



## **A PROPOSAL TO SAVE DEMOCRACY IN HAITI**

**US Policy Towards Haiti and Engagement of the Haitian Diaspora**

### **Haitian-American Diaspora Council (HADiC)**

[www.HADiC.info](http://www.HADiC.info), [HADiC.Diaspora@gmail.com](mailto:HADiC.Diaspora@gmail.com), [Haiti.AHEAD.GC@gmail.com](mailto:Haiti.AHEAD.GC@gmail.com)

**Jean Alexandre MD, Kettelie Althema, Felder Bingue, Daphne Camilien Esq, Emmanuel Coffy Esq, Edens Desbas, Ilio Durandis, Pierre Etienne, Francois Ferdinand, Yves Jean MD, Max Joseph, Edler Kledanor, Pedro Raphael, Bob Rousseau PhD, Gena Thibaud**



## **A PROPOSAL TO SAVE DEMOCRACY IN HAITI**

### **US Policy Towards Haiti and Engagement of the Haitian Diaspora**

Almost 35 years after overthrowing the ruthless Duvalier dictatorship, Haitians find themselves under another iron grip dictatorship: the Jovenel Moise dictatorship. But unlike the Duvalier dictatorship, which for the most part grew the Haitian economy; it is contracting under the much more inept and corrupt Moise dictatorship. Today, Haitians live under precarious conditions where their lives are negatively impacted by a number of situations including:

- Random murder by gangs created and supported by the Jovenel Moise regime.
- Massacres organized by President Moise's advisers and committed by the gangs.
- Increasing hunger due to government mismanagement.
- Rampant government corruption.
- Squandering of meager government resources.
- Kidnapping for ransom by pro-regime gangs.
- Refusal of President Moise to pay government workers such as police officers.
- Gang raping of women of all age group.

The political instability in Haiti has overspilled its borders to continually become an imminent threat to the security of countries within the Western Hemisphere, even to the United States. Many Haitians are encouraged to leave the country to South America, Brazil and Chili in particular while another group joins the Central America caravans to show up at the US-Mexican border checkpoints. President Moise and his associates are involved in a number of criminal activities defying requiring serious attention including:

- i)* Gun running to the extent that Haitian National Police assault rifles have been used and/or recovered in the Dominican Republic and Jamaica.
- ii)* Money laundering where the president, Jovenel Moise, came in office with a money laundering charge.
- iii)* Issuance of fake passports by Haitian Embassies and consulates

The worst part about this is that these crimes are being committed under the nose of American and United Nations diplomats. Haiti's reversion to dictatorship is certainly being carried with the acquiescence of those diplomats.

The Moise administration is not only a destabilizing force in the Western Hemisphere and a danger to US security, his actions are providing China and Russia the ammunition to make a mockery of long-standing US policies at the UN Security Council and other venues. During a UN Security Council meeting in 2020 on the La Saline massacre (Port-au-Prince neighborhood), Chinese and Russian diplomats questioned US resolve and ideals in Haiti. European diplomats, particularly France, have begun to question the motives of US Diplomats stationed in Haiti.

On February 7, 2021; Jovenel Moise's term will end according to Haiti's Constitution. Unfortunately, he is illegally extending his term, prolonging the misery of the Haitian people through decrees violating the Haitian Constitution. Under no circumstances, shall the US

condone an undemocratic government in Haiti. Moreover; an illegal Moise government in Haiti is not only a destabilizing force in the Western Hemisphere but it also sets a bad precedent for the start of the Biden administration. Recognizing that a democratic and prosperous Haiti is more advantageous to the stability of the Hemisphere, the Haitian-American Diaspora is proposing a number of policy recommendations to help bring Haiti back on track to democracy and prosperity including:

- a.** Not recognizing the Moise Government after February 7, 2021. According to Article 135 of Haiti's Constitution, which set its strict electoral calendar, Moise's term ends on February 7, 2021. The US should not entertain Moise's illegal effort to extend his term.
- b.** Visa revocation for Haitian politicians or any other individuals suspected of involvement in corruption.
- c.** Prosecution for non-payment of US taxes for holders of US citizenships and permanent residencies.
- d.** Classify the PetroCaribe \$4 billion embezzlement scheme as a crime against humanity and refer its perpetrators to the International Court of Justice.
- e.** Support for loan and grant applications to multilaterals such as the Inter-American Development Bank, World Bank, and Caribbean Development Bank.
- f.** Support for loan and grant applications to the US Development Finance Corporation (USDFC) and the Export-Import Bank (ExIm).
- g.** Increase aid to Haiti in the area of health, security, and governance.

