

**Overview of the situation in Haiti in the current political context**

Haiti went through a very dark period in history under the Duvalier dictatorship, with the disappearances, summary executions, assassinations, human rights violations, etc. Haitians thought these days were gone and that they would never see such disturbing practices again. On 7 February of this year, the constitutional mandate of President Jovenel Moïse expired. For Haiti’s churches (Catholic and Protestant), trade unions, bar associations and society as a whole, his mandate has come to an end. The only support for Jovenel Moïse and the illegal path he is taking is coming from the Organization of American States (OAS), the European Union, the Core Group and the United States. Rather than complying with the law and the constitution, the president has chosen to wage a terrible campaign of repression, using the police, the army, armed gangs and paramilitary groups.

1- **The facts**

1. **The legislature has been incapacitated since 13 January 2020, when President Jovenel Moïse dismissed the Chamber of Deputies and two thirds of the Senate.**

Under the Haitian constitution (Articles 92-1 and 95-2) and Article 239 (2nd and 3rd paragraphs) of the electoral decree: “To reconcile the constitutional period and the electoral period, where elections are held outside the constitutional period, regardless of the reason, the term of office of elected representatives shall expire as follows:

* *The term of senators shall end on the second Monday of January of the sixth year of their term of office, regardless of the date on which they take office, subject to the application of Articles 50.3 to 50.7 of the present Decree;*
* *The term of Deputies shall end on the second Monday of January of the fourth year of their term of office, regardless of the date on which they take office.”*

The very same constitution tasks the president of the Republic with the duty of ensuring that public institutions function normally. He therefore has a duty to hold elections to renew the members of the legislature, a duty he has consciously decided not to honour. The parliament is inoperative and is not able to oversee the government’s work, vote on laws or to ratify the appointment of the prime minister and ministers, the board of the National Bank, or the director general of the Haitian National Police (**PNH**). As a result, President Jovenel Moïse is ruling as an autocrat, having unlimited powers.

1. **Gagging of the judiciary**

According to human rights organisation reports, serious human rights violations have been observed since 7 February 2021. Armed gangs, on the payroll of the regime, stormed the home of a Supreme Court judge at around 2 a.m., on the pretext that he was involved in a coup d’état and conspiring against state security. Agents of the General Security Unit of the National Palace (**USGPN**) stormed the residence of Judge Yvickel Dieujuste Dabresil, in Petit Bois, Tabarre, accompanied by the de facto minister of justice and public security, Rockfeller Vincent, and the director general of the Haitian National Police (**PNH**), Léon Charles, the head of the **USGPN**, police commissioner Dimitri Herard, the government commissioner to the Court of First Instance in Croix-des-Bouquets, Elder Guillaume, the justice of the peace from Croix-des-Missions, Jean Florestal, and the government commissioner to the Court of First Instance in Port-au-Prince, Bed-Ford Claude. This led to the arrest of another eighteen peaceful citizens, who have become political prisoners.

During the illegal and arbitrary arrest of Judge Yvickel Dieujuste Dabresil, the **USGPN** agents asked him for the addresses of two other Supreme Court judges, Louis Pressoir Jean Pierre and Joseph Mécène Jean Louis.

All gatherings on 7 February 2021 were systematically dispersed by the Haitian National Police (**PNH**), using tear gas or automatic firearms, as seen in Port-au-Prince, at the Airport Crossroads, dubbed *Kafou Rezistans* (Resistance Crossroads), at Champ de Mars, Lalue and a number of provincial towns.

On 8 February 2021, after the opposition and civil society designated the oldest Supreme Court judge, Joseph Mécène Jean Louis, as provisional president of the Republic of Haiti, the gates to the Supreme Court and the Superior Council of the Judiciary (**CSPJ**), where the Judicial College (**EMA**) is also based, were padlocked, and agents from the General Security Unit of the National Palace (**USGPN**) were posted in front of the premises.

