

TESTIMONY OF DR. RUDOLPH MOISE
BEFORE THE
UNITED STATES SENATE
FOREIGN RELATIONS COMMITTEE

WASHINGTON, DC
JULY 15, 2003

Introduction

Good morning, Mr. Chairman and Members of the United States Senate Foreign Relations Committee. My name is Dr. Rudolph Moise, and I am a Haitian-American physician residing in South Florida. I am also an attorney, an entrepreneur and a Lieutenant Colonel in The United States Air Force Reserve where I serve as a Flight Surgeon for the 482nd Fighter Wing in Homestead, Florida. I would like to thank you for the opportunity to testify here today before you in this matter of the deteriorating political situation in Haiti.

Overview, Context and Analysis

Mr. Chairman and members of the Committee, as you have heard from the other distinguished presenters here today, for the past three years, Haiti has been gripped by a political, economic and social gridlock stemming from flawed elections in May 2000. This crisis has wreaked appalling devastation on what is already the poorest nation in the Western hemisphere. Although the Organization of American States (OAS) has been trying to mediate this conflict and bring about new parliamentary elections, the more than 20 negotiation trips made and at least three resolutions passed over the last 38 months have met with very little success, but rather with the further polarization and entrenchment of both sides.

The United States, through a contradictory policy of neglect and containment rather than engagement, has been hopeful that the OAS process would succeed so

that it would not have to get directly involved. As most Haiti watchers would agree, however, this non-policy is wishful thinking at best, cynical at worst, and simply untenable. In the next few moments, I will offer some thoughts about the most useful role that the United States government -- prodded by this committee and supported by its allocations - can and should play to help bring Haiti out of this morass. To contextualize my comments and have a realistic sense of the challenge facing Haiti, Haitians and the international community, however, I would like to provide the Committee with an historical perspective as well as brief overview of the current state of affairs in Haiti.

In preparation for this presentation, I traveled to Haiti last week and met with several individuals and organizations, including members of civil society, the opposition, government, US Embassy staff, the private sector and Haitian Americans. It is not without exaggeration that I describe the situation as extremely tense and desperate, with a high level of frustration on all sides and a general consensus that immediate action must be taken in order to avert a needless human tragedy.

Historical Roots of Crisis

Jean-Bertrand Aristide's Lavalas movement swept Haiti's first democratic elections in 1990. The movement was initially a broad-based coalition of progressive political parties and grassroots organizations from around the country, most of whom had banded together in the anti-Duvalier movement in the mid 1980s. Much hope was placed on this administration to permanently change the repressive and anti-democratic traditions practiced by successive Haitian governments. Importantly, during the first seven months of this regime, the flow of those trying to flee to the United States or elsewhere trickled to almost zero.

Aristide was deposed on September 30, 1991 in a military-led coup. A reign of terror was quickly resumed and, with the help of the well-organized paramilitary organization FRAPH, the repression of Aristide supporters lasted through October 1994. During this time, over 4,000 Haitians were killed, 300,000 became internal refugees, thousands more fled across the border to the Dominican Republic, and more than 60,000 took to the high seas in search of protection from the rampant human rights abuses that were characterized by the UN and OAS as gross and systematic violations.

US-led efforts returned President Aristide to power in October 1994 to complete his term in office. He quickly abolished the military, replacing it with a civilian police force, and hopes ran high, but the loose Lavalas coalition soon began to fragment. When Aristide's successor, Rene Preval, was elected in the 1995 elections, a divisive element had taken hold within the party. One year later, Aristide visibly withdrew his support from Preval, and broke off from his own Lavalas party (called OPL - Organisation Politique Lavalas) to create a new party with a closer faction of supporters, called Lafanmi Lavalas, or the Lavalas Family.

Political turmoil began in earnest early the following year when disputes of the 1997 legislative elections erupted between Lafanmi Lavalas and OPL. Problems in which unfilled seats in parliament and the inability to come to a negotiated settlement resulted in Preval's January 1999 decision to rule -- unconstitutionally -- by decree. This action was severely criticized both in Haiti and without as highlighted in the US State Department Country Report on Human Rights Practices in 1999. In addition, armed groups that began calling themselves "popular organizations" (OP) loyal to Aristide began to stage violent

protests against the Preval government. Amid the social chaos, the Prime Minister resigned, leaving the post unfilled for nearly 18 months.