**CONTENTS**

**PAGE**

1 A DICTATORSHIP IN THE MAKING..... 1

1.1 Haiti’s Electoral Calendar ..... 1

1.2 Extra-Constitutional Decrees ..... 2

2 A GOVERNMENT-RUN CRIMINAL ENTERPRISE ..... 3

2.1 Proliferation of Government-Sponsored Gangs ..... 3

2.2 Massacres ..... 4

2.3 Corruption ..... 5

2.4 Assassinations ..... 5

2.5 Gun Running..... 5

3 A FAILED ECONOMY ..... 6

4 COMPLICITY of US and UN DIPLOMATS..... 6

5 PROPOSITIONS ..... 7

5.1 Support for Democracy..... 7

5.2 Intolerance of Criminals..... 8

5.3 Diplomacy ..... 8

5.4 Support for American-Led Private Enterprise Initiatives ..... 8

## 1 A DICTATORSHIP IN THE MAKING

Despite having a majority in parliament from 2017 to 2019, the Jovenel Moise administration refused to submit a constitutionally obligated bill to parliament to hold elections in 2019. Fearing that his party would lose that mid-term election due to his unpopularity, President Moise preferred to dissolve parliament and rule by decree. The dissolution of parliament would also permit him to attempt to prolong his term which should end on February 7, 2021 according to Haiti's strict electoral calendar (Figure 1). His administration is facing the prospect of justice for a number of crimes committed against humanity, including:

- Massacres: a number of government-supported massacres of opposition supporters resulting in over 100 dead individuals and at least 10 women raped.
- Corruption: The Moise administration has been accused of being of the most corrupt in the history of Haiti. It is also accused of covering for the PetroCaribe embezzlement crimes of the previous administration (the Martelly Administration).
- Assassination of political opponents:

Realizing that he will face justice and spend the rest of his life behind bars, President Moise is choosing to illegally prolong his term instead of carrying fair and credible elections. In effect, Haiti is facing a new dictatorship almost 35 years after overthrowing the ruthless Duvalier dictatorship where 30,000 Haitians were killed with government support.

### 1.1 Haiti's Electoral Calendar

Haiti's electoral calendar is derived from Article 134.2 of its Constitution ratified in 1987. Since its inception, no president has served beyond their terms unless approved by parliament even through coup d'etats. As displayed in Table I, Jovenel Moise would not be the first Haitian

Table I. History of Haiti's strict electoral calendar as established by its constitution.

YEAR	PRESIDENT	PARTY	NOTE
1991	Jean-Bertrand Aristide	Lavalas	Served 3 years and 4 months due to coup d'etat
1996	Rene Preval	Lespwa	Served full term for 5 years
2001	Jean-Bertrand Aristide	Lavalas	Served 2 years due to coup d'etat
2006	Rene Preval	Lespwa	Served full term for 5 years
2011	Michel Martelly	PHTK	Served 4 years and 8 months due to election dispute
2016	Jovenel Moise	PHTK	To serve 4 years due to election dispute
2021	NEED NEW PRESIDENT		To have been elected and ready to take office on February 7, 2021

President who failed to fulfill a 5-year presidential term. According to Article 134.2 of the Constitution, the President's 5-year term starts at the end of the term of the last elected president. President Aristide was reminded of that when he returned from exile in 1994 to serve his term. When Aristide tried to prolong his term with the belief that he should serve 5 years, he was told to abide by the constitution. An identical situation occurred when Michel Martelly started his term late due to disputes in the 2011 election causing him to enter office on May 15 instead of February 7. When Martelly wanted his term extended insisting that he should serve a 5-year term, he was referred to Article 134.2 of the Constitution.

