

Haiti: the bitter grapes of corruption

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"If you wish to study the history of my country, you should have the will to fail"

Tom Rich

The elections held on February 7 2006 were highly significant for the Haitian people as they had the opportunity to return to the ballot box after two years under international community intervention. On February 16, following ten days of demonstrations and a number of evident irregularities, René Prével, candidate for the Hope Platform (Lespwa), was proclaimed President of Haiti.

Unlike Jean-Bertrand Aristide, René Prével had completed his first presidential mandate (1996-2001), and was thus able to offer the international community some guarantee of stability. This was an essential condition for donors, in order to ensure their participation in financing the country's economic development. Haiti has lived through ten centuries of instability and political violence. The question was whether René Prével's second presidential term would lead to the establishment of democratic rule of law or, on the contrary, whether it would trigger a new crisis preventing the MINUSTAH drawdown in the medium term.

The disputed legitimacy of Prével's presidency, the poor performance of the first three years of his five-year mandate - with corruption scandals, kidnappings and escalating murders - and the struggle for power which has confronted the President with Jean-Bertrand Aristide, and Jacques Edouard Alexis, have cast doubts over any chances of a short-term turnaround.

Haiti is ranked fourteenth in the index of failed states and, as with so many other countries, corruption is endemic and prevalent at all levels of government and society¹. The resistance of the political and economic elites can be seen in the absence of mechanisms ensuring transparency and monitoring, the suspension of investigations and interference by the Executive in the functioning of a number of institutions.

Corruption is a destabilising factor and it is difficult to gauge the extent of its effects. This article analyses major corruption cases in Haiti during the first three years of Prével's presidency, the way in which these cases affect society and how they obstruct the restoration of rule of law and the fight against impunity. In Haiti today, political will has been undermined, the international community is increasingly reluctant to support a country with such high levels of corruption and Haitian society has lost trust in state institutions.

¹ Failed States Index 2008, Haiti ranks 14th, Foreign Policy, accéder sur la page internet de www.foreignpolicy.com

René Préval's onerous legacy

Préval inherited a disastrous situation in 2006: institutional failure, disintegration of social relationships, loss of values and norms, a booming criminal economy, criminalisation of power structures and the sheer greed of the affluent minority. Great expectations were raised by the new president in the fight against poverty. "Children must be taken off the streets. We must take weapons from their hands and send them to school with books and pens", he declared during his election campaign. "This is the way to level the differences between rich and poor. The rich are enclosed behind their walled villas and the poor are crowded together in shantytowns where they have nothing. The gap between the two classes is too wide"².

In addition to insecurity, justice and corruption remain burning issues. In Haiti, it is evident that without an adequate judicial system and a concerted fight against corruption, impunity will continue to prevail with disastrous consequences for society as a whole. Pierre Espérance, executive secretary of the National Network for the Defence of Human Rights (RNDDH), declared on 19 June 2006 that impunity was the main cause of the resurgence of insecurity in the capital. He highlighted the fact that examining magistrates have released the perpetrators of rape, kidnapping and acts of violence. According to Espérance, "examining magistrates regularly favour a "hands-off" approach towards bandits arrested by the forces of law and order"³. Those who try to understand political organised crime in Haiti wonder if Haitian justice should not be purged in the same way as the national police force. In July 2006, Claude Moïse, chief editor of the newspaper *Le Matin*, summed up the population's expectations vis-à-vis governance:

"The new government must therefore justify itself, give explanations and take firm measures to safeguard its credibility, regain the trust of leaders and create better perspectives for the future. It cannot procrastinate any longer. The situation demands immediate action"⁴. If this does not happen, the new elected government will only perpetuate the Haitian tradition of power: continuity within change.

Rampant corruption

Foreign cooperation has contributed over 2.6 billion dollars to Haiti since 1984, with little to show for it. In 2006, the new Haitian government blamed the unwieldy bureaucracy of international institutions which entails the setting up of, often unnecessary, expert missions. On the other hand, donors point to the rampant corruption in Haiti that has prevented the vast numbers of underprivileged people from benefitting from the positive effects of development aid⁵. According to the 2006 Transparency International⁶ report, when René Préval came to power for the second time, Haiti was only ahead of Burma and Iraq as the countries with the most widespread corruption⁷. TI's findings have revealed a strong correlation between corruption and poverty in countries with the lowest income per capita.