In early 1999, an opposition coalition to both OPL and Lafanmi was formed to seek a consensus among the executive branch, certain opposition parties and members of civil society about setting up elections, although there was still no functioning legislative branch. It was called the Espace de Concertation pour la Sauvegarde de la Democratie (Space for Concord for the Safekeeping of Democracy) and represented a range of political views, including former Aristide protesters.

These elections -- deemed critical to unblocking a three-year old stand off -- were postponed 5 times due to violence, technical ineptitude, sabotage and allegations of tampering and were finally held on May 21, 2000. The tension rose with each successive postponement, raising the stakes each time. The incidence of electoral violence rose at an alarming rate, and most sources recognize at least 15 politically motivated assassinations during this time. This statistic does not include the numerous other abuses that took place such as disappearances, non-fatal shootings, lynchings and the burning down of houses, businesses and party offices. Many of the victims were outspoken critics of the Lavalas government and on several occasions, this abuse took place under the eyes of the police. Although it was rare that any group would claim responsibility for these actions, it was widely attributed to the so-called popular organizations, or OPs, in the name of Lavalas.

By the time the OAS declared the elections free but not fair because the method of tabulation was not done according to regulation, a larger and more eclectic political opposition calling itself the Convergence Democratique (CD) had formed. Its members included a wide range of parties across the political spectrum, all in opposition to the tally of the vote in the May elections, and they boycotted the presidential elections held in November 2000, which brought President Aristide to power for a second time. Their criticism of the Lavalas party and its leaders intensified during this period as did the backlash from sectors close to the government.

On February 7, 2001, when President Aristide was sworn into office, the Convergence made a public declaration that they would not accept the election of Aristide since the previous elections had not been resolved, and declared that they were naming a parallel president to a parallel government. Since then, government and opposition have been locked in a political stale-mate in which neither side recognizes the legitimacy of the other. Both sides have also rebuffed serious negotiations despite the intervention of the OAS to settle the dispute.

The policy of "zero tolerance" introduced by President Aristide in June 2001, which legitimizes the lynching of delinquents or those accused as such, has been used as a pretext for many OPs to threaten and harass anyone perceived as a menace to Lavalas. This was taken to the extreme on December 17, 2001, the day of the attack on the National Palace, branded as a coup attempt by the Aristide government. Less than two hours after the attack, around Port-au-Prince and in various locations around the country, bands of armed Lavalas supporters, occasionally accompanied by elected Lavalas officials, attacked and burned down the homes and offices of Convergence party members and supporters, attacked journalists and began to force censorship of the independent Haitian media reporting these incidents.

Beginning in November and throughout December 2001, journalists and human rights defenders were threatened and attacked on a daily basis. One journalist sympathetic to the Convergence named Brignol Lindor was lynched and assassinated on December 2nd by a crowd who claimed to be getting revenge for an anonymous attack on a Lavalas supporter a few days earlier. Shortly afterward, approximately 30 journalists, particularly those from radio stations who did not auto-censure their broadcasts after the attacks, fled Haiti. In addition, since the beginning of 2002, a small number of high profile judges, social and political activists have continued to flee Haiti as pressure, harassment and attacks against person, family and property continue.

Following an investigation of the December 17th attack by the Inter-American Commission for Human Rights of the OAS, a report was issued on July 1st, 2002, which concluded that the attack was not a coup attempt and that the violent mobs had to have had advance knowledge of what was expected of them in order to retaliate in such a manner.

On September 4, 2002, the OAS unanimously agreed to Resolution 822 as a roadmap for resolving Haiti's political impasse. It called for new elections, disarmament, increased security, and normalization of economic relations between Haiti and the international financial institutions such as the Inter-American Development Bank (IDB) and reparations to the victims of the December 17th attacks.

