The People of Haiti Port-au-Prince, Haiti

May 29, 2021

Via Email & U.S. Express Mail

The Honorable Julie J. Chung Acting Assistant Secretary Bureau of Western Hemisphere Affairs

Dear Ms. Chung,

cc: Distribution List At Page 4

This letter is written by representatives of, as represented by the signers of Attachment "B" (hereafter referred to as "*The People of Huiti*"). We are pleased to have read your email dated May 18, 2021 (Attachment "A"). Thank-you for honoring Haitian Heritage month. Your email demonstrates a unique and in depth knowledge of our history. As such, you know that Haiti is the first free black republic formed in the world over 200 years ago!

The forming of Haiti as a democratic republic was made possible by the spilling of Haitian blood, first to free us from slavery and then to gain independence from France: 200,000 Haitians killed and many more wounded. Many Americans don't realize that because of this Haitian blood, not only did the French leave Haiti, they left North America, "fire selling" the "Louisiana Territory" to the U.S which now includes the entirety of Arkansas, Missouri, Iowa, Oklahoma, Kansas, and Nebraska; as well as large portions of Louisiana (including New Orleans), North Dakota, South Dakota, Montana, Wyoming, Colorado, Minnesota, New Mexico and Texas... Our blood also led to the freeing of black slaves throughout the world including those in the United States.

Due To Haitian Blood, Black Slaves Worldwide Were Freed And The U.S. Doubled In Size

As you also know, our own democracy has now been taken. We are no longer free but instead are controlled by the authoritarianism of Jovenel Moise. Moise has stolen the democracy Haitians died to create. He has "unchecked executive power." As you state with your email:

"Legislative elections that should have been held in 2019 are long overdue. And, what has been the result of this delay? An unchecked executive power since January 2020, as the lower house no longer exists, and there are too few Senators to reach a quorum. There is no separation of powers and no way for the branches of government to hold one another accountable. This situation calls into question the core precepts of Haiti's democracy."

The Democracy Haitians Died For Has Been Taken

Further, Moise is using his power and militia to inflict numerous and *continuous* humanitarian violations on our people:

"(April 22, 2021, Port-au-Prince, Haiti; Cambridge, MA) — Three deadly massacres targeting impoverished neighborhoods in Haiti were carried out with Haitian government support and amount to crimes against humanity."

(Source: "Killing with Impunity: State-Sanctioned Massacres in Haiti, HYPERLINK "http://hrp.law.harvard.edu/wp-content/uploads/2021/04/Killing With Impunity-1.pdf" Harvard Law School's International Human Rights Clinic and the Observatoire Haïtien des Crimes contre l'humanité (OHCCH) The report analyzes the situation under international criminal law and relies on evidence collected by a range of Haitian and international actors over the last few years including, but not limited to, Haitian human rights organizations, the United Nations and the Haitian Judicial Police).

According to Joey Bui, a co-author of the Harvard report during a May 3 virtual conference. "The scale, pattern and intensity of massacres and other violence in these attacks indicate that they are not isolated or random," (Source: Haitian Times May 5, 2021).

Moise has shown he intends to use his power, intimidation and unending wide scale brutality to broaden and extend his control of Haiti by establishing a new "Constitution" in just a few weeks. Even worse, this "Constitution" would provide impunity for his crimes. If this "Constitution" is "enacted," it will be without legitimate legal authority, it would contravene elections and the current "crisis" could "morph" into violent and deadly pandemonium throughout Haiti. We pray this does not happen, but time is running out; as you know, a "fuse" has been burning since February 7! Something must be done soon.

Haitians are *thoroughly* convinced that even <u>IF</u> elections were ever organized by the current administration, these "elections" would be not be fair and therefore they would compound the current crisis. Thus, as you say, Haiti is "paralyzed": no elections cause chaos, but, *fair* elections organized by the current administration are widely believed to be unrealistic. **Therefore** ... **Haiti needs a transitional government to restore Haiti's democracy and freedom.**

This complex situation and the truly relevant questions of your email have been addressed by the "true leaders of Haiti." Your questions are highlighted in yellow on Attachment "A" and have been addressed by us as explained with the following paragraphs.

Belief That The Moise Administration Would Hold Fair Elections Are Naïve And Unrealistic

"....who would those people be?" "How would they be chosen?"

