested by President René Prével on December 13, 2010, the Legal Expert Mission of the Organization of American States (OAS) for the accompaniment of the contestation phase of the presidential election arrived in Haiti on January 22, 2011. The Mission met yesterday with the Provisional Electoral Council (CEP) to discuss the modalities of its work.

Composed of four legal experts from Canada, Chile, Mexico and Uruguay, the Mission will attend the hearings at the national level (BCEN) on the presidential election in order to evaluate the process and make the corresponding observations and recommendations, as well as to provide technical legal assistance on the contestation phase, if necessary and requested by the CEP.

As stipulated in the Agreement signed on December 29, 2010, between the Government of Haiti, the CEP and the OAS, “neither party shall publish or publicly comment on the work of the Legal Expert Mission until its report is handed over to the Government of Haiti.”



Organization of
American States

PR #18 JEOM OEA/CARICOM
Port-au-Prince, February 3, 2011

The JEOM takes note of the proclamation of the official results of the first round of the legislative and presidential elections

The Joint OAS-CARICOM Election Observation Mission (JEOM) in Haiti has noted the proclamation in the early hours of 3 February of the final results of the first round of the presidential and legislative elections of 28 November 2010 following the decisions taken by the National Electoral Challenges Bureau (BCEN) with regard to the three presidential and one hundred and five legislative recourses submitted.

The OAS Legal Experts Mission was present during the disputes and challenges phase of the presidential elections and will shortly transmit its report to the Government of Haiti. The report will be made public subsequently. For its part, the Joint OAS-CARICOM Election Observation Mission monitored the hearings of the BCEN on the legislative complaints. Though at times turbulent, the hearings permitted the candidates, through their lawyers, to avail themselves of the legal remedies provided by the Electoral Law in order to present comprehensive arguments in support of the corrective action demanded in their individual requests.

The JEOM will observe the different phases of the electoral process leading to the second round of the elections on 20 March and will be present on the ground until the proclamation of the final results scheduled for 16 April 2011.

The Mission calls on the Provisional Electoral Council (CEP) to implement the recommendations brought to its attention by the JEOM on the critical phases of the electoral process and by the OAS Expert Mission on the verification of the tabulation of the vote. The objective of these recommendations is to contribute to an improvement in the organization of the second round of the elections in order to ensure their transparency and credibility.

The Joint OAS-CARICOM Mission urges all the political actors and their supporters to accept with calm the final results of the first round of the presidential and legislative elections.



Organization of
American States

PR#19 JEOM OAS/CARICOM
Port-au-Prince, March 9, 2011

The Joint Mission once again has a presence in all the Haitian geographic departments

The Joint Electoral Observation Mission (JEOM) of the Organization of American States (OAS) and of the Caribbean Community (CARICOM) has deployed at present 50 electoral observers in the eleven electoral departments of the country. In addition to monitoring the election campaign and the various stages of the electoral process, the JEOM will be meeting with election stakeholders.

During this period of preparations for Election Day, the observers are paying particular attention to the actions taken by the Provisional Electoral Council (CEP) to implement the measures it has adopted as well as the recommendations submitted by the electoral observation missions, including the JEOM, and by the OAS Expert Mission on the verification of the tabulation in order to improve the organization and orderliness of the second round of the presidential and legislative elections. These measures and recommendations apply in particular to the electoral registers, the public information campaign with regard to “Where to Vote”, sensitization and public information on the electoral process in general, the training and conduct of poll workers, and the operations of the Vote Tabulation Centre (CTV).

The JEOM welcomes the measures taken by the CEP to improve the organization of the second round and to thereby increase the credibility of the electoral process and the legitimacy of the persons elected. The Mission has noted that the telephone numbers to help voters find out where they should vote have been operational since 21 February. In addition, the number of operators at the call centre has been increased. Moreover, efforts have been made to upgrade the training of supervisors and poll workers and to ensure that it is carried out in good time. Electoral workers whose performance was unsatisfactory during the first round have been excluded and will be replaced on the basis of merit and other criteria. As concerns the recommendations of the OAS Expert Mission on the verification of the tabulation, particular attention has been devoted to improving the functioning of the CTV through training, increasing the number of lawyers comprising the Legal Control Unit, establishing consistent criteria for verifying the validity of the results sheets, and reinforcing the quality control aspects of the verification.

As a means of reinforcing communication and the confidence of the stakeholders involved in the elections which could result from such an approach, the JEOM has been encouraging the CEP to convene a second meeting with the political parties and candidates in order to engage and inform them on its activities, on the smooth implementation of the measures adopted, and on the difficulties experienced in implementing some of the measures such as the recruitment of “facilitators” to help voters find their polling stations on Election Day. The Mission encourages the candidates and stakeholders to take part in the elections seminars organized by the MINUSTAH in the different departments with the objective of disseminating information on the organization of the second round and on the recommendations made to improve it. The Mission is also encouraging the candidates to sign the code of conduct which seeks to promote a climate of tolerance and of calm during the election campaign and on Election Day.