On November 6, 2006, following the publication of this report, David Luna, Director of Initiatives for Good Governance and the fight against corruption at the US State Department, stated: "It is clear that corruption stems from ineffective allocation of resources and tends to be more widespread when government bureaucracy and the political will to fight against corruption are weak"⁸. On 30 November 2006, during the Madrid Conference, donor countries conditioned

² Christian Casteran, *Haiti : La démocratie à l'arraché*, *Le Nouvel Observateur*, 23 February 2006..htm

³ Nancy Roc, *Haiti : un an après les élections, quel espoir ?*, *La Chronique des Amériques*, Observatoire des Amériques de l'UQAM, No.13, May 2007.

⁴ Claude Moïse, *Le jeu force à couper*, *Le Matin*, editorial 10 July 2006

⁵ RFI, *Les bailleurs de fonds au chevet d'Haiti*, 25 July 2006.

⁶ Transparency International (TI) is a non-governmental organisation which campaigns against corruption globally.

⁷ Swissinfo.ch, *Rapport sur la corruption: Haïti, la Birmanie et l'Irak en tête*, 6 November 2006.

⁸ Andrzej Zwaniecki, *La corruption est un obstacle au développement, indique un nouveau rapport*, *America.gov*, 8 November 2006.

the continuity of aid to Haiti on intensified efforts by the Haitian government to fight against corruption. The International Donors Conference held in Madrid served as a framework to examine payments and donors' commitments, as one billion dollars in assistance had been pledged to Haiti over the period 2004-2006. The fight against corruption was therefore the central theme of this Conference.

At the time, the Haitian government insisted that it had adopted "draconian measures" to "fight against corruption in all its forms"; according to Prime Minister Jacques Edouard Alexis. The question remains, has this really happened?

Complacency or complicity?

In the light of the facts, Alexis' assertions are incongruent, to say the least. A few months before the Madrid Conference, the government withdrew charges filed in the United States by Gérard Latortue's interim government against Jean Bertrand Aristide relating to the theft of tens of thousands of dollars. In a document presented to the Miami Federal Court, the Haitian government's lawyers requested "voluntary withdrawal", with no financial sanctions, of the charges filed in November 2005 by the former government of Gérard Latortue. This decision, in addition to the unconditional release of several Aristide followers who had been sentenced by Haitian courts, were the first major political acts by the Préval/Alexis government and the nation was shocked. "By overturning the charges against Jean Bertrand Aristide and releasing the former Lavalas government members, with no judicial decision, the government is not supporting the fight against corruption", declared the Bishop of Jacmel, Monseigneur Guyre Poulard. The Bishop of the South-East Department stated that the public administration was rotten and stressed that "the fight against corruption is the starting point for a country that has just embarked on the road of progress"⁹, and he added that all sectors of society should be engaged in the fight against corruption. Yet when the highest authority of the Executive sets such an example, how can the people be expected to make a commitment? The links between René Préval, former president Jean-Bertrand Aristide and the Lavalas party, which then became Lafanmi, have led observers to ask the following question: by taking such unilateral steps, is René Préval complacent towards Aristide's followers or is it proof of his complicity with a regime that plundered the poorest country on the American continent?

In May 2007, to widespread surprise, René Préval launched a major offensive against corruption, by labelling all parties who engage in corruption as "traitors to the nation". "Those who take part in corruption are enemies of the country because they prevent the return of investors", he argued on the occasion of the commemorative ceremony for the Haitian Flag Day. He declared 2007 the year of the fight against corruption, publicly admitting that state enterprises and institutions were riddled with corruption, from the customs department, the General Directorate of Taxes, the National Police and the judiciary to town halls, the Parliament, ministers and even the National Palace¹⁰.

A month later, the Port-au-Prince Government Commissioner, Judge Claudy Gasant, announced a huge operation against corruption, illegal drug trafficking and money laundering in the country. "We are determined to eradicate these practices"¹¹ he announced. The Haitian people became hopeful that change could come about but they waited for the government to prove its good faith in concrete acts.

⁹ Haïti Recto Verso, Guyre Poulard réclame une lutte contre la corruption non partisane, 20 November 2007.

¹⁰ Radio Métropole, Le chef de l'État lance la guerre contre la corruption, 19 May 2007

¹¹ Agence Haïtienne de Presse, Le Juge Claudy Gasant annonce une vaste opération contre la corruption, 3 June 2007.