On the same day, the former president, Jovenel Moïse, and his de facto team, decided to order three Supreme Court judges to retire by presidential decree. Under the terms of Article 177 of the Haitian constitution, none of the three sitting judges are removable. They are:

1. Yvickel Dieujuste Dabresil, aged 54;
2. Wendell Coq Thelot, born on 25 June 1966, aged 55;
3. Joseph Mécène Jean Louis, born on 6 March 1949, aged 71.

Like the legislative branch of the government, the judicial branch has thus been left inoperative.

1. **The executive branch**

Many observers, including experts in law, such as the Haitian Bar Federation (FBH) and the Superior Council of the Judiciary (**CSPJ**), have noted that in accordance with Article 134-2 of the constitution in force: **“The presidential election shall take place on the last Sunday of October of the fifth year of the presidential term. The president-elect shall take office on 7 February following the date of his election. In the event that voting cannot take place before 7 February, the president-elect shall take office immediately after the validation of the ballot and his term of office shall be deemed to have begun on 7 February of the year of the election.”** It should be noted that the presidential election was held on 20 November 2016. The election certificate issued by the electoral institution clearly attests to this.

**Article 134-3**:The president of the Republic shall not benefit from an extension of the term of office.

Furthermore, in accordance with Article 239 of the electoral law under which the president was elected: “To reconcile the constitutional period and the electoral period, where elections are held outside the constitutional period, regardless of the reason, the term of office of elected representatives shall expire as follows:

* The term of office of the president of the Republic shall end on the seventh (7th) February of the fifth year of his term of office, regardless of the date on which he takes office.”

Based on all of the above, Haiti’s politico-legal situation is disastrous. There are currently only ten elected members in the Senate of the Republic, and the de facto government authorities, the former president, Jovenel Moïse, who staged a coup against the country’s constitution on 7 February 2021 and has illegally taken control of Haiti’s entire public administration.

**Other tangible facts demonstrating the establishment of a dictatorship in the country**

1. The non-renewal of the mandates of certain judges (such as Chavannes Etienne, Emmanuel Vertilaire, Jean Wilner Morin, president of the National Association of Haitian Magistrates – **ANAMAH**) working on cases involving figures close to the authorities.
2. The removal of judges and judicial staff;
3. The de facto government’s refusal to release Judge Dabresil in line with a ruling ordering his acquittal, issued by the senior judge of the Croix-des-Bouquets Civil Court;
4. Summary executions, with total impunity, of political opponents and activists;
5. Fierce repression of demonstrations against the regime;
6. Repression of journalists covering the demonstrations;
7. Raids on the homes of opposition members, especially at night, in the absence of a judge;
8. A purge within the public administration;
9. Repression of trade unions;
10. Announcement of a referendum in breach of the constitution;
11. Constitution placed on hold;
12. Establishment of an illegal and unconstitutional electoral council designed to keep the regime in place;
13. Setting up and federating of armed gangs to crack down on opposition in poor neighbourhoods and stop demonstrations;
14. Massacres in poor neighbourhoods;
15. Arrests of opponents on the pretext of their staging a coup d’état and conspiring against the internal security of the state;
16. Control of bodies overseeing public funds.
17. Establishment of a body (**National Intelligence Agency: ANI**) with the power to arrest persons in their home without identifying themselves.

In addition to this very worrying situation, the president believes that the current constitution is too liberal and has decided to amend it, on 25 April, outside constitutional rules. A purge is taking place as we speak, and the lives of all those who dare to say “no” are threatened, especially trade unionists. The people of Haiti are living in fear for their lives, under the complicit watch of the international community.

As members of the international community, and more particularly the **ITUC**, we are sending you this report to give you a clear picture of the situation in the country. The **CTH** (Confederation of Haitian Workers) and the **CTSP** (Confederation of Public and Private Sector Workers) urge you to support us by highlighting these facts in your exchanges with other international bodies, to create a better understanding of the untenable situation being endured by the people of Haiti at this time.

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