The Mission wishes to remind that its mandate does not include the provision of technical assistance to the electoral institution nor to participating in the organization of the elections of 20 March 2011. Its objective is to observe the various phases of the electoral process as well as to formulate recommendations to improve the process, which was done following the first round.

The Mission intends to reinforce its presence in all the departments and will deploy some 200 observers during the coming elections.



Organization of
American States

PR #20 JEOM OAS/CARICOM
Port-au-Prince, March 14, 2011

The Joint Mission deplores the disruptive and violent incidents that broke out recently during the presidential election campaign

As the election campaign enters its last week, the Joint OAS/CARICOM Electoral Observation Mission (JEOM) calls on the presidential candidates to do everything to ensure that the campaign continues to take place in an ambiance of tolerance and mutual respect. Until recently, the presidential election campaign had proceeded in an atmosphere generally characterized by togetherness and understanding. The JEOM therefore deplores the disruptive and violent incidents that broke out last week when there were clashes between the supporters of the candidates during rallies in Port-au-Prince and Cap Haitian.

The presidential candidates have the responsibility to calm the passions of their supporters and to recommend peacefulness. They should also publicly condemn any act of violence by their own supporters or those of others. They should also set the example by avoiding incitement which could lead to the disruption of public order. In this regard, the Mission deplores the calls made by the candidates to take to the streets after the elections to claim victory. The Mission reminds the candidates that elections are won at the ballot box and not in the streets. Political leaders should take advantage of the election campaign to underline their commitment to democracy and their sense of responsibility by adhering to the rules of the game and the provisions of the Electoral Law.

The JEOM condemns the killing last week of the persons putting up posters and has taken note of the rapid response of the Haitian National Police (PNH). The Mission hopes that that the investigation will follow the established procedures so that the courts can determine the responsibilities and the penalties for this crime.



Organization of
American States

PR#21 JEOM OAS-CARICOM
Port-au-Prince, March 16, 2011

The Joint Mission calls on all actors involved in the electoral process to fulfill their role with responsibility and civility

All of the various actors involved on Election Day have a key role to play. The Joint OAS-CARICOM Electoral Observation Mission (JEOM) calls on all of them to fulfill their roles with neutrality, a sense of civic responsibility and respect for the stipulations of the Electoral Law.

The training of election officials that is currently underway will be essential to the success of the process and the JEOM wishes to underline the importance of recruiting competent and experienced staff to perform these functions. The Mission reminds that improving the quality of training of election officials and particularly supervisors and members of polling centers (MBV) was central to the recommendations provided to the Provisional Electoral Council (CEP) by the JEOM and the OAS Mission of experts on the verification of the tabulation of the vote. In fact, the Mission is of the opinion that improving the quality of training of election officials and particularly the training of supervisors and polling workers (MBV) could help to avoid a large number of the irregularities that occurred during the first round. It is therefore regrettable that the training of supervisors was once again disrupted not only by those who were excluded because of their poor performance or delinquency during the first round, but also by protests organized by experienced supervisors whose names had been struck following replacements made by CEP counselors and also by BED presidents. Missteps made during the first round will have the same impact in the second round. The training of polling workers has been delayed until the last possible moment due to problems related to late or incomplete lists provided by political parties.

The Mission calls on the CEP to provide as soon as possible the lists of facilitators based on the experience and training criteria that it has itself developed so that their training can take place. The role of these new agents is to assist voters to more easily find their polling stations within the polling centers and to mitigate the problems that had occurred during the first round. In this case also, attempts to insert the names of people who do not meet the criteria can disrupt training and will not help achieve the main objective which is to improve the organization of the second round.

The Mission also wishes to emphasize the responsible and impartial role that Justices of Peace will have to play in fulfilling their duties and in preparing affidavits in response to requests from representatives of candidates and political parties. Similarly, the Haitian National Police (PNH), in close collaboration with MINUSTAH, has the fundamental task of ensuring the security of elections. The mission emphasizes the need to coordinate the efforts of both security forces and reminds supervisors of their duty to appeal to them in case of disturbances.

Finally, the Mission urges citizens to go to the polls on March 20 and to exercise their right to vote calmly and with civility.