The true leaders of Haiti have bridged differences for the good of their people to break-out of the current paralysis. They hold *legitimate* and formal positions of leadership of religious organ izations and civil societies chosen and duly appointed by their respective constituents. **Their constituents represent approximately 80% of the population of Haiti.** By way of a written decree (Attachment "A", the "Decree") they ("we") have proposed the transitional government Haiti urgently needs. The "who" we have vetted to lead the transitional government is Christian E. Sanon, a Haitian, a medical doctor, a pastor and a man we believe can lead us out of our crisis. As set forth by the Decree, the interim government shall serve the Haitian people for



three (3) years with the primary objective of organizing *fair* democratic elections and restoring a functional multi-branch government. We, together with Dr. Sanon, have already selected "who" would be interim acting ministers etc. of this transitional government. This interim government has been well thought-out, well planned and is ready for implementation to lead the people of Haiti out of the current paralysis and back to democracy.

"To which constituents would they be accountable?"

As stated above, the transitional government would be accountable to those who organized it by Decree and by extension, accountable to the Haitian population they represent. More so, we intend that the transitional government be accountable to *all* of the people of Haiti.

"As an extraconstitutional governing body, which law would determine their mandate?"

As the lower house no longer exists, there are too few Senators to reach a quorum and Jovenel has jailed many judges. This is the complex situation that causes what you term as "paralysis." Simply stated, there can currently be no formal "law" providing mandate to an extraconstitutional governing body.

Would a transitional government prevent further chaos?

Yes. A transitional government chosen by the people, dedicated to serving the people, will prevent chaos by *lawful* Haitians. As to the *unlawful* gangs, kidnappers, etc., the interim government is already prepared to *immediately* address these rogue players.

Would a transitional government restore timeliness to Haiti's electoral calendar?

As stated by the Decree, the transitional government will have the primary objective of organizing *fair* democratic elections and restoring a functional multi-branch government within three (3) years.

Questions Related To A Transitional Government Have Been Addressed By Haitian Leaders

Ms Chung Letter (cont.)
Page 3

As you say, the notion of a transitional government is "tempting." We believe it is much more than tempting. We believe a transitional government is the only way out of paralysis. We also believe, for many reasons, that this transitional government should be formed by Haitians; not by occupation etc.. The true leaders of Haiti at this time are the community and religious leaders of the people; they are the only functioning "authority;" they are the "Who" answer to that "How" would these leaders on behalf of their people form and interim government? This is by way of a written decree signed by these leaders which represent the majority of the Haitian people (this has been done and is attached). Would this cause further chaos? To the contrary, a government chosen by its people for the people will reduce chaos ... this is the best scenario to reduce chaos (vs. occupation).

The interim government *The People of Haiti* have proposed would be in place for three (3) years and would be dedicated to organizing formal democratic elections. The people of Haiti have chosen who would lead this interim government. They have chosen Christian Sanon, a Haitian, a medical doctor and a pastor. He has pledged to have a government that serves the people, not one whose people serve the government.

A Transitional Government Formed By Haitians Is The Best Solution To A Complex Situation

On February 13, 2021, the Lowenstein International Human Rights Clinic at Yale Law School, the Harvard Law School, and the Global Justice Clinic at New York University School of Law released a joint statement to the United Nations in part by calling on the U.S. government to do the following (*The People of Haiti* ask for this also):

- Denounce recent acts by President Moïse that escalate the constitutional crisis.
- Clearly affirm the right of the Haitian people to self-determination. The United States should neither insist on nor support elections without evidence of concrete measures to ensure that they are free, fair, inclusive and not undermined by attacks on political opposition, the media and Haitian civil society.
- Reaffirm U.S. support of the right to peaceful protest, call for Moïse and Haiti's security forces to respect this right, and condemn the recent violence against protesters and journalists.
- Call for investigations into and prosecutions of those responsible for gross human rights violations allegedly committed by, or with the support of, the government.
- Refrain from politically or financially supporting the unconstitutional referendum proposed by Moise.
- Halt all deportation and Title 42 expulsion flights to Haiti, in light of the constitutional crisis, nationwide unrest and political turmoil that is intensifying on a daily basis.

You write, "Many hands make light work." Indeed, escaping the brutal authoritarianism of Moise and fixing our many multidimensional issues caused by natural disasters and years of government ineffectiveness will require many hands. As such, we ask for your support, the support of religious and governmental leaders throughout the world, including leaders of the U.S. specifically those copied with this letter. Finally, we ask all of our black brothers and sisters in the U.S., Haitian diaspora and others, to reach out to their leaders and ask them to support us. U.S. support will send a very important message to Moise that could possibly lead to a peaceful and orderly transition of power to the people of Haiti which is what we have strived to accomplish.