With the precedence of Aristide only serving a portion of his terms both times (Table I), Martelly was forced to accept the fact that the framers of the constitution desired a strict electoral calendar. He was forced to hand power to a transitional government. But that did not prevent him from creating chaos in 2016 causing the country to go through a long electoral process spending a lot of money in the process. As a result of the chaos caused by Martelly, Jovenel Moise took office later than the anticipated February 7, 2016 date although his term started on that date. According to Article 134.2 of the constitution, his term ends on February 7, 2021. While Mr Moise is trying to illegally extend his term by one year, that did not stop him ending the terms of the 10 senators who were subject to the same rules as he was. By using the same constitutional rules against those 10 senators, Moise is in effect accepting that his term ends on February 7, 2021. Hence, trying to extend his term is simply an illegal maneuver. The US should not recognize any illegal governments in Haiti.

## **1.2 Extra-Constitutional Decrees**

Even with a majority in parliament, the Moise administration conveniently refused to send a bill to parliament to organize parliamentary elections in 2019. The absence of a parliament will give him the opportunity to rule by decree. Although the absence of parliament gives the president certain rights in ruling by decree, it does not give the President legislative powers. Unfortunately, Moise's decrees are showing his thirst for full dictatorial powers. Since ruling by decree, Moise has promulgated 38 decrees with the most egregious being:

- On June 15, 2020, he published a decree relative to the new national identification number by which he threatened to punish anyone who does not have the card within 120 days. His wife, who is not part of the government, went to Germany to negotiate a sole-source contract with the company Dermalog. The contract for manufacturing, securing, and designing the new card is being disputed at the Court of Auditors' level for it did not follow rules set by Haitian procurement law. The decree remains unpopular because it is impossible for 12 million Haitians to get the new card within the timeframe allowed in a country where there is only one institution that offers such a card. This decree is authoritarian as it may help Mr Moise rig and steal the next election.
- On September 18, 2020, he published a decree by which he nominated members of a provisional council whose most of the members of this CEP are the subject of fierce disputes and denunciation due to the fact that he did not consult with several sectors before such nominations. This decree violates article 192 of the constitution, which states that the nomination of the members for the CEP must be a partisan endeavor among the three branches of the government. One his hand-picked CEP's missions is to organize the constitutional referendum in order to write a new constitution. This decree, furthermore, violates article 284.3 of the constitution that claims that any popular consultation to modify the Constitution by referendum is strictly prohibited.
- On November 6, 2020, he signed a decree that reduces the Court of Auditors' advisory and jurisdictional prerogatives. This decree removes from the Court of Auditors all of its constitutional oversight powers of a priori control of public procurement contracts to give them to another government agency. This decree eliminates « check and balances" It violates article 200.2 of the Constitution, which clearly states the Court's full authority to review all contracts before their approval.

- On November 26, he published another decree that created an intelligence agency to surveil Haitians who opposed his regime. This decree constitutes a real danger that can even lead to waves of people missing on an unadorned accusation of troublemakers and subversive acts committed. Moreover, he reinforced his decree by declaring a terrorist any Haitian who burns tires during a protest or blocks traffic. This is an additional harbinger of a return Duvalier era like rule

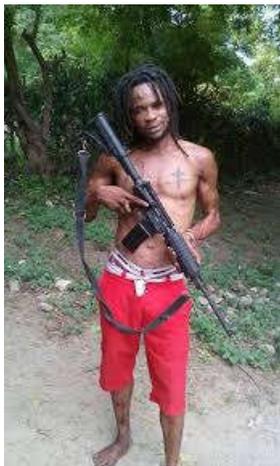
Jovenel Moise is the only president of the Caribbean region who rules his country without a parliament and turns the executive into a legislator by arbitrarily issuing illegal and unconstitutional decrees. The only remaining step is to declare himself president for life.

