

United States Senate

WASHINGTON, DC 20510

December 19, 2023

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 25000

Dear President Biden,

More than two years have passed since the assassination of Haitian President Jovenel Moïse, and Haiti has since descended into a calamitous state of insecurity coupled with a spiraling humanitarian crisis. We are writing to express grave concern about the lack of progress Haiti has made in establishing a legitimate, democratically elected government that is supported by the Haitian constitution.

Following President Moïse's assassination on July 7, 2021, there was significant dispute over who would assume leadership within the Government of Haiti.¹ Ariel Henry — who President Moïse unconstitutionally appointed as prime minister — subsequently assumed the role of de facto head of state. To date, Henry continues to hold power as the de facto head of state of Haiti. The People of Haiti did not democratically elect him as president, and the Haitian Parliament did not elect him as prime minister in accordance with the Haitian constitution. He has no constitutional mandate to lead the Government of Haiti, and there are questions about whether he truly represents the People of Haiti.²

On December 21, 2022, Henry signed the National Consensus for an Inclusive Transition and Transparent Elections, together with political party representatives, civil society, and the private sector.³ The document stipulates a 14-month transition period, which would include general elections in 2023 and an elected government transition on February 7, 2024. The document also calls for establishing a High Transitional Council and a Control Body for Government Action, which would be responsible for promoting a political dialogue among various factions and ensuring the proper functioning of public institutions during the transition period.⁴

None of these important steps has materialized, and there is little indication that Henry will honor his commitments to facilitate democratic elections and a peaceful transition of power. On the contrary, many Haitians believe that Henry has no interest in leading Haiti closer to democracy and stability, particularly given his close affiliation with the Parti Haïtien Tèt Kale

¹ Jacqueline Charles, *Two politicians have been claiming they are in charge in Haiti. Now there are three.*, Miami Herald (July 12, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article252693743.html>.

² 2022 Country Reports on Human Rights Practices: Haiti, U.S. Dep't of State (2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/haiti>.

³ *Have Haitians Finally Found the Formula for Moving Forward?*, U.S. Inst. for Peace (Mar. 22, 2023), <https://www.usip.org/publications/2023/03/have-haitians-finally-found-formula-moving-forward>.

⁴ *Haiti: Briefing and Consultations*, Security Council Rept. (Jan. 23, 2023), <https://www.securitycouncilreport.org/whatsinblue/2023/01/haiti-briefing-and-consultations-5.php>.

(PHTK), which has a history of using gangs as a tool of repression.⁵ Indeed, armed gangs now control the majority of Port-au-Prince, and gang violence has precipitated a humanitarian crisis of such severity that on October 2, 2023, the United Nations Security Council approved the deployment of a multinational security support mission to Haiti.⁶

In September of this year, you called upon the United Nations to approve the resulting security support mission to help Haiti stem the surging gang violence.⁷ However, without a functioning, democratically elected government, an international security mission will not sufficiently address the complexity of the current crisis and could effectively reinforce Henry's illegitimate and ineffective rule. Haiti needs a transitional government that has credibility with the Haitian people and the ability and will to hold free and fair elections.

Haiti has a long history of political coups, natural disasters, and public health epidemics. The interplay of these repeated crises has continuously kept the island nation teetering on the brink of collapse. Moreover, although the international community has provided increasing levels of development assistance to Haiti for decades, few, if any, significant improvements have materialized.⁸ Additionally, past United Nations interventions in Haiti have often further complicated matters.⁹ It is, therefore, imperative that the United States (U.S.) employ an augmented approach in bringing stability to Haiti.

To further bolster this effort and to prevent further instability, we seek answers to the following questions:

1. What is the U.S. government's assessment of its efforts to rely on Ariel Henry to stabilize Haiti and organize elections? When does the U.S. expect elections to take place?
2. Will you commit to reengaging with the civil society-led process for creating a transitional government in Haiti, without granting Ariel Henry or PHTK a de facto veto over a new transitional government?
3. Will you commit to moving forward with targeted Global Magnitsky Act sanctions on Haitian elites and officials responsible for colluding with violent gangs and engaging in significant acts of corruption, including relevant leaders of PHTK?
4. What additional steps will you take to stop the flow of heavy weapons and ammunition into Haiti from the U.S. and through the Dominican Republic?

Thank you in advance for your attention to this important matter.

Sincerely,

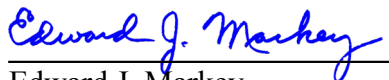
⁵ *Haitian-American Leaders Call on Biden to Dump Ariel Henry*, The Hill (Sept. 25, 2023), <https://thehill.com/latino/4222348-haitian-american-leaders-call-on-biden-to-dump-ariel-henry/>.

⁶ *UN Security Council Authorizes Multinational Security Support Mission to Haiti*, U.S. Dep't of State (Oct. 2, 2023), <https://www.state.gov/un-security-council-authorizes-multinational-security-support-mission-to-haiti/>.

⁷ Agence France Presse, *Biden Urges UN to Authorize International Security Mission to Haiti*, Barron's (Sept 19, 2023), <https://www.barrons.com/news/biden-urges-un-to-authorize-international-security-mission-in-haiti-1c027521>.

⁸ Ebenezer Obadare, *1100 Kenyans Will Not Save Haiti*, Council on Foreign Relations (Oct. 12, 2023), <https://www.cfr.org/blog/1100-kenyans-will-not-save-haiti>.

⁹ Frances Robles & Farnaz Fassihi, *U.N. Approves Kenya-Led Security Mission to Help Haiti Stamp Out Gangs*, N.Y. Times (Oct. 2, 2023), <https://www.nytimes.com/2023/10/02/world/americas/un-kenya-mission-haiti.html>.



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