

APPENDIX F: Alleged February 2021 Coup Against President Jovenel Moïse and U.S. and International Partner Efforts to Support Free and Fair Elections in Haiti

Alleged February 2021 Coup Against President Jovenel Moïse

In the early hours of February 7, 2021, the Haitian National Police (HNP) apprehended 23 individuals, including sitting Supreme Court Justice Dieujuste Yvickel Dabrezil and an HNP senior officer, Marie Louise Gauthier, in Tabarre, Port-au-Prince, for their alleged involvement in a plot to oust President Jovenel Moïse and install a transitional government. A total of 18 alleged co-conspirators were jailed.

Dabrezil, the alleged mastermind behind the attempted coup, reportedly planned to arrest Moïse using a warrant purportedly issued in 2018-2019. HNP Officer Gauthier allegedly solicited the assistance of the Head of Presidential Security Dimitri Herard. Herard agreed to meet with Gauthier in the early morning hours of February 7, but he arrived accompanied by the HNP Director General, the Head of Judicial Police, the Minister of Justice, Port-au-Prince and Croix-des-Bouquets prosecutors, a magistrate, and several HNP officers, who together arrested the alleged co-conspirators present.

Dabrezil was released from jail on February 11 after Croix-des-Bouquets Chief Judge Grecia Norceus granted his *habeas corpus* petition on February 10, on the grounds that the court could not competently investigate charges against a Supreme Court justice. The *habeas corpus* petition argued the illegality of the arrests of all the alleged co-conspirators based on a technicality. By executive order, Moïse forced the retirement of three Supreme Court justices on February 8 and unilaterally replaced them by appointment on February 11. Many observers noted irregularities surrounding the simultaneous February 10 *habeas corpus* hearing and replacement of Supreme Court justices, indicating potential executive interference to exert influence over the judiciary.

On March 26, 2021, 15 of the remaining 17 alleged co-conspirators were released, with the final two detainees released shortly thereafter, due to inconsistencies in the spelling of their names. The Port-au-Prince Court of Appeals ordered their release based on the above-described *habeas corpus* petition, finding that their

arrests had been illegal and arbitrary. Port-au-Prince human rights organizations largely celebrated the release of the alleged conspirators on procedural grounds as a rare victory for the rule of law.

U.S. Efforts to Assist the Haitian People in Their Pursuits for Free and Fair Elections

State Department Engagement with Haiti

The State Department in Washington, D.C., and U.S. Embassy Port-au-Prince have continuously encouraged Haitian political and civil society stakeholders to fulfill their obligations to hold free and fair elections when conditions permit.

2015

Haiti entered a political crisis January 12, 2015, after failing to hold legislative or municipal elections since November 10, 2010. As a result, the terms of the remaining senators lapsed, and negotiations commenced to extend the terms through a political accord. The Core Group—the United States, Brazil, Canada, France, Germany, Spain, European Union, and Organization of American States (OAS)—and the Dominican Republic supported the political accord to extend democratic governance until the Haitian government could organize the 2015 general elections, but with the failure of the accord, then-President Michel Martelly ruled by decree.

Haiti ultimately held the first round of legislative elections in August 2015. The United States participated in and financially supported an elections observation mission, by co-sponsoring OAS observation, collaborating with Canada to fund a local civil society observers project implemented by the National Democratic Institute (NDI), and forming the funding backbone of an election observers' initiative, implemented by the Provisional Electoral Council (CEP). In addition, the Bureau of International Narcotics and Law Enforcement Affairs (INL) provided funding for a Haitian National Police (HNP) communications system, vehicles, and training of officers. The HNP and United Nations successfully deployed over 3,000 security personnel and kept the peace during the subsequent October 25 presidential and second-round legislative elections.