## 2 A GOVERNMENT-RUN CRIMINAL ENTERPRISE

As the 2010 decade concludes, the actions of the Haitian Central Government demonstrate that the country is being run as a criminal enterprise, which sole purpose is staying in power by all means for personal enrichment of a designated select few. Below in this section, we describe how specific manifestations of Haiti now being a criminal state undermines Western Hemisphere security. This is of utmost US interest.

### 2.1 Proliferation of Government-Sponsored Gangs

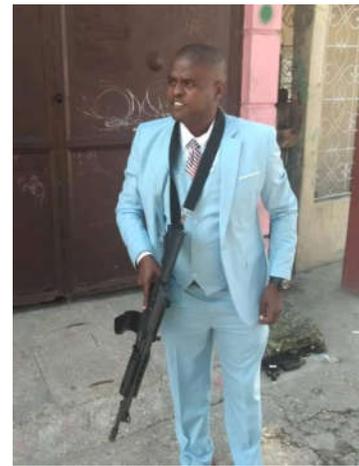
Haiti's National Human Rights Defense Network, abbreviated as RNDDH in French, estimated that over 76 gangs operate in all corners of Haiti. Most of them were created during the last four years. While these gang members (Figure 1a) can barely afford a \$2 flip-flop, they proudly display their AR-15 and AK-47 assault rifles which can retail for up to \$2,000 in the US but are illegal in Haiti. Hence, these assault rifles cannot even be legally imported into Haiti.



(a: Countryside gang)



(b: Gang in the slums)



(b: Police rifle of gang leader)

Figure 1. Almost every part of Haiti is controlled by a gang who works for a Haitian politician.

Yet, they are purchased in the US and smuggled through the ports in Haiti which are controlled by the government. Gang leaders, such as the famous Barbecue (Figure 1c), normally have access to Haitian National Police (PNH in French) weapons. These factors indicate that these gangs are controlled by Haitian politicians, not just any Haitian politician but the ones in power.

Haitian politicians have long used armed individuals to intimidate voters and win elections. But the proliferations of gangs over the last four years has taken another dimension never seen before in the history of Haiti. Not only are the gangs better armed, but they have also become more violent. Protected by politicians and specialized elements of the Haiti National Police, the gangs are terrorizing working-class and poor neighborhoods, extorting businesses, and battling rivals for expanded territory as they repress dissent. It is all being done in collusion with the government, which is not only seeking to hold on to its tenuous grip on power but control the outcome of the next elections, the human rights organizations say.

## 2.2 Massacres

In early December 2020, the US Department of the Treasury’s Office of Foreign Assets Control (OFAC) designated two high-level Government of Haiti officials (Fednel Monchery and Joseph Duplan) and their gang collaborators as committing serious human rights abuses according to the Global Magnitsky Human Rights Accountability Act. Fednel Monchery (Figure 2a) was the Director General (#2 official) of Haiti’s Ministry of the Interior and Local Authorities



Figure 2. Very high level government officials are involved in a number of massacres.

in President Jovenel Moïse’s administration. Joseph Pierre Richard Duplan (Figure 2b) was President Moïse’s Departmental (US equivalent: state) Delegate. Both of these government officials (Figures 2 a&b) planned the attack and provided police uniforms, weapons, and vehicles to gang members led by Jimmy “Barbecue” Cherizier (Figures 1c and 2c) to carry out the infamous La Saline Massacre in late 2018. Cherizier is the self-proclaimed leader of the G9 and Family gang alliance, a collection of nine gangs that control the slums of Port-au-Prince under tacit government approval. Along with murderous massacres, G9 and other gangs run racketeering enterprises and widespread ransom kidnappings across Haiti.