The resolution and the OAS Special Mission attempting to assist in implementing it on the ground in Haiti have had little success. Only a few of the conditions have been met by the government (reparations for the damages caused by pro government groups against properties of members belonging to the opposition). The other key conditions -- the arrest of Amiot Metayer, a gang leader, criminal and supporter of President Aristide; progress on the professionalization of the Haitian National Police; a meaningful campaign to disarm gangs and other illegal groups -- have witnessed only cosmetic attempts with President Aristide regularly missing opportunities to fulfill his promises.

It takes two to tango, however, and the opposition has, in some regards, been equally as intransigent, often pursuing an agenda that speaks to dialogue while remaining committed to seeing President Aristide removed from office. One example of this doublespeak is the CD's agreement to work for elections but refusal to cooperate in contributing to the composition of the CEP (provisional electoral council). In addition, they sought to commandeer the leadership of several massive anti-government demonstrations in recent months. While the vast majority of these protests were clearly driven by the general dissatisfaction of the populace at the country's deteriorating conditions, much of the government's opposition seized on this trend to declare that the protests were in support of their efforts and vigorously renewed their calls for the ouster of President Aristide. This needless politicizing of the Haitian people's very real and valid frustrations by both sides over the past three years has only exacerbated the situation.

Recently, there have been indications from the opposition that they are truly prepared to get serious about compromise. They have dropped their demands for President Aristide's ouster and promise to cooperate with negotiations if President Aristide fulfills the requirements of OAS Resolution 822, especially regarding the issue of security.

Security, Rule of Law and Human Rights

When one speaks of violence and a "climate of insecurity" in Haiti, it is important to distinguish between political violence and acts perpetrated by the criminal element that exists in any society. This is key because the two types of violence have different geneses and require different solutions. In other words, a 50,000-person strong police force could sharply curtail criminal activity. Numbers alone, however, would do nothing to improve the reign of impunity in Haiti and might actually serve to further facilitate the repression of human rights.

Haiti currently has a police force of about 4,000 police officers for a population of 8 million people. In addition, most of this force is concentrated in Port-au-Prince and a couple of other urban centers, leaving much of the country with no functioning police presence and effectively no rule of law. The security implications of such a paltry force are self-evident.

Beyond the numbers, however, are the pervasive politicization and corruption of the Haitian National Police which more often than not acts an arm of the government rather than as an impartial, professional institution working for the security of all citizens regardless of political affiliation. This has been evident with documented cases of police officers attacking anti-government protesters at rallies. In addition, the free reign of violent "popular organizations" (OPs) that claim to act in support of the government and Fanmi Lavalas while others who have spoken out against the government's policies have been harassed, arrested or killed (with rare investigations carried out), calls into question the role of political will in determining how police resources are utilized.

This general climate of political recriminations has, not surprisingly, been accompanied by a sharp escalation in violence and human rights abuses. Human rights groups such as Amnesty International, Human Rights Watch, Committee to Protect Journalists, and the National Coalition for Haitian Rights have documented extrajudicial killings; arbitrary arrests and detention; violent reactions to peaceful demonstrations; and intimidation of journalists, human rights activists, members of the political opposition, the private sector and the judiciary, with scores of journalists, investigating judges and other targets of the government leaving the country for fear of their lives. The brutal, Christmas Day assassination attempt on Michèle Montas, head of Radio Haiti Inter and widow of Jean Dominique, that resulted in the death of her bodyguard, Maxime Seide; the continuing attacks which forced the indefinite closing of the station; the December murders of three brothers in Carrefour in which an investigation revealed the involvement of several police officers who have yet to be brought to justice; and the sudden resignation and self-imposed exile of Jean-Robert Faveur, the ex-police chief who has accused the Haitian government of interference - are all high-profile examples of the endemic nature of the problem.

Social conditions and humanitarian concerns

The most recent report of the United Nations Development Program (UNDP) paints a desperate and bleak picture of a country that, based on its human development indices, resembles one that has experienced a war or natural disaster, although neither has taken place in Haiti. Beginning particularly in the fall, there has been a breathtaking rise in the cost of living, with a precipitous decline of the gourde and resulting increase in prices of everyday goods and services, such as gasoline and public transportation. The country's infrastructure, never very strong, has been further weakened by the government's inability - due partly to lack of funds and partly to bad governance - to develop and sustain projects for sanitation, transportation, education and health, etc. Dr. Paul Farmer has

already spoken (or will speak) eloquently about the HIV/AIDS crisis in the country. And the United States is preparing for a looming humanitarian crisis in Haiti by already approving an increase of more than \$10 million in the budget of USAID for food and other emergency humanitarian assistance programs.