Organization of
American States

PR#22 JEOM OEA-CARICOM
Port-au-Prince, March 19, 2011

The Mission reminds that the Electoral Law bans public demonstrations in favor of candidates on Election Day

The Joint Electoral Observation Mission (JEOM) OAS-CARICOM reminds the candidates, the political parties and the citizens that article 122.2 of the Electoral Law states that “all public manifestations in favor of one or several candidates, one or several political parties, grouping or regroupings are formally banned on Election Day and until the proclamation of the results”. The candidates have the responsibility to inform their supporters about this disposition and warn them not to wear any clothes or carry any visible signs that unveil their political preferences on Election Day. Moreover, political parties and candidates have the responsibility to ask their supporters to wait with calm and serenity until the publication of the preliminary results on March 31st.

The Mission calls once again the citizens to go vote on Election Day to express their choice and exert their right to vote.



Organization of
American States

PR# 23 JEOM OEA-CARICOM
Port-au-Prince, March 21, 2011

Press statement on the second round of presidential and legislative elections in Haiti

The OAS-CARICOM Joint Electoral Observation Mission has observed through the 201 observers that it deployed throughout the country that the second round of the presidential and legislative elections was quite an improvement in many ways on the first round. The political climate of Election Day was in general more peaceful despite the friction and incidents of violence that took place during the last days of the campaign.

The measures adopted by the Provisional Electoral Council to address the major organizational failings and shortcomings of the first round did have positive results. The problems related to the accuracy of the electoral registers and to the difficulties experienced by voters in finding their polling stations were far less prevalent. It is however clear that more work needs to be done with regard to the correctness of the voters lists. However, the intensification of the sensitization campaign on “Where to Vote” as well as the other mechanisms put in place was successful.

The improvements of the second round were tarnished by logistical problems which delayed the commencement of the vote in West Department in particular. The operations of sixty Voting Centers were affected by errors in the delivery of the electoral kits and the sensitive voting material. Among other items, ballots, indelible ink and ballot boxes were missing. The observers also noted several instances where legislative ballots were sent to the incorrect locations.. The rapid response of the MINUSTAH mitigated a situation which could have degenerated and facilitated the resumption of voting in the affected Voting Centers around 10.00am. The Provisional Electoral Council took the decision to extend the period of voting for an extra hour in the Port-au-Prince metropolitan area to give voters the opportunity to vote despite the late start.

Another positive point noted by the observers related to an improved organization in the majority of the polling stations they monitored. This was due to the improved performance of the electoral agents and to the proactive role of the Haitian National Police (HNP). This contributed to a more orderly and effective voting process, especially in the Voting Centers where there were a high turnout. In a number of Departments, the observers signaled also an improvement in the performance of the supervisors and the poll workers, particularly in the better protected locations. The observers also noted the presence of “facilitators” in more than half of the polling stations monitored, but they were not always easy to identify. The late publication of the list of “facilitators” no doubt reduced a wider presence of the agents who played a useful role in bringing off the elections.

The reports of the observers also reflected a positive change in ensuring the security of the day of elections. The action of the security forces was better coordinated, better targeted, and their response more rapid. In this regard, the HNP, in coordination with the military and police units of the MINUSTAH, were far more proactive in preventing disruption of the electoral process, addressing incidents of violence as well as in improving crowd control. Despite these efforts, several incidents of violence tarnished the day of the vote. The Mission deplores these incidents while saluting the rapid reaction of the HNP and the MINUSTAH.

The Mission also observed problems limited to areas where the friction between candidates for the Lower House took the form of ballot stuffing and voter intimidation. Nevertheless, these incidents were isolated and did not reflect the reality of the electoral process observed nation-wide.

The voter turnout appeared to have been slightly higher than what was observed during the first round. It however did not meet the expectations raised by the high number of voter requests for information during the “Where to Vote?” campaign.

The treatment of the results sheets (PVs) started earlier this morning at the Vote Tabulation Centre (CTV). The Mission has established a team of observers and specialists trained to monitor this process. The Mission will have a continuous twenty-four hour presence in order to monitor the tabulation and verification processes as well as the implementation of the recommendations made by the OAS mission on the verification of the tabulation. The observers will monitor the tabulation procedures in order to determine if the criteria set out in the CTV Manual posted on the CEP website are being applied consistently.

The Mission wishes to remind that up until the proclamation of the final results on 16 April, and in accordance with Article 122.2 of the Electoral Law, any public demonstration in favor of a candidate is formally prohibited. Accordingly, the candidates have the responsibility to call on their supporters to await peacefully the results of the second round of the elections.

The Mission reiterates that the candidates have the possibility of recourse to the legal mechanisms provided by the Electoral Law in order to submit their grievances during the two levels of the electoral tribunals following the publication of the preliminary results. The Mission will also monitor this phase of the electoral process.