At least 9 massacres have occurred under Moïse’s regime. The La Saline Massacre of November 2018 is the most infamous of several major alleged government orchestrated massacres that have occurred within the last two years in Haiti. A second major massacre occurred in November 2019 in the Bel Air neighborhood. Jimmy Cherizier (Figures 1c and 2c) is implicated in participating in both of these campaigns. In La Saline, Mr Cherizier led gang members and Haitian National Police (HPN) officers on a killing orgy where they massacred 71 innocent civilians, including women and children, in addition to raping 10 women. For the Bel Air massacre in 2019, at least 20 murders were documented. In addition; OFAC documents stated that in May 2020, Jimmy Cherizier was responsible for a five-day rampage in multiple Port-au-Prince neighborhoods consisting of civilians being murdered and homes burned.

### 2.3 Corruption

Since 2015, Haiti has steadily been registered as increasingly corrupt by Transparency International, an organization that tracks corruption around the world. Today, Haiti ranks 161/198 countries on Transparency's Corruption Index (Figure 3). The Petrocaribe corruption

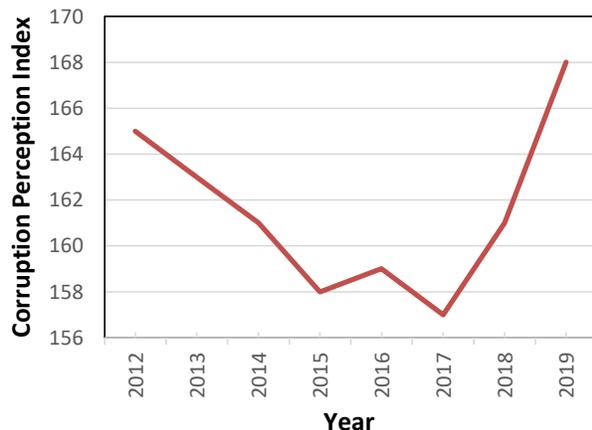


Figure 3. Haiti's ranking in the Corruption perception index.

investigation documents the most egregious handling of foreign assistance managed by Haiti in the 21<sup>st</sup> century. Ideally, Petrocaribe, would fund sustainable development projects in Haiti. The cost of Petrocaribe to Haiti is \$4 billion plus dollars. This number is significant. Haiti's GDP in 2019 was only \$9 billion dollars. Its per-capita GDP, for a country of 11 million people, is under \$1,000 dollars per year. The quote below from Fritz Jean, a former governor Haiti Central Bank governor in regards to Haiti's Petrocaribe accurately briefly sums this debacle:

*"It was a missed opportunity for Haiti. The volume of [Petrocaribe] transactions totaled US\$4.5 billion. The debt was one part of it, about US \$2.1 billion. There was tremendous waste. The monies are in tax-havens. We could have used the financing, about US \$2 billion, to double or triple the value through investments."*

### 2.4 Assassinations

The assassination of the president of the Port-au-Prince Bar Association, Montferrier Dorval, in late August 2020 elicited global condemnation. Remarks on this shock came from Haiti society, the European Union and the United Nations. Mr Dorval was a lawyer, constitutional scholar and provided influential insight to ongoing discussions regarding proposed reforms to Haiti's constitution. Mr Dorval's statements in the radio regarding Haiti's constitutional reforms were not interpreted as favoring the opinions of the current presidential administration in Haiti in the morning prior his assassination later on at night at his home within a few blocks from the president residence.

### 2.5 Gun Running

Despite a US arms embargo, the US to Haiti gun trade is big business. The name of a prominent Haitian Senator and a former PNH police chief were mentioned during a 2019 US court trial in a case of being complicit in the illegal trafficking of 166 semi-automatic firearms and 30,000 rounds of ammunition from the United States to Haiti. The Florida gun shop owner responsible for the US side of the transaction was convicted in this case. This case highlights an additional destabilizing influence that Haiti currently has in the Western Hemisphere. Media reports since the early 2000s have guns arriving in Haiti from foreign sources being shipped across Haitian borders to countries across the Caribbean, fueling violence and destabilization. Up to 300 guns per year from Haiti are exchanged to Jamaica for drugs.