Judge and party

Judge Claudy Gassant is a key figure in the fight against corruption and on the basis of his past record, he is popular and respected by the people. During Aristide's regime, he forged a solid reputation and was considered to be incorruptible and willing to take risks.

Claudly Gassant studied law in France where he specialised in criminal science. After two years at the French Magistrates School, he became an instructor at the Haitian Magistrates School (EMA). In 2000, he was commissioned to investigate the murder of journalist Jean L. Dominique. As a result he received death threats in 2001, when he linked the name of Senator Dany Toussaint with the murder of the most well-known Haitian journalist. During a meeting held on June 6 2001, the decision had been taken to assassinate Judge Gassant before the findings of his investigation were to be published¹². Gassant had suffered threats and intimidation on several occasions. He was the second examining magistrate responsible for investigating the murder of Jean L. Dominique. His predecessor, Jean-Sénat Fleury, decided to withdraw as a result of pressure. Judge Gassant also came under increasing pressure from all sides, including the Senate. On May 25, 2001, Senator Dany Toussaint was formally indicted. He immediately accused Judge Gassant of having put pressure on the defendants to implicate him in the murder of the journalist. The Senator's followers organised several demonstrations in Port-au-Prince demanding the Judge's arrest. Dany Toussaint did not appear at any of the three summonses. On June 13 2001, Judge Claudy Gassant announced his resignation and left the country for security reasons. He accused the Justice Minister, Gary Lissade, a former lawyer for Dany Toussaint, of not having provided adequate security measures to ensure his safety. Judge Gassant went back on his decision a few days later following appeals nationally and by the international community. But on January 9, 2002, he sought and was granted political asylum in Florida¹³.

The inquiry into Jean L. Dominique's murder revealed the complexity and extent of corruption in Haiti. Eight years later, the case remains unsolved and the journalist's murderers are still at large.

In 2007, in recognition of his bravery in investigating the journalist's death, Claudy Gassant was named as one of three finalists for the Integrity Prize (2007) awarded by Transparency International.

When René Préval named Claudy Gassant as Government Commissioner on 21 August 2006, those who were corrupt became apprehensive while civil society rejoiced in this nomination, hoping that Gassant would advance the fight against corruption in Haiti. After his forced asylum in the United States, the former judge arrived with great expectations regarding his post as Government Commissioner. As soon as he took office, he tackled a new challenge: to make the Attorney's office a dynamic, accessible and efficient institution. In 2007 he launched the campaign to fight against corruption announced by the President. Gassant quickly became the "strong man" of the Attorney's office, making a name for himself more for his escapades and his confrontational character than for specific actions. For two years, he often made the headlines with inopportune declarations about his open conflicts with influential sectors of society: lawyers, judges, police, journalists, etc. He forged a reputation for himself as a magistrate with immense power who claimed to answer only to the President. Representatives of Haitian society accused him of having a marked tendency to excess and abuse of power and there was evident interference by the Executive in the judiciary. Drunk with power, the

¹² Reporters sans Frontières, Nouvelles menaces dans l'enquête sur l'assassinat du journaliste Jean Dominique, 12 June 2001

¹³ Reporters sans Frontières, L'Affaire Jean Dominique en 14 dates clés, 28 March 2002.

extravagant cortege that accompanied Gassant “sowed fear in its wake wherever he went including nightclubs, the preferred spot for brawls and the settling of differences Wild West style, resembling the absolute power wielded by the falcons during the Duvalier dictatorship”.¹⁴

On August 11 2008, implicated in a series of incidents that had tainted relations between Justice and the National Police, Claudy Gassant resigned on 19 August 2008 and left for the Dominican Republic, where he has just been appointed to the Haitian Consulate in Santiago. Corruption in Haiti is alive and shows no sign of disappearing in the near future.

IDT/Téléco/Aristide

In 2007, René Préval released Aristide’s followers who had been involved in corruption, drug trafficking and/or extortion, a fact that was deplored by human rights associations. However, in 2008, the opportunity arose to prove that he was truly committed to fighting against corruption and this was the IDT/Téléco/Aristide case.