The JEOM welcomes the serenity and civility displayed by the Haitian people which contributed to the generally peaceful second round. This contributed to the country's democratic practice as well as to the credibility and legitimacy of the electoral process.



Organization of
American States

PR# 24 JEOM OAS-CARICOM
Port-au-Prince, March 29 2011

The Joint Mission continues its activities in the country

Despite the departure of more than 160 observers, the Joint OAS-CARICOM Electoral Observation Mission (JEOM) maintains its presence in the 11 electoral departments of Haiti until the proclamation of the final results on April 16, 2011.

The JEOM observers are present in the Vote Tabulation Centre (CTV) round-the-clock since this process began on March 21, 2011. The observers monitor the new procedures put in place for the treatment of the result sheets (“procès-verbaux”) and the application of criteria for verification to ensure the integrity and transparency of the tabulation process. The JEOM notes the strengthening of the capacity of the Legal Control Unit (UCL), which has now 16 lawyers whose task is to determine the validity of the result sheets submitted to their attention. The Mission noted that compared to the first round, a greater amount of result sheets were sent to the UCL. The Joint Mission reminds all actors involved in this process and Haitian citizens that it is essential that a rigorous and consistent verification be done in strict compliance with criteria established and published by the CEP. This will allow the publication of reliable preliminary results.

The Mission is concerned about the statements made by presidential candidate’s campaign teams and allies on polling trends of the March 20 election. Premature announcements of victory are harmful to public order and proper conduct of the electoral process by creating expectations among their supporters that might not be founded.

The JEOM reminds all presidential and legislative candidates, and their campaign teams and allies, that any information available on the elections’ outcome is partial and that the vote tabulation currently underway should lead to the publication of preliminary results on March 31. The Mission understands the candidates’ eagerness to get the results. However, it wishes to point that one of the two presidential candidates will be elected President of the Republic and, as such, will be responsible for the proper functioning of institutions and the maintenance of public order. They should therefore, demonstrate right away the sense of responsibility they will have to show when arriving at the helm of affairs of the Republic by appealing to their teams and supporters to await the publication of the preliminary results in order to avoid creating false expectations and to respect the verdict of the polls.

The Mission also deplores the acts of intimidation that followed the elections and that result in tensions between the legislative candidates. The Mission calls on all political leaders, political forces and their supporters to contribute to maintain a calm and peaceful atmosphere.



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PR #25 JEOM OAS -CARICOM
Port-au-Prince, March 31 2011

The Joint Mission has taken note of the postponement of the publication of the preliminary results

The Joint OAS/CARICOM Electoral Observation Mission (JEOM) has taken note of the postponement of the publication of the preliminary results to 4 April 2011 which was announced by the Provisional Electoral Council (CEP) in its Press Release #91 of 29 March 2011.

The Mission is present in the Vote Tabulation Centre (CTV) around the clock. Through its observation work, it has noted that a considerable amount of results sheets have been sent to the Legal Control Unit (UCL) for scrutiny. As a matter of fact, 15,200 results sheets representing some 60% of the total amount of results sheets have been sent to the UCL. This represents a significant increase compared to the first round when 10% of the results sheets had been examined.

This huge increase is the consequence of the strengthening of the measures used to identify the results sheets for verification in order to ensure the reliability and accuracy of the preliminary results and thereby contribute to their legitimacy. Moreover, the verification process for each results sheet is taking more time as the sachets have to be opened in order to verify among other things that the number of identity card numbers written in on the partial electoral list is the same as the number of votes recorded and, subsequently, with the use of a scanner, that the identity card numbers are valid. Despite the increase in the size of the UCL, the large volume of results sheets to be verified and the greater amount of time required for the verification of each results sheet have made it impossible to complete the verification process in the timeframe initially set out in the electoral calendar.

The Mission notes the difficulties for the CTV staff in carrying out the rigorous and systematic verification of this large number of results sheets in order to avoid the pitfalls which characterized the first round. It is also important to underline that such a wide-ranging verification will facilitate a more effective detection of irregularities and instances of fraud. Consequently, to date, more than 1,500 presidential election results sheets have been set aside.

The Mission acknowledges the civility and the patience displayed by the Haitian people and calls on them and the candidates to maintain this peacefulness while awaiting the postponed publication of the preliminary results of the second round of the presidential and legislative elections on 4 April 2011.



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PR #26 JEOM OAS-CARICOM
Port-au-Prince, April 5, 2011

The Joint OAS/CARICOM Electoral Observation Mission has taken note of the preliminary results of the second round of the presidential and legislative elections in Haiti

The joint OAS/CARICOM Electoral Observation Mission (JEOM) has taken note of the preliminary results of the second round of the presidential and legislative elections in Haiti. The Mission wishes on this occasion to congratulate the Haitian people for the calm and peacefulness displayed while awaiting the announcement of the Provisional Electoral Council (CEP) and despite the postponement of the preliminary results. The Mission also acknowledges the civility with which the supporters of the different political parties have in general greeted the results.

