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Hearing on "Haiti on the Brink: Assessing U.S. Policy Toward a Country in Crisis"
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Interpretation conducted by Hyppolite Pierre

Chairman Sires, Ranking Member Rooney, and other distinguished Members of the Subcommittee:

Thank you for holding this important hearing on the ongoing situation in Haiti. My name is Pierre Esperance, the Executive Director of the Haitian National Human Rights Defense Network (RNDDH), a human rights education and monitoring organization devoted to ensuring the protection of rights and the upholding of rule of law in Haiti, and I am grateful for the opportunity to be here today.

To begin, the general human rights situation in Haiti is characterized by a worrying security situation, the proliferation of armed gangs protected by the state – otherwise known as the gangsterization of the state, the dysfunction of the Haitian judiciary, impunity, corruption across all state institutions, the repression of anti-government demonstrations and the absence of any political will to find lasting solutions to the many problems facing the country.

1. On insecurity

Haiti faces severe security challenges that affect all Haitians. One major cause of concern is the ongoing gangersterization of the state. Currently, from the capital to provincial cities, Haiti is full of armed gangs that enjoy the protection of the executive and legislative powers. They regularly receive money and automatic firearms, and they never run out of ammunition. It is important to note that Haiti does not manufacture weapons or ammunition and that the country has been under an arms embargo for several years.

These armed gangs bolster the political interests of their protectors by attacking the population, especially in neighborhoods known as strongholds of political opposition that support anti-government demonstrations.

The Moise administration's use of armed gangs to repress political dissent began in 2018. As a result, armed gangs, with the protection of government authorities, have carried out five massacres over the course of President Jovenel Moise's administration. The deadliest of these massacres is that of La Saline, where at least 71 people, including women and children, were killed, and over 400 homes were destroyed in November 2018. On November 6, 2018, a meeting was held to prepare the massacre where weapons and ammunition were distributed to gang members. This meeting was attended by the then Director General of the Ministry of the Interior and Collective Territories and the then Departmental Delegate. During the La Saline Massacre, people were ripped out of their beds to be chopped up with machetes. Others were shot while trying to flee. The victims' bodies were burnt and thrown into pig sty's to be eaten by pigs. Women were gang-raped in front of their children.

Throughout these massacres, rape is used as a weapon of war. In total, 127 people were killed during these five massacres, with the overall goal of sowing terror in the communities and silencing the population and their demands for improving their living conditions.

Yet, this strategy of terrorizing communities has not stopped anti-government protests so the Ministry of the Interior and Collective Territories, several Departmental delegations, as well as the Secretary of State for Public Security have been providing the ability for the Haitian National Police officers to use rubber bullets, tear gas, and lethal weapons on protesters.

From July 2018 to the present day, at least 187 protesters, during protests or while leaving protests, have been murdered and at least 42 have been shot in the head, execution-style.

Several Haitian human rights organizations, Amnesty International, and the UN have reported on these security challenges with evidence of unnecessary and excessive force being used on the public.

Due to the widespread proliferation of protected armed gangs across the country, security outside of protests is also increasingly precarious and respect for life is dismal. No day goes by without at least one bullet shot being recorded. Police officers are overwhelmed by this situation and are also killed by gang members who are much better armed than them. For example, from January to November 2019, at least 478 people have been shot or stabbed. Of these, at least 44 police officers and at least 2 journalists lost their lives. Another 30 press workers were physically and/or verbally assaulted.

2. On the dysfunction of the Haitian judiciary and the rights to judicial guarantees

Haiti's Judiciary requires urgent reform as it is currently completely dysfunctional. This dysfunction has gotten worse with numerous work stoppages of magistrates, clerks and bailiffs who demand better working conditions. The Judiciary does not have the means to function, as they receive less than one percent of the national budget. The executive and the legislative arms have divided the country's' budget amongst themselves, while the needs of the judiciary are not considered. The executive and the legislative arms do not consider the judicial branch as an independent and equal power.

As a result, judicial rights are constantly trampled on. For example, as of November 15, 2019, 11,069 people are incarcerated, of which 74.21 percent, or 8,219 people, of the incarcerated population are awaiting a trial with only 25.79 percent, or 2,855 people, having been sentenced.

