

Congress of the United States
Washington, DC 20515

October 15, 2020

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Pompeo:

We write to urge you to use the voice of the United States to support free and fair elections in Haiti that abide by the Haitian constitution. We have been alarmed to see the Trump administration's recent comments on elections in Haiti that appear to imply elections should move forward even without the broad civil society involvement required under Haiti's constitution and despite widespread concerns about the legitimacy of the current electoral process. While it is imperative that we support a return to full democratic order in Haiti, U.S. policy should not push for hasty elections that may further destabilize that nation's fragile political system. We urge you to ensure that U.S. foreign policy toward Haiti does not legitimize undemocratic behavior. The United States, through its statements, policies, and programs, must support an electoral process that adheres to the Haitian constitution and recognizes the critical importance of participation by civil society in any democratic process.

We all agree that elections in Haiti are essential. However, as you know, President Jovenel Moïse has been ruling by decree since January, when the terms of most members of Parliament expired without passage of an electoral law necessary for holding legislative elections.¹ Earlier this summer, the nine members of the provisional electoral council resigned, citing the need for the government to engage in a real dialogue before proceeding with elections.² President Moïse's decision to appoint a new provisional electoral council by decree³ is troubling given its unprecedented mandate to prepare a constitutional referendum and a lack of representation on the council from key sectors of Haitian civil society, which is an established precedent and required by the Haitian constitution.⁴

We fear that recent statements by senior State Department officials could further inflame the current political crisis and impede meaningful dialogue. On September 16, a senior State

¹ Reuters Staff, *U.S. Calls on Haiti to Set a Date for Elections: Pompeo*, Reuters, (Jan. 23, 2020). <https://www.reuters.com/article/us-haiti-politics-usa/u-s-calls-on-haiti-to-set-a-date-for-elections-pompeo-idUSKBN1ZM35H>.

² Jacqueline Charles, *U.S. tells Haiti leaders on delayed elections: 'Do your respective jobs'*, (Sep. 16, 2020). Miami Herald. <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245788370.html>.

³ Andre Paultre, *Haiti moves closer to constitutional referendum, elections*, (Sep. 19, 2020). Reuters. <https://www.reuters.com/article/haiti-politics/haiti-moves-closer-to-constitutional-referendum-elections-idINKCN26B01N>.

⁴ Jacqueline Charles, *Haiti's Supreme Court Declines to Swear in Election Council. Moïse Installed Them Anyway* (Sep. 22, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245930435.html>.

Department official warned members of Haiti's opposition and civil society that they could face "consequences." if they stand in the way of the electoral process.⁵ This warning came just weeks after the assassination of Monferrier Dorval, a constitutional scholar and the president of the Port-au-Prince Bar Association, who had spoken publicly against the Haitian government's unilateral approach to elections.⁶

Many key members of Haiti's civil society have rejected the legitimacy of the newly appointed electoral council, which Haiti's Supreme Court has refused to swear in.⁷ Yet, on September 21, the U.S. Embassy in Port-au-Prince described the appointment of a new council by decree as an "important step," and called for the issuance of an "electoral decree [and] announcement of [a] legislative elections calendar to re-establish Haiti's parliament as soon as technically feasible."⁸ We are concerned that pressure from the United States government to conduct hasty elections, when key stakeholders who play an integral role in upholding Haiti's democracy under the Haitian constitution have been excluded, will only harm public confidence in any upcoming election.

Haiti faces multiple challenges that threaten to derail its democratic process. Port-au-Prince has suffered an alarming increase in violence in recent years.⁹ A coalition of gangs has seized control of major areas of the capital and have appeared to target areas with a high concentration of government opponents in attacks using sophisticated armored vehicles with automatic weapons and tear gas.¹⁰ Recent reporting from two prominent Haitian human rights organizations has suggested that representatives of the Haitian government are attempting to utilize these gangs and armed groups to influence the electoral process. These local human rights organizations have documented specific cases where public officials and state security are supporting armed groups as part of an attempt to exert greater control of the densely populated capital ahead of upcoming elections.¹¹ There are also reports of government ministers intimidating and pressuring civil society leaders and government watchdogs, in one instance using heavily armed, unidentifiable guards to do so.¹²

⁵ Briefing With Senior State Department Official On the Secretary's Upcoming Travel to Suriname, Guyana, Brazil, Colombia, and Texas, (Sep. 16, 2020).

⁶ Jacqueline Charles, *Constitutional Expert Gunned down Hours after Controversial Radio Interview*, Miami Herald (Aug. 29, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245352670.html>.

⁷ Jacqueline Charles, *Haiti's Supreme Court Declines to Swear in Election Council. Moïse Installed Them Anyway* (Sep. 22, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245930435.html>.

⁸ U.S. Embassy Haiti (@USEmbassyHaiti), Twitter (Sep. 21, 2020), <https://twitter.com/USEmbassyHaiti/status/1308124317843103746>.

⁹ H.R. Rep. (2019), United States Department of State Bureau of Democracy, Human Rights and Labor.

¹⁰ Ingrid Arnesen & Anthony Faiola, *In Haiti, Coronavirus and a Man Named Barbecue Test the Rule of Law*, (Aug. 14, 2020), the Washington Post. https://www.washingtonpost.com/world/the_americas/haiti-moise-coronavirus-barbecue/2020/08/14/2554fce4-cf4d-11ea-8c55-61e7fa5e82ab_story.html.