The Mission observed the tabulation of the votes in the course of a continuous presence in the Vote Tabulation Centre (CTV). It was therefore able to appreciate the importance of the efforts carried out to implement the recommendations of the JEOM and of the OAS Expert Mission and to guarantee the transparency and integrity of the results. It is unmistakable that in general the verification of the results sheets was more meticulous than during the first round. This having been said, the results sheets of the presidential elections benefitted from more time and consideration than those of the legislative elections. In addition, the verification was not always of consistent quality. This underlined the importance of the control and correction work undertaken by the supervisors and by the newly added quality control process.

The Joint Mission is aware of the press release dated 4 April 2011 from the Secretariat of the RDNP, the party of Mrs. Manigat, calling on the CEP to ensure that the criteria for the exclusion of results sheets and the accuracy of the results are applied. The Mission appreciates that in a political environment where suspicion is easily aroused, any unaccustomed act will be negatively interpreted. In such a context, the two visits made by the CEP commissioners, including one at night, on the eve of the publication of the preliminary results led to the allegations of the RDNP Secretariat purporting that the vote count had been manipulated by the inclusion of results sheets that should have been excluded. The JEOM hastened to find out if there were any grounds for these allegations and has been able to corroborate, following the publication of the preliminary results, that the excluded results sheets were indeed not taken into account. The CEP commissioners having voluntarily committed themselves to not visit the CTV should have better measured the negative impact of their visits to the CTV a few hours before the transmission of the results.

The Mission reminds the political parties and the candidates that the Electoral Law includes the contestation phase which precedes the proclamation of the final results. This phase facilitates the legal recourses necessary to address complaints related to the preliminary results and to provide redress where necessary. The Mission invites the candidates to take advantage of these legal remedies, which contribute to the consolidation of the rule of law as well as to the maintenance of peacefulness and calm in the country.



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PR #27 JEOM OAS-CARICOM
Port-au-Prince, April 14, 2011

The OAS-CARICOM Joint Electoral Observation Mission (JEOM) calls on the National Bureau for Electoral Complaints and Challenges (BCEN) to carry out their responsibilities with integrity and impartiality

The efforts to improve the second round of the presidential and legislative elections affect not only the organization of Election Day and the tabulation of votes but also the complaints and challenge phase of the electoral process. Accordingly, two documents containing recommendations to improve the procedural aspects of the complaints and challenge phase have been considered by the Provisional Electoral Commission (CEP). The first document is entitled “Application of the innovative procedure for the complaints and challenges related to the results of the second round of the elections of 20 March 2011”, and the second, “Applicable procedure for the electoral complaints and challenges bureaux”. These two documents were posted on the CEP web site on 2 April 2011 and were the basis for the training on 28 March 2011 of the Presidents of the Department Electoral Bureaux (BEDs) and later the CEP Commissioners.

The essential objective of this innovative procedure is to establish the formal conditions that should be observed in receiving the submissions addressed to the complaints and challenges bureaux, to describe briefly the handling of the dispute during the public sessions, and to explain how the validity of the challenge submitted by the complainant is determined. The intent of these procedural rules is to guarantee a minimum of procedural impartiality and, as a consequence, to confer greater legitimacy to those elected and to the overall electoral process.

Notwithstanding the above, taking into account the number of decisions taken to refer matters to the National Bureau for Electoral Complaints and Challenges (BCEN), it would appear that a large proportion of the Departmental Bureaux for Electoral Complaints and Challenges (BCEDs) acted as registration offices for the requests submitted instead of seeking to establish the veracity of the allegations made by the complainant and taking a decision which could be overturned by the higher instance.

The Mission calls on the members of the National Bureau for Electoral Complaints and Challenges (BCEN) to carry out the disputes process with integrity and transparency in order to guarantee procedural fairness. To attain these objectives it would be useful to implement a lottery draw to determine the selection of judges for the two electoral tribunals. In like manner, the verification of the results-sheets questioned by the complainant would help increase the credibility and legitimacy of the process while at the same time guaranteeing the neutrality and fairness of those involved. The quality of the decisions taken by the BCEN would in this way validate the efforts undertaken to improve the organization of the second round of the presidential and legislative elections and the tabulation of the votes.