### 3 A FAILED ECONOMY

Despite being given almost \$50 billion over the last 10 years by the Haitian Diaspora and the International Community in addition to preferential trade advantages by the US and the EU, the Moise administration and its predecessors have not been able to get the economy going. Figure 4a shows that Haiti's per capita Gross Domestic Product (GDC) decreased sharply from

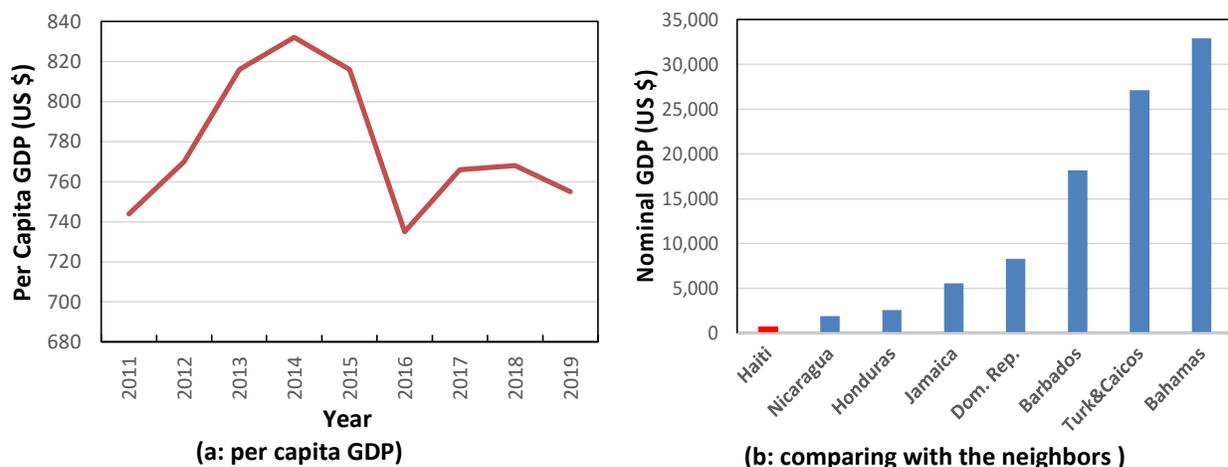


Figure 4. The economic figures show that over the last 7 years, Haitians have moved from living in poverty to living in misery.

2013 to 2016 after increasing sharply the two prior years. Those years of no economic progress corresponds to the Martelly administration. The GDP increased marginally under a transition government in 2016. After President Moise took over in 2017, all economic progress stopped and even turned downward. The reasons for a lack of economic progress are due to:

- A corruption level never experienced in Haiti's history.
- Gross government mismanagement

As a result of the callousness of Haitian politicians, the economic figures show that over the last 7 years, Haitians have moved from living in poverty to living in misery. Relative to its neighbors (Figure 4b), Haiti is considered a basket case.

### 4 COMPLICITY OF US AND UN DIPLOMATS

Today Haiti has reverted back to a dictatorship. Death squads disguised as gangs and kidnappers reportedly with ties to the government have been terrorizing the population. The economy is in complete shamble. The people have been crying out their last grasp for assistance against a government planned insecurity that is forcing them to live in constant fear.

This blunt deterioration of the situation has happened over the last two years, starting with the intervention of the Core Group and its siding with the government against the people after the street protests of July 6, 7, and 8 of 2018. The role of the US Ambassador, Michele Sison (Figures 5 a & b), and of the head of the United Nations representative in Haiti, Helen Lalime (Figures 5c), would prove decisive at helping the current president to repress the will of the people and to fulfill its long held dictatorial ambitions. Time and time during 2018, 2019

and 2020, the people took to the streets by the millions to protest against government exactions. Time and time again, the US ambassador and the head of BINUH would side with the



(a: US Ambassador with Moise Family)

(b: With defacto PM)

(c: UN Representative with Moise)

Figure 4. The approval of the US Ambassador and UN Representative has emboldened President Moise to continue a crime spree and seek dictatorial powers.

government, discounting the outcries of the people. It was with extreme sadness and revulsion that Haitians witnessed openly the complicity of the two diplomats at the installation of a de-facto government (Figure 5b) by the president in March of this year, following his dismissal of parliament two months before. Everything done in Haiti has since been dictatorial and illegal.