Moreover, it is very difficult, if not impossible, for litigants who have no connection with political authorities to have access to justice. Increasingly, citizens are witnessing the Executive politicize the Haitian Judiciary to solve its political problems. While some cases stagnate for years, others move quickly in the same judicial system, this violates the judicial rights of the population. For example the cases of people close to the administration are expedited so that the people are exonerated before the public has time to react. In comparison, the cases around the state sanctioned massacres, in general, are not progressing. Judges close to the government are hand selected to hear cases involving government officials, partisans and sympathizers. For example, the investigating judge called upon to conduct the judicial investigation against the people and intuitions charged with embezzling the PetroCaribe funds is close to the current administration President Moise is not renewing the mandates of judges who are known to be honest and independent. For example, Jean Wilner Morin, the President of the Association of Haitian Judges (ANAMAH), who has a longstanding reputation for his independence, excellent work and honesty, is experiencing this. Mr. Morin's mandate expired in December 2018 and it still has not be renewed as of December 2019. In contrast, President Moise is nominating and renewing the mandates of judges who are not independent.

We also see the protection of gangs. For example, the leaders of one of the largest armed gangs involved in kidnappings– Woodly Etheart, also known as Sonson La Familia, and Renel Nelfort, also known as Renel the Reef – are protected despite the fact that at the highest judicial court ordered that they be arrested and appear before the court.

In essence, government impunity has become a normal part of the judicial system.

3. *On the General Conditions of Detention*

The conditions of detention are in fact akin to torture; 74.21 percent of the prison population is awaiting trial, thousands of these individuals have been incarcerated for years in a prison space that currently accommodates 11,069 but was designed to accommodate 3,000 people.

In addition to the inhuman and degrading conditions, prison authorities do not take into account the safety of women in detention. For example recently, there was a mutiny in a national prison where 10 of the 12 women incarcerated were gang-raped by male inmates.

4. On the absence of government and the breakdown of the constitutional order

In April 2019, President Jovenel Moise forced Jean Henry Ceant, the Prime Minister of Haiti, out of his office. For Haitian civil society, this resignation was received with indifference because the population had already clearly shared with the President that their demand is for him to resign and make himself available to judicial authorities, in order to address his direct implication in the PetroCaribe corruption.

Since then, President Moise has been unable to establish a new government even with a majority in Parliament because the political opposition and civil society are demanding his resignation. However, they are not demanding the replacement of other members of his government.

Meanwhile, members of Haitian parliament, who have been unproductive for several years, have also been implicated in several corruption scandals. For example, the executive and legislative arms engage in nepotism. They often appoint judges and disregard the rules for appointment within the judiciary bodies. This is a violation of the principle of judicial independence. They also agree to form governments, each of which is then allowed to appoint a relative.

In several cases there are parliamentarians who control government ministries where they appoint and fire employees, and, once they control the Ministries, they are then able to siphon money from the Ministries. They often use fictitious development programs that on paper will benefit their district or regional department, but where in reality are used to embezzle money from the program. Corners are cut and program costs are inflated. Additionally, the management of some Haitian Ministries and agencies of the state, including the National Old Age Insurance Office, the National Port Authority, and the National Airport Authority, among others, are controlled by specific parliamentarians or those close to the government. These politically tied managers then are empowered to regularly demand the payment of large sums of money from the coffers of these state agencies – stealing funds that are meant to benefit the entire population.

We have seen Parliamentary corruption also in overcharging for commodities. For example, in November 2018, the Chamber of Deputies paid $4,701 USD, or 456,000 gourdes – the local currency, for the purchase of eight bags of sugar and seventeen cases of coffee. By December

2018, the Chamber of Deputies paid $29,598 USD, or 2,871,000 gourdes, for the same quantity of sugar and coffee.

The Haitian Parliament does not currently function as a legislative body working for the good of the Haitian people and does not exercise its power to control the government's actions.

Legislative elections, for members of parliament whose mandate ends in January 2020, were scheduled for October 2019. They were not held because Haiti still has no electoral budget or law, no current electoral list, no agreement on the constitution of the electoral council, and no political buy-in for elections. The president of Haiti's provisional electoral council has indicated that the technical, financial and political prerequisites for a free and fair election do not currently exist. As a result, on January 13, 2020, the Constitutional order will be broken, and the Haitian Parliament will be obsolete. This situation will allow the President to rule the country by decree. The President ruling by decree is enormously concerning for the Haitian population, especially given the administrations' current legacy of corruption, dismantling state institutions, perpetrating human rights abuses, and supporting the proliferation of gang violence.