On 15 July 2008, after years of investigation, New York journalist Lucy Komisar posted evidence on the website portefolio.com that Jean Bertrand Aristide had extorted millions of dollars from the State and the Haitian people by passing a fraudulent contract with the New Jersey-based telephone company IDT. The results of this investigation led to a fine of 1.3 million dollars for James Courter, president of IDT and one of the main fundraisers for the presidential campaign of the Republican candidate, Senator John McCain. Four days after Komisar’s revelations, James Courter handed in his resignation to McCain, while nevertheless remaining president of IDT.

The contract made between IDT, Téléco and Aristide was drawn up in 2003. For each minute of long-distance calls made to Haiti through Téléco, IDT only paid 8.75 US cents while other providers such as ATT paid 23 cents. This rate was deemed to be unfair by the Federal Communication Commission (FCC) leading to the fine against Courter, former Congress member for New Jersey. According to FCC, IDT had also systematically breached American communication laws. For each minute of a call to Haiti, three American cents was lodged by Téléco in a bank account in Aristide’s name using a front company called Mount and Salem Management located in the fiscal paradise Turks and Caicos Islands. “This offshore account was a personal account belonging to Jean-Bertrand Aristide”, emphasized Komisar, who claimed to have personally spoken to Aristide’s legal advisor, Adrian Corr. This lawyer, of the firm Miller, Simons and O’Sullivan, had opened the account in the former President’s name after signing the contract between ICT and Téléco in November 2003 ¹⁵.

Following the revelations in the IDT/Téléco/Aristide case, the Heritage Foundation for Haiti (LFHH), the Haitian branch of Transparency International, urged the Haitian judicial authorities to institute proceedings against Aristide, Courter, Téléco and IDT and thus prove their will to combat corruption and impunity. The Foundation warned Haitian justice against any laxity in this case of misappropriation, fraud and illegal discounts that deprived Haiti of revenue from telephone calls totalling hundreds of millions of dollars. “These funds which could have been used to improve the population’s living conditions, were diverted towards offshore accounts”, stated the Foundation in a press release.

In addition, the Foundation urged the Parliament, particularly the special Anti-corruption Commission and the Senate Ethics Committee, to take this case of corruption to court in order to ensure that the judicial authorities fully assumed their responsibility in punishing this

¹⁴ Radio Kiskeya, Le commissaire Claudy Gassant jette l’éponge, 11 August 2008

¹⁵ Nancy Roc, Aristide épinglé dans des détournements de fonds à travers la Téléco, Le Matin, 25 July 2008..

economic crime ¹⁶.

It is evident that after the publication of these revelations, any responsible government would initiate legal proceedings against Aristide as well as IDT. However, nothing has been done, either by the Executive or the Legislature, and the announcement of a parliamentary investigation has come to nothing.

Troubling signs

Denis Paradis, Parliamentary Secretary for the Canadian Foreign Affairs Minister, had personally observed the extreme levels of corruption that existed in Haiti during his week-long stay in 2001 on the invitation of the Canadian ambassador: "If the Canadians treated their animals the way the Haitian authorities treat their citizens, they would be put in prison", and he added, "dignity has disappeared and the country is a ticking bomb that needs to be defused immediately"¹⁷. Under Jean-Bertrand Aristide, corruption reached an unprecedented level but, since then, no effective initiatives have been undertaken against this phenomenon that erodes all levels of Haitian society leading to disastrous consequences for Haiti's development.

The Corruption Perception Index (CPI), published in November 2006 by Transparency International, highlighted the fatal link between corruption and poverty. Haiti was at the bottom of the list where corruption was most widely perceived, scoring below Burma, Iraq and Guinea. In 2007, the Corruption Perception Index again showed that corrupt practices had not been mitigated despite the stated intentions of the Haitian government to combat this scourge. In fact, Haiti's score shifted downward slightly (from 1.8 to 1.6) owing largely to a very weak "confidence gap" between 1.3 and 1.8 out of 10¹⁸. TI underscored that corruption affects both public institutions and the private sector. In 2008, the result was no better: Haiti came 177th out of 180 countries, the only American country among the last 15 in the ranking, ahead of only three countries: Iraq 178th, Burma 179th and Somalia 180th.

"Eradicating corruption requires Parliament to exercise strict control, the effective application of laws, the existence of independent media and a dynamic civil society", stated Huguette Labelle in this report, President of Transparency International. "When institutions are weak, corruption grows and gets out of control with terrible consequences for society as a whole including widespread injustice and inequality"¹⁹. In the rest of this article, the role of the Haitian Parliament, the media and civil society will be examined in relation to the fight against corruption.