Since arriving in Haiti, Ambassador Sison has behaved as an extension of the Moise regime rather than a defender of American Interests and values. Mrs Sison and Mrs LaLime have actively provided the current regime with unabated support, logistics, advice, and materials in the pursuit of its actions. After human rights organizations uncovered the LaSaline massacre, Mrs Sison and Mrs LaLime did not bring the crime against humanity to the attention of their respective governments. Even after Mr Moise dissolved parliament to rule by decree, Mrs Sison continues to hold meetings with government officials (Figure 5b) without objecting to the deterioration of democracy in Haiti. This tacit approval by the representative of the world's most powerful country and the UN representative has emboldened Moise to trash Haiti's Constitution and global norms in his quest for dictatorial power.

## 5 PROPOSITIONS

This coalition of a multitude of organizations is proposing a number of policy positions that the US can undertake to bring Haiti back on track to democracy and prosperity. Those propositions are outlined below:

### 5.1 Support for Democracy

Given that President Moise's constitutional mandates ends on February 7, 2021 yet no elections (presidential and legislative) have been scheduled; the Haitian-American community is requesting the following actions from US policymakers including but not limited to:

- i. For the US Government to not recognize the Moise government after February 7, 2021 since it will be an illegal government.
- ii. Withdraw the accreditation of the Haitian ambassador to the US after February 7, 2021.

- iii. Support a legal transitional government to bring Haiti back on track to security, democracy, and prosperity.

## **5.2 Intolerance of Criminals**

A great part of Haiti's problems is due to corruption and other crimes. A number of perpetrators of those crimes come and hide in the US. Given that the perpetrators of those crimes normally hold US visas or permanent residencies, the Haitian-American community is requesting the following actions from US policymakers including but not limited to:

- a. Visa revocation for Haitian politicians or any other individuals suspected of involvement in corruption.
- b. Prosecution for non-payment of US taxes for holders of US citizenships and permanent residencies.
- c. Classify the PetroCaribe \$4 billion embezzlement scheme as crime against humanity and refer its perpetrators to the International Court of Justice.

## **5.3 Diplomacy**

US and United Nations diplomats stationed in Haiti have been the main enablers of President Moise's crimes. This is primarily due to the fact that they do not understand the country's culture and history. Mr Moise's crimes and mismanagement of the country do not only negatively affect Haitians; it also affects the Western Hemisphere's stability and the United States' physical security. It also provides China and Russia unlimited ammunition to make a mockery of long-standing American policies worldwide. The Haitian-American community is requesting that the next US Ambassador to Haiti be a highly qualified Haitian-American who can promote long-term US interests while recognizing the unique nuances that Haiti presents.

## **5.4 Support for American-Led Initiatives**

Given that the Haitian-American community provides the bulk of the \$3 billion remittance that keeps Haiti going, the country's lack of economic progress has been an ongoing major burden on the Haitian-American community. Cities and regions with large Haitian populations such as Queens (NY), Elizabeth (NJ), Plantation (FL), Brooklyn (NY), West Palm Beach, (FL), Randolph (MA), North Miami (FL) are carrying the burden of Haiti's corruption and mismanagement. Some Haitian-American families do not have any savings and the possibility of living the American Dream since they must support relatives in Haiti.

To alleviate this situation while creating jobs in the US and Haiti, a few Haitian-American professional organizations have proposed investment funds for Haiti. Those investment funds would help US companies increase their market shares in a number of sectors of the Haitian economy such as energy, textiles, food, and a host of others. The Haitian-American community is requesting the following actions from US policymakers including but not limited to:

- Support for loan and grant applications to multilaterals such as the Inter-American Development Bank, World Bank, and Caribbean Development Bank.
- Support for loan and grant applications to the US Development Finance Corporation (USDFC) and the Export-Import Bank (ExIm).
- Increase aid to Haiti in the area of health, security, and governance.