We thank-you for caring about Haiti and we thank all receiving this letter for any support they can provide for our struggle to regain our freedom.

Sincerely.

The People of Haiti

Ms Chung Letter (cont.)
Page 4

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The Haitian Times

The Miami Herald

The New York Times

Global Justice Clinic at New York University School of Law

Harvard Law School's International Human Rights Clinic and the Observatoire Haïtien des Crimes contre l'humanité (OHCCH)

Lowenstein International Human Rights Clinic at Yale Law School

Attachment "A"

Email Bureau of Western Hemisphere Affairs

Working Toward a Democratic and Prosperous Haiti: U.S. Views

REMARKS

JULIE J. CHUNG, ACTING ASSISTANT SECRETARY BUREAU OF WESTERN HEMISPHERE AFFAIRS HAITIAN DIASPORA STAKEHOLDER CALL

WASHINGTON, DC

MAY 18, 2021

Thank you. Good morning. I would first like to wish you a wonderful Haitian Heritage Month. I wish we could be together in person this morning. This month gives us an opportunity to reflect upon and celebrate Haiti's many contributions to the world, and especially to the United States. Today is also Haitian Flag Day – a day to commemorate the creation of Haiti's national flag. I recognize you may have other important events to attend, and I know there is a march planned here in Washington, D.C. So I wanted to thank you for taking some time out of your schedules to engage with us on this particularly important day for the Haitian community.

Haiti's rich history and culture testify to its great strength and limitless potential. Understanding this gives those of us who care deeply about Haiti the inspiration to continue persevering in our work to support Haiti as it struggles to move beyond this long and difficult period of multidimensional crises.

Most of us are familiar with the proverb, "Many hands make light work." As we consider how Haiti's splintered political environment has paralyzed the country and threatened the well-being of average citizens, these words seem apt. A shared effort is urgently required. Political and civil society leaders must bridge their divisions to accomplish the higher goal of restoring democracy and stability. The more Haitian leaders from diverse sectors of society participate, the easier this task will be.

Every few years, the world anxiously waits to see whether Haiti can overcome its internal divisions to schedule, organize and hold timely elections that lead to a transition of power between one democratically-elected leader and another democratically-elected leader. It should not be this way. In a representative democracy, the people—the people—possess the right to select the leaders who will legislate and govern on their behalf.

This proposition only works if the people can do so on a regularly recurring basis. In this way, electoral democracy forms the foundation of a stable and prosperous state. Countries around the world, and countries throughout Latin America and the Caribbean – countries dealing with security and infrastructure challenges – regularly succeed in doing this despite the problems they face. Countries with serious political divisions overcome their differences to do this – and Haiti can also. Haiti's history makes it a beacon of freedom and its democracy should not be an exception; it should be an example.

Legislative elections that should have been held in 2019 are long overdue. And, what has been the result of this delay? An unchecked executive power since January 2020, as the lower house no longer exists, and there are too few Senators to reach a quorum. There is no separation of powers and no way for the branches of government to hold one another accountable. This situation calls into question the core precepts of Haiti's democracy.

More than that, this period of one-man rule by decree has already led to the announcement of a problematic national intelligence agency, the introduction of dubious definitions of terrorism, the reduced role of key institutions like the Superior Court of Auditors and Administrative Disputes, and the removal and replacement of three Supreme Court judges. The decision to hold a referendum to amend the constitution of 1987 further adds to the controversy, especially without an inclusive and credible consultative process that fully incorporates civil society. Likeminded international partners have

joined local voices in expressing these concerns. BINUH tweeted on April 13 that the constitutional consultation process was "not sufficiently inclusive, participatory, or transparent" and called for the Consultative Committee to engage with a wider range of political and societal actors, including women's and religious groups, across the country. An April 26 Core Group statement by the Ambassadors to Haiti from Germany, Brazil, Canada, Spain, the United States, France, the European Union, the Special Representative of the Organization of American States, and the Special Representative of the Secretary General of the United Nations all echoed BINUH's assessment of the consultative process. Haiti's democracy cannot continue like this.

We believe legislative elections are the democratic way to end Haiti's prolonged rule by decree, and presidential elections are necessary to transfer power peacefully from one democratically-elected leader to another.