In 2007 and 2008, the Haitian Parliament was tainted by several cases of corruption.

-In March 2007, the Haiti Heritage Foundation urged the Senate to shed light on the SOCABANK case in which several senators allegedly received bribes to vote a resolution in favour of this bank unbeknownst to other parliamentarians. The President of the Senate has been linked to those who received bribes. There has been no follow-up to this "inquiry".

-In September 2008, Senator Michel Cléirié revealed that the Prosecutor's office was investigating a network of forgers in the Prime Minister's office and in Parliament although he denied any responsibility in this scandal involving misappropriation of public funds. The investigation links job requests and the payment of funds between the Prime Minister's office, the Senate and the National Insurance Office (ONA). The ONA affair came to nothing in view of the President of the

¹⁶ Haitipressnetwork, Haïti-Téléco-IDT-Scandale : Héritage-Haïti demande l'ouverture d'un procès, 1 August 2008.

¹⁷ Michel Vastel, Haïti mise en tutelle par l'ONU ?, 15 March 2003.

¹⁸ Radio Kiskeya, 177ème sur 180, Haïti reste dans le peloton des pays les plus corrompus, selon Transparency International, 26 September 2007..

¹⁹ Transparency International, Indice de Perception de la Corruption 2008, 123 September 2008.

Republic's support for Sandro Joseph, ONA director.

-Yet again in September, another corruption case was disclosed in Parliament. A popular organisation was accused of faking the signatures of MP Cledor Myril and former Senator Evelyne Cheron in order to claim 30,000 US\$ funding for a project. Deputy MP Myril maintains that the funds being requested from the ONA by the fictitious organisation had never been disbursed owing to opposition by the Prime Minister's office. Two people have been detained in this case and no further action has been taken.

-In December 2008, Senator Joseph Lambert's name was linked to the case of Monique Pierre, the wife of Gonaïves Police Commissioner Ernst Bouquet Dorfeuille, who was abducted and murdered on November 29 in Port-au-Prince. The official registration plate OO332 used by the kidnappers corresponded to the vehicle in Senator Joseph Lambert's name. This assassination was linked to drug traffickers and Kelly Bastien referred to "a plan to destabilise Parliament" and called for the top commanders of the Haitian National Police to be summoned to give explanations. This summons never took place.²⁰

Regarding independent media, fighting against corruption in Haiti can be very dangerous for journalists. Several have been killed or have fled into exile, because of their involvement in this fight. Access to information is like negotiating a minefield: "It is a major challenge in countries like Haiti that have lived under dictatorships. Public administration systems are based on secretiveness, and all information, no matter how insignificant, is jealously guarded by the holders of power and by public officials who do not accept the obligation of accountability to citizens. This opacity can cause endemic widespread corruption which undermines the confidence of those who are governed towards the government "²¹. This comment by Alex Durandis, rapporteur of the Institut de Formation du Sud (IFOS) during a conference on access to information organised by the Haiti Heritage Foundation in June 2007, sums up the difficulties face by the independent Haitian press.

The same can be said of Haitian civil society: "it is now agreed that effective and active participation of citizens is essential for good governance and the fight against corruption. Citizen participation, when it is active and effective, can have a significant impact on the political system in which it evolves, on good governance and on the fight against corruption. This participation also makes visible the engagement and responsibility of citizens regarding the decisions and actions that have an impact on their lives, community and country. Knowledge is power and those who possess it become influential actors rather impotent spectators when faced with decisions and actions by their leaders. Any attempt to guarantee access to information for citizens, and to open states institutions and government organisations to external inquiries, will enhance citizen participation and thus advance the fight against corruption"²².

Alex Durandis also stressed that enabling citizens to participate in an informed and active manner involved having access to relevant data about politicians, their programmes and governmental budgets. The 1987 Constitution provides for this but the appropriate legal framework has not yet been created. To date, the legal framework guaranteeing access to information is weak and has only been reflected in the Public Administration Law, 1982, the Inter-American Convention Against Corruption ratified by Haiti in 2001 and the United Nations Convention Against Corruption recently ratified by Haiti. In February 2006, the Haiti Heritage Foundation (LFHH) launched an appeal for the 48th legislature to ratify the United Nations Convention Against Corruption which concluded in May 2008. Simultaneously, and with the aim of harmonising Haitian legislation with the UNCAC provision regarding access to information, HHH prepared a draft bill on Free access to information that will be presented to the Haitian Parliament for approval.²³

²⁰ Nancy Roc, Un scandale de trop, Le Matin, 12 November 2008.