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PR # 28 JEOM OAS-CARICOM
Port-au-Prince, April 18, 2011

The OAS-CARICOM JEOM calls on the BCEN to take impartial decisions

The hearings of the National Electoral Complaints and Challenges Bureau having now come to an end and the deliberations of the Commissioners and lawyers of the Provisional Electoral Council (CEP) having commenced, the Joint OAS-CARICOM Electoral Observation Mission (JEOM) calls on all the actors to remain composed. The anxieties of the legislative candidates in the running are highlighted at the moment by the spate of rumors and protest actions which are disturbing public order. The Mission deplores the violent protests.

The Mission reminds the CEP, in particular the Commissioners and the lawyers taking part in the deliberations of the CEP, of the importance of displaying impartiality and evenhandedness in taking decisions based on fact and the applicable law. The Mission calls on the candidates to invite their supporters to remain peaceful and not to resort to violent protests. Only the legal recourses provided by the Electoral Law of which the candidates and their lawyers availed themselves during the hearings can have a bearing on the preliminary results and on the decisions, which will be taken by the highest instance on matters pertaining to the elections.

The implementation by the Vote Tabulation Centre (CTV) and the CEP of the recommendation to post on the CEP web site the scanned originals of the results-sheets was extremely useful as it provided precise information and details that the lawyers were able to use to bolster their arguments when pleading.

The Mission reminds that it is critically important that the impartiality of the decisions of the penultimate phase of the electoral process, which is at present in the hands of the Commissioners, enhances the improvements of the second round of the elections. The integrity of the work of the BCEN will signify also a step forward in strengthening the rule of law in electoral matters and will reinforce the credibility and legitimacy of those elected and of the entire electoral process.



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PR #29 JEOM OAS-CARICOM
Port-au-Prince, April 21, 2011

The Joint Mission has taken note of the publication of the final results of the second round of the presidential and legislative elections in Haiti

The OAS-CARICOM Joint Electoral Observation Mission (JEOM) has taken note of the final results of the second round of the presidential and legislative elections announced by the Provisional Electoral Council (CEP) late in the evening of 20 April 2011. The Mission welcomes the confirmation of the election of Mr. Michel Martelly to the post of President of the Republic of Haiti and congratulates him.

With regard to the results of the legislative elections, the JEOM is awaiting the posting of the decisions taken by the CEP following the hearings and deliberations of the National Electoral Complaints and Challenges Bureau (BCEN) in order to understand the reasons which led to the reversing of eighteen positions posted during the preliminary results. The Mission calls on the CEP to post the decisions of the BCEN as quickly as possible in order to inform the concerned candidates and political parties of the facts that motivated its decisions.

The Mission reminds that transparency remains an essential ingredient for the integrity and legitimacy of the electoral process, especially at this critical moment when the final results of the second round have been announced.

Taking into account the demanding verification work done by the Vote Tabulation Centre (CTV) and the quality of the pleadings during the hearings of the BCEN, and without knowing the content of the decisions taken by that instance nor whether its members proceeded to the CTV to verify the information given by the complainants, the Joint Mission can only question whether the eighteen changes in position announced during the proclamation of the final results in fact express the will of the voters in those constituencies.

The JEOM deplores the violent protests that erupted after the proclamation of the final official results in different parts of the country. The Mission calls on the candidates and political parties to be responsible and to call on their supporters to bring an end to these unruly demonstrations.



The JEOM recommends returning to the preliminary results after analysis of the eighteen cases of reversal of ranking of legislative candidates

Upon publication of the final results of the second round of presidential and legislative elections on 20 April 2011, preliminary results in 17 constituencies and one department were reversed following the decisions taken by the National Electoral Complaints and Challenges Bureau (BCEN).

Among these 18 decisions, 17 relate to the post of deputy in the following constituencies: L'Estère, La Chapelle, Petite Rivière de l'Artibonite, Maïssade, Belladère, Abricot/Bonbon, Petite Rivière de Nippes, Vallières/Carice/Mombin Crochu, La Tortue, Mole Saint-Nicolas, Bombardopolis, Cité Soleil, Anse-à-Galets/Pointe-à-Raquette, Léogane, Grand Goâve, Tiburon and Jacmel. One of the 18 decisions concerned the two posts of senator in the Department of the Center.

The reversals sparked protests and caused unrest across the country. Following discussions between the Haitian authorities involved, the Joint OAS-CARICOM Electoral Observation Mission (JEOM) was asked to analyze the decisions taken by the Provisional Electoral Council (CEP) regarding these 18 cases. Within the limits imposed by its mandate, the JEOM agreed to analyze the decisions underlying the final results regarding the cases mentioned above.

