



HARVARD
LAW SCHOOL

INTERNATIONAL
HUMAN RIGHTS CLINIC

The Honorable Antony J. Blinken
U.S. Secretary of State
2201 C Street, N.W.
Washington, D.C. 20037

Brian A. Nichols
Assistant Secretary of State for Western Hemisphere Affairs
2201 C Street, N.W.
Washington, D.C. 20037

July 10, 2023

Dear Secretary Blinken and Assistant Secretary Nichols,

We, U.S.-based law school clinics working in solidarity with Haitian civil society to promote human rights, write on the two-year anniversary of President Moïse's assassination to express our deep and [ongoing](#) concern with the United States' support for the repressive regime that has overseen Haiti's deteriorating crisis since Moïse's death. Progress on human rights and security and a return to constitutional order will only be possible if Haitian people have the opportunity to change their government, and that will only come if the United States ceases to support the illegitimate administration.

July 7, 2023 marked two years since President Jovenel Moïse was assassinated. He left behind a [power vacuum](#) largely of his and his party's, the *Pati Ayisyen Tèt Kale* (PHTK), own making following years of [dismantling democratic institutions](#) meant to serve as a check on the power of the Executive. In the wake of Moïse's death, [Haiti's leadership was contested](#). The United States and allies [urged](#) Ariel Henry, who Moïse had selected as the next Prime Minister but who had not been installed, to assume power as de facto Prime Minister.

During his tenure, Dr. Henry has presided over a [humanitarian](#) and [human rights](#) catastrophe. Gangs have [taken over](#) large swaths of the country and are brutalizing the population with [impunity](#), [halting access to basic services](#), and creating a [widespread climate of fear](#). Increasingly, the violence has taken on a particularly gruesome nature and [massacres](#), [kidnappings](#), and [sexual violence](#) have become a part of everyday life. Haitian people are [living in extreme and worsening poverty](#) fueled by inflation and gang violence. [Basic food products are unaffordable](#) and inaccessible, driving half of Haiti's population into [acute hunger](#). Widespread gang violence and targeted attacks on [commercial ports](#) and [roads](#) fuel poverty. In turn, the lack of economic opportunity [drives gang recruitment](#) and leaves many Haitian

people with no alternative but to flee.¹ Democracy and rule of law have been deliberately eroded through state capture and corruption as Dr. Henry consolidates what remains of Haiti's state institutions. As of January 2023, there is [no longer a single elected official](#) at any level of government in Haiti. In March, Dr. Henry [illegally named](#) eight justices to Haiti's highest court, the Cour de Cassation, undermining the court's legitimacy to check executive power. Additional judgeships are vacant across the judiciary, and sitting judges have faced [violent attacks](#).

Two years after the assassination of President Moïse, [no one has been formally charged in Haiti](#). There is no clarity as to who is responsible for the murder, and why. The lack of meaningful progress is especially troubling given significant [evidence tying Dr. Henry to the assassination](#) and Dr. Henry's [firing of the chief public prosecutor](#) who sought charges against him. The U.S. government has [failed to address Dr. Henry's alleged involvement](#).

Despite the monumental failure of Dr. Henry's government, the United States continues to support his illegitimate and unpopular regime. U.S. diplomats treat Dr. Henry as indispensable to the political path forward and repeatedly [name Dr. Henry's de facto government](#) as a necessary signatory to any political agreement. The United States has failed to publicly address Dr. Henry's refusal to negotiate in good faith, even as it identifies national dialogue and consensus-building as a critical step toward addressing Haiti's crises. This treatment contrasts with the U.S. government's [failure to adequately engage](#) with Montana, a pro-democracy movement made up of a diverse coalition of civil society organizations, professionals, political parties and politicians, religious figures, and activists.

Most recently, this unjustified support for Dr. Henry is demonstrated by U.S. officials' welcome reception of Dr. Henry's December 2022 "[National Consensus Document for an Inclusive Transition and Fair Elections](#)" (December Accord). The Accord would consolidate Dr. Henry's power in troubling ways, including by amending the constitution in an explicitly unconstitutional manner. His proposed changes include [enabling Dr. Henry to pack the Cour de Cassation](#), Haiti's Supreme Court, and putting in place an unconstitutional Provisional Electoral Council (CEP). While Haitian civil society objected to the accord as [not the product of national dialogue](#), the United States welcomed it as "[a crucial step](#)."

In early June, leading Haitian human rights groups put forth a [call to action](#) for a "rights-based international response" to enable a constructive path forward. The first step they identify is for international actors to "stop propping up the set of actors who created the crisis, including those currently in power." They have also called on the United States and other international actors to:

- (1) Support the establishment of a legitimate transitional government tasked with organizing free, fair, and credible elections;
- (2) Provide technical assistance to restore security, justice, and accountability;
- (3) Stop the arms flow from the United States to Haiti;

¹Abroad, Haitian migrants [face anti-Black racism and violence](#). They are [vulnerable to kidnapping, trafficking, gender-based violence, and other human rights violations](#). Receiving countries, including the United States, [continue to deport Haitian migrants at rates greater than their migrant counterparts](#). Human rights officials [condemn these deportations](#).

- (4) Promote a Haitian-led reparations process, with a guarantee of non-repetition of past harms committed by foreign powers; and
- (5) Respond to urgent humanitarian needs, including access to adequate food and water and to health care and education systems.

We endorse this call to respect the sovereignty of Haitian people.

Ariel Henry secured power as Haiti's Prime Minister [due to international support](#) that arguably amounted to [interference](#). [Haitian civil society](#) and even [members of U.S. Congress](#) identify ongoing foreign support for Dr. Henry's regime as the [principal impediment to resolving Haiti's crisis](#). The U.S. government must cease enabling the status quo. U.S. officials say that they are [not picking political winners or losers](#) in Haiti, and yet their thumb is on the scale in favor of Dr. Henry. This must end. The U.S. government and other foreign actors must create space for Haitian people to return to constitutional order and to build their own democracy. Transitional efforts must be evaluated against Haiti's Constitution and established human rights principles, for example inclusivity, non-discrimination, and decentralization. Proposals that fundamentally violate the spirit of the Constitution by furthering state capture cannot be a path to democracy.

Sincerely,

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