²¹ Alex Durandis, Fondation Héritage pour Haïti, Colloque sur l'accès à l'information - Pour un dialogue autour du droit à l'information, 23 May 2007

²² Alex Durandis, Fondation Héritage pour Haïti, Colloque sur l'accès à l'information - Pour un dialogue autour du droit à l'information, 23 May 2007

²³ Ibid.

2008: annus horribilis for corruption

“2008 was a difficult year for Haiti. The crisis provoked by increased living costs, riots in April, the fall of the government, almost five months of political deadlock and, finally, four hurricanes in less than four weeks, have brought on the people of Haiti an unprecedented level of destruction and suffering (...) the damages inflicted by the hurricanes are estimated at about one billion US dollars, roughly 15% of Haiti’s 2007 GDP”, declared Hédi Annabi, Special Representative of the UN Secretary General and Head of MINUSTAH on 8 January 2009, during a press conference.²⁴

International solidarity towards Haiti, once again, was amply demonstrated in 2008. In the wake of the hurricanes countries such as Spain, France and institutions such as the Inter-American Development Bank (IDB), announced that they would double their aid to Haiti. The US, Canada, the European Union, the Caribbean Common Market (Caricom) countries, Switzerland and Japan, among others, assisted Haiti during this difficult time²⁵. United Nations agencies launched a flash appeal, seeking 108 million dollars to repair damages caused by the floods. However, the international community has been reluctant to respond to this urgent appeal: to date, only 24.8 million dollars have been raised, according to the UN Secretary General’s spokesperson, Michèle Montas²⁶.

On 26 September 2008, at the United Nations, President Préval urged the international community to break the paradigm of charity in its approach to cooperation with countries of the South, declaring that “charity has never helped any country to escape from under-development”. But, to no avail: donors have been slow to assist Haiti and the international financial crisis is in danger of prolonging this tendency in donors.

Why this reluctance in the face of such a humanitarian catastrophe? According to many observers, two main factors restrained the generosity of the international community towards Haiti: rampant corruption in the country and also structural problems in the Haitian state. Overseas cooperation has contributed over 2.6 billion dollars since 1994, with no obvious benefits. Major corruption scandals also marred 2008. In addition to the IDT/Téléco/Aristide case and corruption in the Senate, two major scandals broke in 2008: the National Insurance Office scandal concerning old age pensions and, in December, the haul of narcodollars in Port-de-Paix by members of the National Haitian Police and Judiciary.

The ONA case: the National Office for Old-Age Insurance (ONA) was set up in November 1965, by a presidential decree under François Duvalier. It was a state body forming part of the Haitian public administration, responsible for social security.

Between September and October 2008, cases of embezzlement, corrupt management, fraudulent administration and misappropriation of public funds were reported at the ONA. According to the International Network of Human Rights Defence (RNDDH), “taxpayer’s money went towards buying expensive gifts and providing loans worth tens of millions of gourdes to the benefit of officials and individuals close to those in power. An investigation by the Anti-Corruption Unit (ULCC), brought the case to the Prosecutor of the Court of First Instance at Port-au-Prince, and recommended taking action for assets laundering against the then Director of ONA, Sandro Joseph.”²⁷

On 15 October 2008, the case was transferred to the office of the examining magistrate, Yves Altidor, for investigation but nothing ever came of it. According to reliable sources, President Préval interrupted the inquiry when he found out that his sister had received a loan from ONA. Several people close to government had also received loans, including four influential Senate

²⁴ www.minustah.org (MINUSTAH.ORG), Conférence de presse du Représentant spécial du Secrétaire général, Hédi Annabi, 8 January 2009

²⁵ Djems Olivier and Ronald Colbert, Haïti : Désastres environnementaux et crise gouvernementale, deux points forts de l’année 2008, Alterpresse, 22 December 2008.

