

## Organizations protest against the process of the Presidential decree naming six members of the Permanent Electoral Council

The human rights organizations signatory hereto are dismayed to have learned of the nomination, by Presidential decree, of the six members that are to make up the '*Permanent Electoral Council*' (CEP), in spite of all the controversies that exist around the choice of the three representatives of the judiciary.

After having met Me Dilia LEMAIRE, a former member of the *Supreme Council of the Judiciary* (CSPJ), the organizations signatory hereto strongly support the former's decision to step down from the CSPJ.

In addition, echoing the position taken by four members of the CSPJ, the organizations signatory hereto would like to formally demonstrate their disaccord with Me Anel Alexis JOSEPH, President of the CSPJ, for the unilateral manner in which he has made decisions, notably the unilateral appointment of the three representatives of the judiciary to the CEP, which violates Article 13 of the Act creating the CSPJ which stipulates the following '*...it (the CSPJ) cannot deliberate unless at least five of its members are present. It shall decide by a majority of votes...*'

Consequently, the organizations signatory hereto would like to associate themselves with the position of the *Bars of Federation of Haiti* (FBH), which, after warning its representative within the CSPJ, Me Néhémy JOSEPH, has decided to initiate a formal procedure in the *Chamber of Deputies* of impeaching Me Anel Alexis JOSEPH, who is also President of the *Supreme Court*, for his abuse of authority and for his violation of the law. The signatory parties thus call on the Haitian Parliament to commit to its constitutional responsibilities in bringing Me Arnel Alexis JOSEPH, along with all the parties guilty to the aforementioned crimes, to the *High Court of Justice*.

The organizations signatory hereto believe that this new electoral body, amongst which several illegitimate and illegal members reside, can only be subordinated to an Executive Power because *an institution that is set up in a non-democratic process cannot, in any single way, function democratically*. As such, the signatory parties request the President of the Republic, Monsieur Joseph Michel MARTELLY to repeal his decree that nominates the CEP members out of respect for the proper functioning of state institutions, of which he is a guarantor under Article 136 of the Haitian Constitution.

The organizations signatory hereto reiterate that the formation of the CSPJ was, for the Haitian people in general and for human rights organizations in particular, a step towards the consecration of an

consequently the signatory parties cordially  
renew the idea that the judiciary should be  
an essential part of government.

While reiterating their commitment to democratic principles as enshrined in several regional and international instruments that promote human rights, in particular the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *American Convention on Human Rights* and the national laws of Haiti, the organizations for the defense of human rights signatory hereto, request the Executive Power to distance themselves immediately from this presidential decree, which itself could plunge the country into a serious institutional crisis.

Port-au-Prince, the 16<sup>th</sup> of August 2012

- The Platform for Haitian Human Rights Organizations (POHDH)
- National Human Rights Defense Network (RNDDH)
- Ecumenical Center for Human Rights (CEDH)
- Episcopal Commission for Justice and Peace (CE-JILAP)
- International Solidarity Haiti (HSI)
- Movement of Haitian Women for Education and Development (MOUFHED)
- Jurists' Association for the Defense of Human Rights in Haiti (AJDPH)
- Alliance of Human Rights Organizations in Haiti (ALORDDH)
- Solidarite Fanm Ayisyèn (SOFA)
- Research Center for Human Rights Promotion (CRPDH)