

Port-au-Prince, April 19, 2021

Me René SYLVESTRE
President of the Superior Council
Of the Judiciary (CSPJ)
In its Offices. -

Mr. President,

We, organizations for the Promotion and Defense of Human Rights and Civil Society, duly represented, engaged in the struggle for the emergence in Haiti of a rule of law, stripped of the slugs of corruption, blind violence and official impunity, We have the honor to present the following:

On November 13, 2007 was voted in the Senate of the Republic, in last reading, the law creating the Superior Council of Judicial Power (CSPJ), published in the Official Journal of the Republic, The Monitor, No. 112 of Thursday, December 20, 2007.

This law was adopted with the aim of guaranteeing the independence of the judiciary from other powers, independence without which the satisfaction of the just demands of justice of the Haitian people is only a chimera.

The law establishing the CSPJ, **Mr. President**, represents a step forward in the struggle of organizations promoting and defending human rights that have been campaigning for ages against official impunity, corruption and systematic human rights violations in Haiti. The composition of the CSPJ as provided by law reflects this struggle for which the Haitian people has suffered so much. Sections 4 and 5 of the Act provide for a transparent process for the appointment of CSPJ members. "With the exception of the President of the Court of Cassation and the Government Commissioner of the said Court whose membership in the Superior Council of Judicial Power is an attribute of their respective functions, all other members of the Council shall be elected or appointed for a term of three years, renewable once".

Article 4 of the law establishing the CSPJ provides that the Council is composed among others of:

«A civil society person designated by the Public Protector, from a list of three names submitted by the Human Rights Organizations».

Article 13 of the Law of May 3, 2012 on the organization and operation of the Office for the Protection of the Citizen, dealing with the functions of the Protector of the Citizen, stipulates in paragraph s the following: Appoint a civil society person as a member of the Superior Council of Judicial Power (CSPJ) from a list of three (3) names submitted by **recognized human rights organizations**, all as provided by the law establishing the Superior Council of the Judiciary».

In 2008, the first meeting was held at the premises of the National Network for the Defense of Human Rights (RNDDH) to elect the three (3) personalities of the Human Rights sector to submit to the Public Protector, according to predetermined objective criteria. On the occasion of these first elections the following personalities were elected: Marie Yolène GILLES, Me Dilia LEMAIRE and Jean-Simon ST-HUBERT. After receiving the election results, the protector of the citizen Necker Desables contacted the elected officials and a consensus was reached around Me Dilia LEMAIRE. But the CSPJ was not set up. It is important to recall here that Me Renan HEDOUVILLE unfortunate candidate during these first elections cannot today claim to ignore the procedures.

In July 2012, recognized human rights organizations met, once again, in full transparency and confirmed the choice of personalities designated in 2008 and the consensus around Me Dilia LEMAIRE as a personality of civil society to represent the sector at CSPJ. The Protector of the citizen of the time Florence ELIE had chosen Me Dilia LEMAIRE as a personality of the civil society representing the sector at the CSPJ. At the end of its mandate in 2015, the organizations met again. Noting that Me Lemaire had represented the sector with dignity, they decided to confirm her in her position for a second term. The Public Protector, Florence Elie, did nothing but submit his name, again, to the CSPJ.

In 2018, under the coordination of the National Episcopal Commission for Justice and Peace (CE-JILAP), transparent elections were held. Me Chenet JEAN-BAPTISTE was elected. As its mandate is due to expire on July 3, 2021, it is appropriate for recognized human rights organizations to meet again and decide whether to confirm it in its position for a new mandate or to replace it. Discussions are under way in the sector to decide what should be done when it is learned that Mr. Renan HEDOUVILLE, following a clandestine process, organized, in the most total opacity, with organizations created solely for the occasion, as was the case for the establishment of the Provisional Electoral Council (CEP) rump of Jovenel MOISE, decided to appoint a representative for the sector to the CSPJ without the knowledge of all the organizations signatory to this.

Mr. President,

We consider that the behavior of Me Renan HEDOUVILLE, as part of the process of renewal of the mandate of members of the CSPJ, is unacceptable for the following reasons:

1. This is a flagrant case of violation of the law which provides that the representative of the sector must be elected by recognized human rights organizations; The strategy of the power Tèt Kale taken up, in this case, by Renan HEDOUVILLE, to create organizations solely for specific votes to gain advantages within the state apparatus is likely to weaken democratic institutions in favor of the ruling power.
2. Me Hedouville has openly arranged on the side of the executive power which does not wish the renewal of the mandate of Me Chenet JEAN-BAPTISTE, in order to sanction him for having voted the resolution of the CSPJ on the end of the mandate of President Jovenel Moise and on the application of Article 134-2 of the Constitution.
3. The PHTK and Jovenel MOISE use the Public Protector, as they have already done for the CEP, in order to strengthen their control over the CSPJ. It is precisely to remove the judicial power from the clutches of the executive that the CSPJ was created. Therefore, the credibility of the CSPJ is threatened and with it, the independence of the judicial power. And more than ever, the separation of powers is not guaranteed.
4. The action of Renan HEDOUVILLE is an act of corruption qualified as abuse of office provided by article 5.5 of the law on the prevention and repression of corruption and punishes from 3 to 9 years of prison. Section 5.5 of that Act provides: **“An abuse of office is the act by a public official to abuse his or her duties or position, that is, to perform, in the performance of his or her duties, an act in violation of the laws in order to obtain an undue advantage for himself or herself, another person or entity.**

The public agent who is guilty of abuse of office is sentenced to imprisonment and a fine of two hundred thousand gourdes».

Why, **Mr. President**, the signatory organizations of this letter ask you to:

- 1) Consider that the process of appointment of the representative of the Human Rights sector in the CSPJ is null and void because tainted, fraud, vice, since it is universally accepted principle, that fraud corrupts everything;
- 2) Provide the necessary instructions to the Technical Secretariat of the Council to assist, as an observer, recognized human rights organizations in a transparent process of designation of the sector representative to the CSPJ

Receive, **Mr. President**, our patriotic greetings.

The signatures are as follows:

#	Organization	Representative	Signature
1.	Platform of Haitian Human Rights Organizations, POHDH	Alermy PIERVILUS	
2.	Fondation Je Klere, FJKL	Me Samuel MADISTIN	
3.	National Episcopal Commission for Justice and Peace, CE-JILAP	Jocelyne COLAS	
4.	International Lawyers Office, BAI	Me Mario JOSEPH	
5.	National Human Rights Defense Network, RNDDH	Marie Rosy K. Auguste	
6.	Human Rights Analysis and Research Center, CARDH	Me Gédéon JEAN	
7.	Support Group for Returnees and Refugees, GARR	Fabiola BRIGNOL	
8.	Alternative Justice Program, PAGE	Freud JEAN	
9.	Haitian Women's Movement for Education and Development, MOUFHED	Me Dilia LEMAIRE	
10.	Haitian Women's Solidarity, SOFA	Sabine LAMOUR	
11.	Sant Karl Levêque, SKL	Père Gardy MAISONNEUVE	
12.	Fanm Deside,	Marie Ange NOEL	
13.	Foundation Group of Alternatives and Justice, F-GAJ	Roland WASEMBECK	
14.	Kay Fanm,	Danielle MAGLOIRE	
15.	Haitian Council of Non-State Actors, CONHANE	Edouard PAULTRE	
16.	Association des Femmes Soleil d'Haiti, AFASDA	Elvire EUGENE	
17.	Haitian Vision of Human Rights, VHDH	Romulus JULES	