

Port-au-Prince, February 4, 2021

**Madam Helen Meagher LA LIME
Representative of the Secretary General
of the United Nations in Haiti
In its Offices. -**

Open letter

Madam Representative of the Secretary General,

The organizations signatory to this correspondence have read the press release of January 27, 2021 confirming the signing of a contract by which the United Nations intends to provide technical assistance, operational and logistical to the anti-democratic electoral process triggered by the Moïse/Jouthe administration.

And, since they consider that this is an act contrary to the mandate of the United Nations Integrated Office in Haiti (BINUH) consisting, according to resolution 2476, of strengthening the institutions and the process of the rule of law, The organizations involved in this correspondence wish to draw your attention to the following considerations:

1. Irregularity in the electoral process

The current Provisional Electoral Council (CEP) was established on September 18, 2020 in violation of article 289 of the Haitian Constitution in force with, in addition, for mission to change it by referendum, which is prohibited under article 284-3. Moreover, this CEP did not take the oath before the Court of Cassation, a formality imposed by Articles 194 2 of the Constitution and 241 of the electoral decree of March 2, 2015.

It is also because of these numerous irregularities that on September 28, 2020, the Superior Court of Auditors and Administrative Disputes (CSCCA) reminded the institutions of their obligation to respect the constitutional and legal regulations. And, following this memorandum, it did not rule on any of the many contracts concerning this CEP, concerning, among other things, the elections and the organization of the referendum.

It is therefore surprising to see that the BINUH supports this process of annihilation of the democratic gains of the Haitian people.

2. The dislocation of the rule of law process

President Jovenel MOÏSE chose not to hold the elections in 2017 and 2019 for the Chamber of Deputies and two-thirds (2/3) of the Senate. Therefore, since January 13, 2020, the Haitian

Parliament is dysfunctional. Consequently, President Moïse established himself as master of the Republic, in particular violating Articles 85 and 150 of the Constitution defining the limits of his power.

For 2020 alone, it adopted forty-one (41) decrees and one hundred and twenty (120) arrested, dismantling the foundations of the rule of law and the Haitian legal arsenal. Among these illegal instruments are: the decree of June 24, 2020 concerning the new penal code, the decree of January 5, 2021 empowering the CEP decreed to organize a constitutional referendum and extending two (2) the mandate of the Advisory Committee established on October 30, 2020 for the preparation of the draft Constitution, the decree of November 26, 2020 establishing the National Intelligence Agency (ANI), etc.

The BINUH remained silent on these numerous excesses of the Jovenel MOÏSE administration, thereby assuring it an unfailing support.

3. The country's security situation and massacres in disadvantaged neighborhoods

The country's security situation remains a concern. Since 2020, armed gangs belonging to the G-9 an Fanmi and Allies coalition and benefiting from the protection of power, have engaged in kidnapping. Spectacular cases are recorded every day. The abducted women and girls are raped, maimed, murdered for the most part.

Similarly, several massacres and armed attacks have been perpetrated in disadvantaged neighborhoods, including La Saline, Cité Soleil, Bel-Air, Carrefour-Feuilles and Martissant killing hundreds of people.

The BINUH has been very complacent with this power involved in these violations.

4. The End of the Presidential Constitutional Mandate

The constitutional mandate of President Jovenel MOÏSE expires on February 7, 2021 in accordance with the prescribed articles 134 of the Constitution and 239 of the electoral decree of March 2, 2015. And, the Haitian population, in its vast majority, demands from the president the strict respect of the Constitution.

And if, for once, the United Nations were to stand by the popular demands, the president would cease to believe that he has the latitude to continually violate this Constitution which he had sworn to respect to the letter.

Madam Representative of the Secretary General,

The signatory organizations of the present correspondence remind you that, since his accession to power, President Jovenel MOÏSE has vassalized the republican institutions, created a climate of terror in the country and dismantled the legal arsenal. Today, he wants to change the

Constitution of the country, a few days before the end of his mandate.

Human rights violations are intensifying. The country is gangsterized under the eyes of the United Nations whose mission is to promote human rights, the rule of law and consolidate institutions.

That is why, given the general situation of the country described above, the United Nations must in no way support President Jovenel MOÏSE in his anti-democratic projects because, it is not superfluous to remind you, **Madam**, that the strengthening of the rule of law inevitably requires respect for the Constitution.

1. Centre for Human Rights Analysis and Research (CARDH)
2. National Episcopal Commission for Justice and Peace (CE-JILAP)
3. Conseil Haïtien des Acteurs Non-Etatiques (CONHANE)
4. Centre for Economic and Social Research and Training for Development (CRESFED)
5. Anti-corruption Package (ECC)
6. Kay Fanm
7. Nou Pap Dòmi (NDP)
8. Platform of Haitian Human Rights Organizations (POHDH)
9. Alternative Justice Program (LAP)
10. National Human Rights Network (RNDDH)
11. Sant Karl Levêque (SKL)
12. Solidarite Fanm Ayisyèn (SOFA)

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