The President did not use his party's majority in the Haitian Parliament to pass an electoral law. Of concern, he and his government have engaged in a process of issuing new national identification cards that will act as voting cards for the Haitian population. These new national IDs are illegal. The National Court of Auditor's has issued two contrary opinions. In one, they state that the need for the State to spend so much money on a similar process, when there are already existing national identification cards, is not warranted. Similarly, rumors of corruption mar the procurement process regarding the identifying and hiring of the service provider chosen to produce the new ID cards. Furthermore, a law sanctioning the replacement of the old card with the new one was given to the Parliament by the executive branch, but the law was never voted in. Ignoring all of the above, the Executive has nevertheless launched its process and now threatens to cancel the validity of the pre-existing national ID cards so that Haitians are forced to register for a new card.

This desire to provide citizens with a new identity document at all costs is a cause for concern because we fear this could allow for the manipulation of biometric and electoral data. The preexisting database has been under construction for 14 years, from 2005 to 2019, and the current administration hopes to regather this data in only a few months.

5. On the state's lifestyle and the living conditions of the population

State authorities often live a life of luxury far beyond the means of a poor country. The national budget currently provides members of the legislative, executive and judicial branches, in addition to their salary, with many exorbitant privileges. These privileges include telephone fees, service vehicles, fees for renting a second residence, reception fees for dignitaries and debit cards that

are refilled monthly. As a result, the limited resources and income generated by the state are directed towards these operating expenses with almost no investment in national infrastructure and social services. National revenue, moreover, is dwindling every day, as the State has decided to abandon control of ports and borders to smuggling.

In contrast to the luxuries afforded state authorities, in 2014, according to the Haitian Institute of Statistics and Computer Science, 68.2 percent of the Haitian population lives in poverty, making less than one U.S. dollar a day. With 28.8 percent of the population living in extreme poverty, making less than 50 U.S. cents a day. Throughout 2019, Haiti has been experiencing a deteriorating economic situation that has seen a 37 percent devaluation in the gourde the past year and with inflation now estimated at 19 percent. As a result, the cost of staple food items and other basic necessities have increased and become unaffordable for Haitian families; as a result, poverty is becoming more and more severe.

Exacerbating this is the high rate of unemployment, which affects 70 percent of the working-age population. And, many of those who have employment do not receive a sufficient wage that allows them to support themselves. This is the case for both public schoolteachers and public doctors who only earn approximately $10 a day.

Since September 2019, schools have been operating only in secret in Haiti due to protests and the ongoing socio-economic paralysis of the country. At the same time, for years, public school students have not had teachers in their classrooms. Meanwhile, public hospitals do not provide adequate services to the population. Often on strike to demand better working conditions, medical staff are overwhelmed by their working conditions that they deem unsanitary, insecure and devoid of basic equipment such as gloves, syringes, medicines, and other necessary medical items.

Social services are non-existent and failing. Social programs are now major corruption operations with zombie beneficiaries and overcharging of the products offered. For example, on August 28, 2017, the former Minister of Social Affairs and Labor, Roosevelt Bellevue, was implicated in a scandal involving the overbilling of 50,000 school kits for distribution to schoolchildren. He was simply removed from office. Those who he worked with to create this machine of corruption are, to date, not worried of facing any legal charges.

In addition, the Superior Court of Auditors and Administrative Litigation itself stated in its audit reports of the PetroCaribe funds published on January 31st and May 31st 2019, , that the majority of beneficiaries listed in the social assistance programs – including single mothers, distribution of food baskets, soup kitchens, and public university students – were never reached by these programs.

Today, at the time of this hearing, socio-economic activities have timidly resumed in Haiti. However, this should not be seen as a sign of progress as the problems of Haitians are not solved and the authorities concerned show no willingness to solve them.

6. On requests to the U.S. Congress

This picture presents a very precarious political, economic, and social situation in Haiti, all of which are the results of public policies implemented by the current state authorities.

It is based on this analysis that Haitians today believe the United States Government should:

- Encourage Haitian leaders to end the gangsterization of the state, including the stop of arming and offering protection to gangs, and the politicization of police and judicial institutions;
- Encourage Haitian authorities to combat smuggling;
- Increase U.S. monitoring around the illegal export of arms and ammunition from the U.S. that bolster the widespread proliferation of armed gangs across Haiti;
- Encourage the Haitian state to stop undermining accountability efforts and provide information on:
    - files related to the (mis)management of the PetroCaribe funds,
    - the civilian massacres perpetrated since 2018,
    - and the creation of a new national ID, also known as the Dermalog case;
- Recognize publicly the legitimate demands of the current movement and it's demands for: government accountability, an end to government impunity, respect for human rights and the consolidation of public spending - including assistance in strengthening anti-corruption institutions.

Thank you for your attention and I look forward to your questions.