Anyone who follows developments in Haiti can see that there are challenges. I personally observed these challenges during my visit to Haiti in 2019, and I urged President Moise to build a government that could tackle issues such as insecurity, corruption, and a lagging economy. Haiti needs a government with functioning legislative, executive, and judicial branches working to move Haiti forward. This is why we call upon all of Haiti's political stakeholders to come together and agree upon the necessary mechanisms to hold free and fair elections in 2021 that are credible and reflect the will of the Haitian people.

There are many voices who disagree that the way to fully restore Haiti's democracy is through free and fair elections, who assert Haiti needs a transitional government to put it back on the democratic path. This may be a tempting notion. But who would those people be? How would they be chosen? To which constituents would they be accountable? As an extraconstitutional governing body, which law would determine their mandate? Would a transitional government prevent further chaos? Would it restore timeliness to Haiti's electoral calendar?

We have seen this before, and learned there are no shortcuts when building a resilient and lasting democracy.

The needs of the Haitian people are far too pressing for elections to be delayed further. You do not hold elections when it's convenient; you hold them when they are due. In the United States, even during the most divisive and contentious junctures in our history – economic downturns, protests, natural disasters, a bloody civil war – elections were consistently held so that our republic could continue to progress.

The United States and Haiti are the oldest republics in the Western Hemisphere. Haiti is one of our nation's oldest friends. We share over \$2 billion in annual trade. Remittances to Haiti, the majority of which come from the U.S., are equivalent to a third of Haiti's GDP. The mutual influence of American and Haitian customs and achievements are evident, and fewer than a thousand miles separate our borders.

One major commonality between the people in the United States and Haiti is our devotion to the idea of freedom. Citizens in both countries look back with pride at our forebearers who valued freedom above all else and risked everything to secure this inalienable right. Haitians and Americans fought and died for freedom and set out to design new visions for our respective republics that had never been achieved before.

Centuries later, the Haitian people are still fighting to see a free Haiti – a Haiti that is free from corruption, free from lawlessness, free from kidnappings, free from poverty, and free from unilateral governance.

We hear the demands of the Haitian people for the security, education, healthcare, jobs, transparency, and opportunity they deserve. My colleagues and I have taken the time to listen intently to the thoughts and fears of Haitians in Haiti as well as in the United States. Will a single election be the magic charm that cures all of Haiti's problems? Absolutely not. And make no mistake – we know how fragile our democracies are. But this does not diminish the fact that Haiti is in dire need of democratic consistency and institutions that serve the people.

When I was in Haiti, I met with inspirational young leaders who each demonstrated an ingenuity, determination, and resilience that should be encouraged and nurtured. The youth are the hope and promise of Haiti, and the opportunities that they are afforded today will impact Haiti's development for years to come. Prosperity simply cannot be achieved when the fundamental rules of democracy are manipulated or ignored. The creation and preservation of strong, democratic processes and structures are long-term institutional defenses against dictatorship, partisanship, and greed. Without stability and rule of law, Haiti will struggle to attract foreign direct investments and retain its brightest minds.

This is why we choose to invest in Haiti's people and institutions over individual leaders and personalities. U.S. assistance in Haiti improves access to basic services, including health, water, education, nutrition, and security. In the last decade, the U.S. government has directly contributed billions of U.S. dollars toward the most immediate economic, nutrition, natural disaster, and COVID-19 response needs. In January, we announced an additional \$75.5 million toward issues like democratic governance and agricultural development. But our investment in Haiti's people will only be successful if Haitians also invest in their own democratic governance.

As living bridges between the United States and Haiti, you also have an important role to play in raising your voices to improve and strengthen Haiti's democracy and economy. You can speak against violence. You can speak against corruption and impunity. You can speak against abuses of power and of civil and human rights. We also hope you will encourage Haiti's political and civil society leaders to negotiate in good faith to find solutions toward a government that works for all Haitians.

The United States, too, will continue to raise our voice and join like-minded partners and international organizations to revive democracy in Haiti and around the world. We will unapologetically denounce authoritarianism, impunity, human rights violations, and corruption, and we will act against those responsible, as we did by sanctioning three former Haitian government officials in December 2020 under the Global Magnitsky Act. Haiti faces many obstacles on the long and arduous path to lasting stability and prosperity, but by joining together, we collectively make the work lighter and we come closer to reaching our shared goals.

Thank you.