Immigration

Senators, you have heard (or will hear) from Mr. Steve Forrester about the latest iteration of US immigration policy that treats Haitian asylum seekers differently solely on the basis of their nationality. As a Haitian-American from Miami, however, and as a member of the US Air Force who is sworn to fight for and defend this nation's ideals of equality, freedom and justice for all, I cannot conduct this testimony without noting the obvious discrepancy and blatant discrimination of the treatment of my compatriots.

Since December 2001, US immigration officials have applied a policy of mandatory detention to Haitian asylum seekers with evolving justifications, beginning first with a desire to 1) "save Haitian lives" by deterring them from getting on the high seas then 2) to avert a "mass exodus" and now 3) the latest Attorney General decision in April citing national security concerns with the reference of Haiti serving as a staging ground for third-country nationals, such as Pakistanis. The various rationales cannot blunt the ugly truth, however, that our government, my government is 1) keeping children and mothers and brothers and sons who have been convicted of no crimes jailed in degrading conditions for months at a time; 2) subjecting individuals to expedited proceedings at which they often have not had a chance to consult with an attorney or even received language assistance; and 3) deporting asylum seekers -- after such sham proceedings -- back to a country that even the State Department acknowledges is gripped by political upheaval and social, violent unrest.

In spite of the country's tenuous political situation and subsequent deterioration, however, there is still no evidence to date to support the US government's fear of an imminent "mass exodus". The number of Haitians interdicted over the past few years has been increasing slightly, but it still averages between 1,500 to 2,000 a year, according to the Coast Guard's own figures -- certainly nothing like the tens of thousands in the early 1980s and early 1990s. And while from an analytical stand point, the circumstances that spurred the earlier waves do not currently exist in Haiti (no formal state repression mechanism as under Jean-Claude Duvalier or military coup as under General Raoul Cedras), we should all be clear that without a rational, consistent and respectful US policy of engagement now, conditions in Haiti will eventually demand a much more forceful and intense involvement from this country later.

Recommendations

Given these challenges, the United States - and this administration specifically - has an unprecedented opportunity to do what no other administration has successfully been able to do: work with Haitians, Haitian-Americans and the international community to contribute meaningfully to a holistic, sustainable policy to assist in Haiti's long-term development. And while this is clearly the right and moral thing to do, it is self-evident why a democratic, stable and prosperous Haiti is undeniably in America's - and certainly Florida's -- best interests. Although this may sound like a monumental task, with the United States playing the proper role, it is very achievable.

Meaningful Engagement

The most constructive action that the US government can take to resolve the crisis in Haiti is to pressure directly all parties to come to the table and remain there until a satisfactory compromise has been reached. To break through the impasse, it will be helpful to consider all options, including those suggested by other actors in Haiti, such as a power-sharing proposition developed by various sectors - labor, business, clergy, etc. - within civil society. This decision should be made by October 1.

The upcoming re-evaluation of the OAS role by the US in September will be an important test. But even if there is a determination that the OAS is the most appropriate major international body to remain in Haiti; direct, high-level, bilateral engagement by the US, accompanied by a coherent, pragmatic and humane policy, is long-overdue. This policy should be guided by the goal of first creating a climate of security which can lead to unimpeded campaigning and legitimate elections. While bringing about such a climate will be difficult to achieve, an international police force composed of OAS, European Union and CARICOM member states provides the best hope for success. Additionally, sufficient resources (financial, human and other) need to be provided to the OAS and other institutions to ensure that their objectives of strengthening institutions are met this time around so that democracy can truly take root and flourish.