¹¹ Jacqueline Charles, *Criminal Gangs for Hire: Corrupt Cops and the Fight for Votes in Haiti's Next Elections*, Miami Herald (Jun. 26, 2020). <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article243738862.html>.

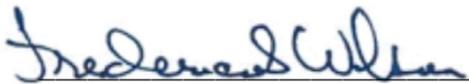
¹² Jacqueline Charles, *Haiti's Public Works Minister is Accused of Intimidating the Country's Watchdog Agency*, Miami Herald. (Sep. 24, 2020). <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245959635.html#storylink=cpy>.

In 2019, more than 100 members of Congress wrote to you to express their concern over rising insecurity and human rights abuses following the La Saline massacre and the repression of peaceful anti-corruption protesters.¹³ At the time, they called on the State Department to ensure that U.S. support for the Haitian electoral process “involves broad outreach to civil society and promotes inclusion and empowerment.” Unfortunately, we fear that the State Department’s recent actions are falling short of this goal and that the human rights situation has only deteriorated further, exacerbated by the COVID-19 pandemic which has strained Haiti’s already chronically underfunded health care system and fostered rumors that have spread distrust in government and health officials.¹⁴

These unique conditions make the prospect of meaningful elections even more precarious. In this context, we fear that statements coming from the State Department that appear to encourage swift elections without regard for the integral role of civil society under the Haitian constitution or the constitutional guidelines regarding the makeup of the provisional electoral council could fuel public concerns about the legitimacy of the election and lead to further instability. We therefore urge the State Department to express support for a democratic electoral process in Haiti that is fair, inclusive, and constitutional. The State Department should recognize Haitian civil society’s necessary role and legitimate concerns related to the lack of an inclusive dialogue, unconstitutional appointments to the electoral council, and government intimidation of civil society actors. These actions are imperative to ensure that the electoral process in Haiti is widely perceived as legitimate so democracy in Haiti can thrive.

We respectfully request that you respond to this letter by Friday, October 30, addressing our concerns and laying out how the Administration intends to express support for free and fair elections in Haiti.

Sincerely,



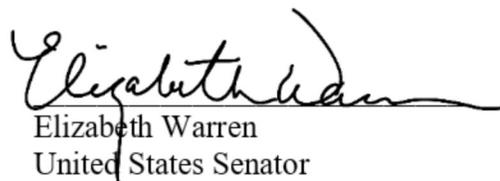
Frederica S. Wilson
Member of Congress



Edward J. Markey
United States Senator



Richard J. Durbin
United States Senator



Elizabeth Warren
United States Senator

¹³ Press Release, Rep. Andy Levin, Reps. Levin and Lee Send Letter to Sec. Pompeo Expressing Concerns over Violence Against Civil Protesters in Haiti (Mar. 27, 2019).

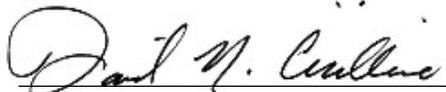
¹⁴ Ingrid Arnesen & Anthony Faiola, *In Haiti, Coronavirus and a Man Named Barbecue Test the Rule of Law*, (Aug. 14, 2020), the Washington Post. https://www.washingtonpost.com/world/the_americas/haiti-moise-coronavirus-barbecue/2020/08/14/2554fce4-cf4d-11ea-8c55-61e7fa5e82ab_story.html.



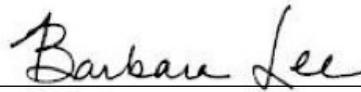
Bernard Sanders
United States Senator



James P. McGovern
Member of Congress



David N. Cicilline
Member of Congress



Barbara Lee
Member of Congress



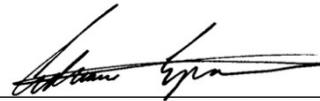
Joaquin Castro
Member of Congress



Eleanor Holmes Norton
Member of Congress



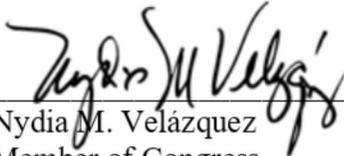
Ted Deutch
Member of Congress



Adriano Espalliat
Member of Congress



Marcia L. Fudge
Member of Congress



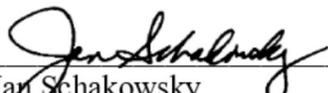
Nydia M. Velázquez
Member of Congress



Stacey E. Plaskett
Member of Congress



Al Lawson
Member of Congress



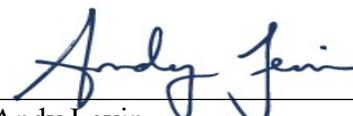
Jan Schakowsky
Member of Congress



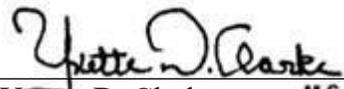
Bobby L. Rush
Member of Congress



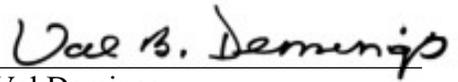
Henry C. "Hank" Johnson Jr.
Member of Congress



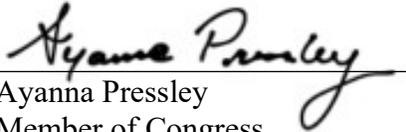
Andy Levin
Member of Congress



Yvette D. Clarke M.C.
Member of Congress



Val Demings
Member of Congress



Ayanna Pressley
Member of Congress



Alcee L. Hastings
Member of Congress

André Carson
Member of Congress

Sheila Jackson Lee
Member of Congress