Attachment "B" The Decree



RÉPUBLIQUE D'HAÏTI HAÏTI NOUVEL ETAT NATION

Memorandum of Understanding for the refoundation of the Republic of Haiti between personalities and leaders of the active political class, organized civil society, and the religious sector and Cults.

Main objective: Achieve a dual political and reforming transition of the State of Haiti.

Joint statement on the Haitian political crisis

Considering that the end of the constitutional mandate of President Jovenel MOÏSE at the Supreme State Magistracy leads to the vacancy of the Presidency of the Republic, in accordance with article 134.2 of the Constitution of March 29, 1987 amended on May 9, 2011.

Considering the absence of constitutional and legal provisions to provide for his replacement.

Considering that the current Haitian crisis is knowingly political and requires a political solution.

Considering that there is urgency and peril in the remainder, given the dysfunction of the country's institutions and the rampant insecurity that citizens face every day.

Considering that the Republic of Haiti is facing political problems and unprecedented administrative.

Considering in such a case, civil society and large organized groups must mobilize to ensure the future of the country in solidarity, harmony, and peace.

Considering that the State must respond to the demands of its people, without condition none.

Considering that the Legislative Power as co-depositary of Sovereignty National and guarantor of Good Governance is dysfunctional.

Considering that the country is in an exceptional situation and, in such circumstances, we must take exceptional measures to create the conditions allowing us to return, at the appropriate time, to constitutional legality.

Considering that the collective ideal of the Haitian people indicates that there is still time to put the country back on democratic tracks and reminds all the living forces of the nation of the need to come together and unite for restoration state authority.

Considering that this Memorandum of Understanding for the safeguard of the national sovereignty and the unity of the Haitian people, fundamentally aims at the establishment of a New Nation State and:

Aware of the imperative need to ensure without delay the return to a stable security and socio-political environment, which allows all citizens, nationals and foreigners, to freely and fully devote themselves to their personal and professional activities in serenity and peace, and to create the necessary conditions aimed at paving the way for the future elected leaders of the country, who will have the noble responsibility of continuing the work of building a new, inclusive, modern, just, prosperous and democratic Haiti.

After extensive consultations between leaders of the active political class, groups and personalities of organized civil society, religious leaders, the private business sector, the trade union sector, it was decided as follows:

Article I.- The undersigned, after important discussions focus on the Reverend Pastor and Doctor Christian Emmanuel SANON to run for the post of President of the Republic Haiti as part of a breakthrough transition, including the mandate will be for a maximum period of three (3) years.

Article II.- The President of the Republic, once invested in his functions, chooses his Prime Minister from a list of three personalities proposed by the actors of the lifeblood of society, within a period not exceeding seventy-two (72) hours.

Article III.- Immediately after his installation, the Prime Minister enters consultations with the various actors of civil society, the active political class, and other stakeholders of the said Political Agreement for the formation of his government.

Article IV.- It should be emphasized that this Government of the rupture transition will consider in the first place the major demands of the Haitian population, in matters of justice and security.

Article V.- This transitional Government for the refoundation of the Republic of Haiti sets itself the fundamental mission of setting up a system of management of the affairs of the State based on ethics and without any doubtful justifications. Thus, all Ministers, Secretaries of State and other senior executives of the public administration will strive, through their behavior, and in their choices of decision and action, to constantly apply the following values and moral principles: Spirit of service, patriotic sense, obligations of results, integrity, concern for consistency and efficiency, culture of ethics and accountability.

Article VI. - The Haitian Parliament being dysfunctional at the end of the mandate of all the Deputies of the 50th Legislature and 2/3 of the Senate, on January 13, 2020, it was decided to set up an Advisory Board of control composed two (2) Representatives per geographic department and five (5) Representatives of the Haitian Diaspora (2 from the United States of America, 1 from Canada, 1 from South America and 1 from the Dominican Republic). Hence a total of twenty-five (25) members. The rule of 30 percent female attendance will be respected. The Consultative Council participates in the Government's decision-making processes at all stages, in relation to public policy choices and approves them.

Article VII.- A consensus will be found between the sectors necessary for the holding of a Haitian National Conference on the refoundation of the State of Haiti.

Article VIII.- This present Memorandum of Understanding comes into effect upon signature.

Done in Port-au-Prince in several original copies on February 07, 2021.

For Political Parties, representatives of civil society, the trade union sector, religious groups, the private business sector, human rights organizations, peasants - farmers and other stakeholders:

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