Strengthening of civil institutions

Haiti's most endemic problem is the weakness of its institutions, which are easy to manipulate, as has been evidenced by the increased politicization of the police and judiciary. Beyond professionalizing and reforming these government institutions, however, there is an important role for civil society institutions to play in building the capacity of the populace to hold the government to account and participate actively in civic life. While these organizations - business associations, peasant cooperatives, human rights organizations, women's groups, labor unions, etc. - have enormous potential to bring about substantive change and have already started to make an impact, they are still quite fragile and will require significant support in order to thrive. In the past, the U.S. has only funded political parties (2.4 millions through USAID) and not civil institutions. An infusion now of \$15 to \$20 million a year over the next 10 years into these groups can make a significant difference.

I want to make it clear, however, that money alone, particularly the way that it has been invested in Haiti before, will not solve the country's problems. While sufficient financial resources are an indispensable ingredient, the United States can and should also facilitate the flow of a great amount of technical assistance to Haiti by working with Haitian-Americans and other experts to build a cadre of competent and skilled Haitian leaders to combat the country's long-standing "brain drain" predicament. Although we send almost \$1 billion dollars annually back to Haiti and are uniquely poised to bring much more substantive change to Haiti, the Haitian-American Diaspora's potential has never been fully utilized by the international community. Given the appropriate structural mechanism and logistical support, however, perhaps through the establishment of task forces composed of Haitians and Haitian-Americans, the Diaspora can make an extraordinary impact not only on the governance of the country but also on its economic and social growth. Haitian-American organizations engaged in international policy work, such as the National Organization for the Advancement of Haitians (NOAH) and the National Coalition for Haitian Rights (NCHR) to name two with which I have worked closely, should be supported in this work.

Immigration Policy

As mentioned earlier, the double standard treatment of Haitian asylum seekers is simply unacceptable and must end now. My community is not asking for special treatment, but for fairness, due process, an honest opportunity to make a claim and the respect accorded other asylum seekers. A few suggestions for the Committee to consider in addressing the plight of these Haitian asylum seekers include: ensuring humane conditions for those in detention; directing DHS to adopt alternatives to detention, including supervised parole; the possibility of in-country refugee processing; regional resettlement and appropriate on-board screenings during interdiction.

HERO Act

The U.S. Congress should pass the Haiti Economic Recovery Opportunity (HERO) Act this year. This bill would extend certain preferential trade treatment for Haiti in the apparel industry, providing an incentive for foreign companies to invest in Haiti and allowing companies already in Haiti to expand their operations. In a study sponsored by USAID, the impact of this legislation is estimated at the creation of approximately 80,000 jobs in the manufacturing industry, with an added 80,000 in the service industry. Assuming that each employed person has an average of five dependents, this act could potentially support approximately 1 million people.

The HERO Act enjoys widespread bipartisan support, and if passed this year will be a fitting gift to Haiti on the eve of its bicentennial.

Conclusion

Finally, I would like to say just a little about the Haitian-American community and its contributions to this nation. Our community has produced individuals such as Pierre-Richard Prosper, the US Ambassador-at-Large for War Crimes Issues; Dr. Rose-Marie Toussaint, the first African-American woman to head a liver transplant service in the world; Dumas Sim?us, chairman and CEO of the Sim?us Foods International, the largest black-owned business in Texas and one of the top in the country; Mario Elie, the power guard that helped lead the Houston Rockets to back-to-back NBA championships in the 1990s; Edwige Danticat, the award-winning author.

We are elected officials - Marie St. Fleur of the Massachusetts House of Representatives; Phillip Brutus and Yoelly Roberson of the Florida House of Representatives; and Joe C?lestin, Mayor of North Miami. We are doctors, taxi cab drivers, lawyers, home health aides, journalists, entertainers, artists and executives, like the Board Chair of the National Coalition for Haitian Rights, Eddy Bayardelle, First Vice President for Global Philanthropy at Merrill Lynch. We are a people who make an extraordinary impact wherever we land in this country, and the local community is enriched for it. On the eve of our bicentennial, there is simply no reason that Haiti and Haitians should always, always, always be treated with disrespect and disdain by the United States government.

Mr. Chairman, again, I thank you for this opportunity to address the Committee today. I look forward to learning of your initiatives as a result of this hearing.