As a first step, the Mission started its work at the CEP, where the clerks of the electoral tribunals had been made available for the JEOM. The Mission examined the BCEN decisions and all documents filed by lawyers of the plaintiffs and defendants, which enabled the Mission to compare the information contained in the records to the reasons given for the decisions. Subsequently, the JEOM went to the Vote Tabulation Centre (CTV) to undertake a verification of the results sheets (PVs) that had been validated or annulled by the decisions of the BCEN. These decisions had led to changes in the position of the candidates. The JEOM examined whether the annulment or the validation of the PVs identified by the plaintiffs or the defendants had been done in accordance with rules established by the CEP. The Mission also verified the validity of the electoral lists (LEP) contained in the sachets of the presidential PVs. It is important to note that the 18 established criteria to determine the validity of the PVs are in compliance with the Electoral Law and are included in the Manual of the CTV authorized by the CEP.

Probably under pressure from missed deadlines and other constraints, it appears that the judges of the BCEN did not display the necessary serenity and patience to draft their decisions with the thoroughness required. For the most part, the decisions are improperly drafted and it is often difficult to follow the thinking. The arguments of the contending parties are neither spelled out nor discussed in detail. In general, the decisions merely proclaim the winner without setting out the arguments or the reasoning that led to the decision. This rendered the work of the

BCEN opaque in the eyes of the parties involved in the process and of the public in general.

Generally, the decisions of the BCEN are based on the request of one of the parties to count the PVs in its favor that had been set aside by the CTV, or to exclude the PVs in favor of the other party that had been taken into account and, sometimes, these two requests at the same time. Without giving any reasons for accepting or rejecting a request, and without assessing the evidence, the BCEN simply indicated that the evidence was sufficient or insufficient.

However, and contrary to the criteria established by the CEP itself, the judges of the BCEN decided to take into account, without prior verification, PVs that had been correctly set aside by the CTV. Similarly, the judges took the decision to set aside some PVs that met with the criteria of validity established by the CEP without verifying the correctness of the allegations of irregularities made by the plaintiffs.

It is important to note that in none of the cases analyzed did the judges of the BCEN take advantage of their ability to undertake verifications at the CTV, nor did they set up commissions to do so under Article 190 of the Electoral Law. This profoundly affected the correctness and the validity of the decisions of the BCEN to either annul or validate PVs as requested by the plaintiffs and the defendants. It is also worth noting that parties that questioned set aside or counted PVs did not always provide solid or relevant evidence to substantiate their claims. Neither did the plaintiffs demonstrate that the exclusion of PVs in their disfavor was unjustified under the criteria established and published by the CEP.

In the absence of reasons behind the decisions; in the absence of prior verification at the CTV by the BCEN in compliance with Article 190 of the Electoral Law to determine which PVs should have been set aside or counted in order to change the number of votes and therefore the position of the candidates, the JEOM recommends a return to the preliminary results in each of the eighteen cases examined.



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PR #31 JEOM OAS-CARICOM
Port-au-Prince, May 11, 2011

The Joint Electoral Mission takes note of the publication of the final results of the 18 cases verified by the Special BCEN

The Joint OAS-CARICOM Electoral Observation Mission (JEOM) in Haiti takes note of the publication of the list of results of the 18 cases that had been revisited by the Special National Complaints and Challenges Bureau (BCEN).

The Mission recognizes the efforts made by the members of the special tribunal, particularly with regard to reviewing the files and verifying the result sheets (PVs) at the Vote Tabulation Centre (CTV) in response to requests made by complainants or challenged parties. The JEOM as well as observers of the *Réseau National de Défense des Droits Humains* (RNDDH) and the National Democratic Institute (NDI) were present when the Special BCEN carried out its verification of the result sheets at the CTV and were reassured that these efforts were undertaken in a thorough and transparent manner. After reviewing the files and completing the work at the CTV, the judges deliberated, though without allowing the observers to be present. The Provisional Electoral Council (CEP) informed the national and international observers of the results of the decisions of the Special BCEN shortly before announcing the results late last night. At this meeting, the Mission and other observers expressed reservations about the treatment of three cases in particular. For these cases, the JEOM recommended that the Special BCEN apply the same verification procedures it had used for all the cases examined and which had helped to determine the accuracy of the results.

The Mission expressed its reservations and made new recommendations with regard to the results of the constituencies of Belladère, Jacmel and Vallières/Carice/MombinCrochu. In the constituency of Jacmel, a PV that was set aside for reasons related to the electoral list was included following the decision of the Special BCEN, without prior verification. As concerns the constituency of Belladère, the Special BCEN excluded from the final vote count PVs that had been tabulated by the CTV without verifying and comparing them with the evidence provided in the file. These two decisions taken by the Special BCEN resulted in the confirmation of the controversial position of the candidates published last 20 April. Regarding the third case, the Mission observed that the petition presented in the complainant's case was not signed, which led to the decision of inadmissibility taken by the BCEN. Nevertheless, it is clear that in this case the Departmental Complaints and Challenges Bureau (BCED) exceeded the authority conferred on it by the Electoral Law by tabulating PVs that had been set aside by the CTV. As the guarantor of respect for the Electoral Law, the BCEN should have corrected this serious mistake. It is regrettable that the recommendations made by the observers to have the necessary verifications carried out and the Electoral Law enforced in the cases mentioned were rejected by the CEP. Though the BCEN decisions would not be available before Thursday 12 May, the CEP President hastened to have the results proclaimed without first posting the BCEN decisions.