²⁶ Signal FM, L’ONU a collecté 24,8 millions de dollars en faveur d’Haïti, 24 octobre 2008

²⁷ RNDDH, Violation du Droit à la Liberté Individuelle, 6 January 2009

members, among whom were Kelly Bastien, President of the Senate and Joseph Lambert, former President of the Senate, who had both borrowed heavily from ONA²⁸. ONA Director Sandro Joseph was the subject of a warrant for laundering money. The Anti-Corruption Unit stated in a report that Joseph had infringed the Law of 21 February 2001 on money laundering.²⁹

However, after a lengthy political and judicial saga, Sandro Joseph evaded conviction and was simply “removed” from his position by the President of the Republic. In fact, Haitian legislation grants the President of the Republic the prerogative to decide if a senior State official should be tried or not when the official has been accused for any reason. The Executive promptly replaced Joseph with Jean Alix Boyer. The investigation was inconclusive and Joseph subsequently left Haiti for a Latin-American country.

One of the most serious corruption scandals broke in December 2008. If indeed, as Saint Just declared, “institutions are the guarantee of the government of a free people against the corruption of moeurs, and the guarantee of the people and of the citizens against the corruption of the government”, Haitians seem further than ever from the freedom they won so dearly in 1804. Because it is within the institutions intended to guarantee good government, and the application of the Law, that the scandal which became known as the “Port-de-Paix scandal”, unfolded. Early December, a report published by Police Chaplains International (PCI) revealed that between 10 and 32 million US dollars had been found during a search on November 12, 2008 in Port-de-Paix (Nord-Ouest), in the home of the uncle of drug trafficker Alain Désir, imprisoned in the US.

According to the report by PCI, affiliated to the Drug Enforcement Agency, the misappropriated funds were split between members of the judiciary and the police in Port-de-Paix. PCI investigators spoke to several police officers, most of whom have corroborated the find. The money was allegedly divided between magistrates and police officers. Senator Evailière Beauplan has been associated with this scandal and information points to the fact that 20,000 dollars had been reserved for Beauplan. The government’s silence for almost one month following on the publication of the report was considered unacceptable by many observers. However, the Justice Ministry ordered all actors to be available for questioning: government commissioners, justices of the peace and the clerks involved in the search of the house of Alan Désir’s uncle. The President of the Anti-Corruption Commission of the Lower House, Steven Benoît, considered the report to be a damning indictment of the Executive and Parliament.

“The raid of the house of Alain Désir’s uncle on November 12 last was a regular search during which objects of value and an undisclosed large sum of money were taken by the judicial and police authorities”, according to a report published on December 30 2008 by the National Network of Human Rights Defence (RNDDH). The Network requested the “government to prosecute the guilty parties so they will be punished according to the law”. According to the RNDDH report, those who had received their share of the money were: Dumas Loudior, clerk of the Prosecutor’s office of the Court of First Instance at Port-de-Paix, Sainvilia Saint-Charles and Kerline Jean, both of whom had recently been named secretaries of the Port-au-Paix Civil Court, Patrick Eugène, Deputy for the government commissioner at the Civil Court of Port-de-Paix, Jean Volné Bellamin deputy for the government commissioner at the Civil Court at Port-de-Paix, Harry Registre, municipal inspector responsible for the departmental service of the Judicial Police and spokesperson for the Haitian National Police (PNH) in the Nord-Ouest department, and Jordany Lazar, a PNH officer.³⁰

²⁸ Haitipressnetwork, Haïti : Quelques scandales qui ont élaboussé le Parlement en 2008, 29 December 2008.

²⁹ Le Nouvelliste, Les jours de Sandro Joseph sont comptés, 16 October 2008.

³⁰ RNDDH, Scandale au niveau de l’appareil judiciaire : appel au respect de la loi et à la moralisation des pratiques judiciaires et policières, 30 December 2008.

The Parliamentary Commission investigating this case confirmed the involvement of members of Justice and the Police in the operation carried out on the 12 November at Port-au-Paix. This operation “was a robbery in which senior officials of the Justice department and the police of the Nord-Ouest seized and shared out large sums estimated at around 10 million US dollars”, according to the report by the parliamentary commission responsible for investigating this case. According to the report’s conclusions, published January 20 in Port-au-Prince, all the police officers and members of the Judiciary who took part in these searches were guilty and therefore should be arrested and prosecuted by the competent authorities³¹. The Parliamentary commission also demanded their dismissal from the judicial system and police with a view to “reforming justice and restoring the population’s confidence in state institutions”. This is the third report relating to this case. It was produced by a commission co-chaired by Deputy Arsène Dieujuste, President of the Justice and Security Commission in the Chamber of Deputies, and Senator Youri Latortue, President of the Senate Justice and Security Committee. Deputies Audné Alcide and Joseph Nelson Pierre-Louis were respectively member and reporting secretary of the aforementioned commission.