The questioning of the decisions taken by the BCEN which led to the publication of the controversial legislative results on 20 April underlined that a rigorous and evenhanded approach in the electoral claims and challenge process is a *sine qua non* for the credibility, fairness and legitimacy of the electoral process. In accordance with article 190 of the Electoral Law, the PV verification phase at the CTV carried out by the BCEN in cases that so require, is an obligatory step in order to proclaim results that reflect the will of the people.



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PR #32 OAS-CARICOM JEOM
Port-au-Prince, 13 May 2011

The Joint Mission calls on candidates and their supporters for calm

The Joint OAS-CARICOM Electoral Observation Mission (JEOM) in Haiti deplors the acts of violence that were reported in some constituencies affected by the announcement of the Provisional Electoral Council (CEP) of the new results of the 18 legislative cases reviewed by the Special National Complaints and Challenges Bureau (BCEN). The JEOM reminds the candidates that the use of violence is against the democratic values that they are supposed to be upholding as legislative candidates. The Mission urges the candidates to call on their supporters to remain calm and to make every effort to avoid further incidents of violence.

The Mission calls on the CEP to publish on its website the decisions of the Special BCEN to allow the parties to consult them and better understand the reasons behind those decisions. Transparency and access to information are key elements in any system of justice that aspires to be fair.

The JEOM hopes that the Haitian electoral authorities will draw the necessary lessons from the flaws that have diminished the credibility and the legitimacy of the BCEN during the second round of the presidential and legislative elections in order to strengthen the integrity of the electoral process, a critical aspect of the consolidation of democratic practice in Haiti.



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PR #33 OAS-CARICOM JEOM
Port-au-Prince, 17 May 2011

The Joint OAS-CARICOM Electoral Observation Mission in Haiti comes to an end

The seating of a new legislature and the inauguration of a newly elected President signal that the legislative and presidential elections process has essentially come to an end. It is true, however, that there are still partial elections on 29 May 2011 in three constituencies and some remaining uncertainty concerning the formalization of the results of the 18 controversial legislative cases re-judged by the Special National Complaints and Challenges Bureau (BCEN).

The Joint OAS-CARICOM Electoral Observation Mission (JEOM), present in Haiti since 3 August 2010, is also coming to an end, its mandate and monitoring responsibilities completed with the coming into being of a newly elected executive and legislature. Being a long-term mission present in the 11 electoral departments of Haiti permitted the JEOM to monitor not only the election days themselves but also the various preparatory phases leading up to the elections such as voter and candidate registration and campaigning, as well as the post election phases, in particular the vote counting and the complaints process. The methodology of the JEOM emphasized coordination, dialogue and problem resolution through a close interface with all the stakeholders. Taking advantage of early warning on key issues, the Mission was proactive, drawing attention and offering recommendations to the Provisional Electoral Council (CEP) to address the problems identified even as the process unfolded and not afterwards as is often the case. The JEOM also highlighted constantly the importance of respect for proper process and procedures provided by the Electoral Law for the success of the electoral process.

The JEOM holds the view that despite the disputes and crises that marred this protracted and challenging electoral process a number of positives need to be underlined. The technical and organizational improvements of the second round brought about by the technical staff of the CEP demonstrate that progress is possible. The efforts to resolve the crises that arose were based on technical and rule of law approaches and not political fixes. This approach has led to the reinforcement of the verification capacity of the Vote Tabulation Centre (CTV) and to greater understanding by the stakeholders of its functioning and the role it plays in the electoral process. That procedural approach has also led to greater appreciation and understanding of the workings of the BCEN. In fact, the link between the verification of the tabulation and the complaints process was proven critical in determining results that reflect the will of the people. As a consequence the electoral institutional and procedural capacity has been made more robust.

Carrying forward to future elections the lessons learned and the institutional and organizational improvements made during these presidential and legislative elections will reinforce the credibility, legitimacy and fairness of the next electoral processes and, therefore, contribute to the strengthening and deepening of democracy in Haiti.

It was an honour and a privilege for the Joint OAS-CARICOM Electoral Observation Mission to have been witness to what was certainly a difficult and contested electoral process but which in many ways was historic.



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