The Port-de-Paix scandal is still pending and many Haitians doubt whether justice will be done. The population of the Nord-Ouest department has lost confidence in the judicial and police authorities after this scandal and, today, this pending case is still making headlines in the Haitian press.

CONCLUSION

“In the poorest countries, corruption levels can mean the difference between life or death, when money for hospitals or clean water is at play”, has warned the President of Transparency International, Huguette Labelle, in the latest report by this international NGO. “Persistently high levels of corruption and poverty affecting many countries in the world are comparable to a chronic humanitarian catastrophe and should not be tolerated”, she stresses. And in fact, if corruption did not exist in Haiti, the question arises as to how many millions of dollars would have benefited the poorest people in the hemisphere. Corruption – defined as the “abuse of public power for personal ends” – is one of the major obstacles to development and its effects on development are disastrous.

In analysing some of the effects of corruption on development, Dieter Frisch, former Director General for Development at the European Commission and founder member of Transparency International, notes that corruption increases the cost of services and equipment considerably. If a 5% profit margin could, at the most, be borne by the provider, corruption rates of 10 to 20%, which have become usual, are added to the price and paid out of the internal or external resources (in the case of external funding) of a country. Therefore it is the national economy that bears the unjustified price increases of the product or service, the difference being pocketed by a government official or politician who abuses of his power for his own private interests. When these operations are regularly financed by bank loans, or credit lines in the case of external aid, the exorbitant prices increase the country’s debt even further. Today, it is estimated that the exchange value of sums paid through corruption constitutes a significant portion of the external debt of developing countries.

For Frisch, the detrimental effects of these practices do not end there: “the corrupt decision-maker may well be tempted to accept a substandard quality service that will increase his profit margin. Thus, for example, with a road building project, complicity between the administration and the company may result in corner-cutting with regard to agreed standards of quality so that the savings made may be shared. At their very worst, the disastrous effects of corruption mean that the conception of a project and ultimately its very choice, are determined by

³¹ Radio Vision 2000, Pillage de narcodollars à Port-de-Paix: La commission d’enquête parlementaire confirme l’implication de membres de la Justice et de la Police, 21 January 2009

corruption. When a project is in the conception stage, a good example would be the purchase of a technology which is wholly unsuited to the particular needs of a country or the choice of a capital intensive project – more promising in terms of corruption – rather than a labour-intensive project that would better promote development”³².

Thus, for Dieter Frisch, the height of perversion is when the very choice of priorities – and therefore projects – is determined by corruption. Haiti has not quite reached that stage perhaps but, what is troubling is that, in Haiti, corruption is not only habitual culturally but is also morally accepted. The destructive effect even of small-scale corruption on society should not be underestimated. On the other hand, the Haitian case reveals that it is locked into a vicious circle: corruption is one of the causes of underdevelopment and poverty, but poverty contributes to its spread. When one cannot earn the means honestly to provide for one's family, one is practically obliged to use less honest means. Corruption is thus both the cause and consequence of under-development. In order to break this process, large-scale corruption must be combated as it is a significant cause of under-development and the reasons for its extension in society must be eliminated, particularly the low incomes that prevent a decent livelihood.

Generally speaking, it can be said that corruption kills the spirit of development. Nothing is more destructive for society than the road to fast easy money which makes those who work honestly and hard look like naïve fools. That is why, in the framework of economic reforms called “structural adjustment”, it is important that the model proposed should be a market economy, embedded in legislation by an effective State, which does not give free rein to savage capitalism aimed at fast profits at any price.

An economy riddled with corruption acts as a deterrent for potential foreign investment and donors. Development implies that the financial flows should be attracted to the country that needs them. “Success calls money. Squandering, failure and chaos make it flee”, as Serge Michailof said³³. Haiti has a long way to go in order to rehabilitate its image and restore the confidence of donors, investors and the international press in general. Its real development will also depend on the political will of the State to combat corruption at all levels.

³²Dieter Frisch, Les effets de la corruption sur le développement, le Courrier ACP-UE no. 158, July-August 1996: pp. 68 - 70

³³Dieter Frisch, Les effets de la corruption sur le développement, le Courrier ACP-UE no. 158, juillet-août 1996: pages 68 - 70

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