2016

The CEP cancelled the second-round presidential election scheduled for January amid security concerns and allegations of electoral fraud. The CEP later annulled the results of the October 2015 first round presidential election amid security concerns and then-President Martelly stepped down on February 10, 2016. The National Assembly (Haiti's bicameral legislature) elected Jocelerme Privert provisional president pending an election within 120 days (June 14, 2016). Privert established an electoral verification commission to review the October 2015 election. The commission issued its report on May 30, 2016, and recommended restarting the presidential elections due to its own conclusions that there had been irregularities, fraud, and a large number of "untraceable votes." The United States and other partners maintained the report provided no evidence of fraud, but the CEP accepted the commission's recommendations and eventually held a new first round of presidential and some legislative elections on November 20, 2016, and legislative second rounds on January 29, 2017, accounting for delays caused by Hurricane Matthew. As in 2015, the United States led efforts to fund logistics, observation, and security to ensure free and fair elections in Haiti for both rounds of elections.

2017

Jocelerme Privert remained provisional president until Jovenel Moïse was sworn in as president on February 7, 2017. Over the course of 2017, the United States encouraged the Haitian government to replace the CEP with a Permanent Electoral Council and determine a calendar for elections. Uncertainty remained as to whether parliamentary and municipal elections would take place in 2018 or 2019. The terms of elected officials by 2017 had grown out of sync with constitutional electoral guidelines, generating confusion over the election schedule and risking future vacancies.

2018

The 2018 legislative year opened January 8 to significant controversy as President Moïse and parliamentarians disagreed over one another's term lengths (including Moïse's assertions that the mandates of certain parliamentarians had already expired). After much advocacy by U.S. Embassy Port-au-Prince to clarify the electoral calendar, in May 2018, the CEP scheduled legislative elections for October 2019. At this time, Ambassador Michele Sison made clear to Haitian government officials that "the Government of Haiti must take the lead in

organizing and funding the October 2019 elections and it should not wait for the international community to offer support.” She also expressed concern that the Haitian government had not yet determined its logistical and security needs for the elections nor established a Permanent Electoral Council.

Throughout 2018, the United States and Core Group partners urged the Haitian government to take concrete steps to plan elections, emphasizing the need to include electoral funding in the 2018-2019 national budget and draft an electoral bill for parliamentary consideration that would settle compounding dysfunction and disagreement with respect to democratic processes. On November 2, during widespread “Peyi Lok” protests, the Core Group released a joint statement emphasizing that in a democracy, change comes through the ballot box, not violence. In that statement, the Core Group again called upon the Haitian government to take concrete steps to prepare free and fair legislative elections in October 2019.

2019

The 2019 legislative year began January 14 with the same controversies as in 2018 and little progress on scheduling elections. After much continued advocacy by the United States and partners, the 2018-2019 national budget included \$40 million for October 2019 elections. Internal Haitian government disagreement, gridlock, and the deterioration of security conditions prevented the Haitian government from holding elections in 2019.

2020 and Pre-Assassination 2021

In 2020, debate raged as to whether then-President Moïse’s term ended on February 7, 2021, (position held by the opposition) or February 7, 2022, (position held by Moïse and his supporters). The U.S. government did not endorse either position, and Embassy Port-au-Prince advocated for political actors to come to an accord and determine an electoral calendar. Moïse decided unilaterally in October that constitutional reform would need to precede an election, drawing further criticism from the opposition. In December 2020, the CEP announced an electoral calendar with a constitutional referendum planned for April 25, 2021, and a first round of presidential, legislative, and municipal elections for October 10, 2021. The U.S. government did not take a position on the referendum, nor fund any of its preparations. The CEP postponed the referendum twice before postponing it indefinitely. The political opposition and the Embassy continued to advocate for a

political accord and the organization of free and fair elections. Pre-existing, long-term programmatic electoral support, such as USAID assistance and UN basket fund support continued towards a planned October 2021 election.

Post-Assassination 2021

Since the July 7 assassination of Moïse, the U.S. Embassy has encouraged Haitian political and civil society stakeholders to conclude an accord determining a clear path to elections as soon as conditions permit. The Embassy regularly met and spoke with all relevant political and civil society stakeholders, including convening them for consultations with each other. The Embassy also met regularly with Haitian government election technicians, including the Office of National Identification, which handles the identification card system for voter registration, and the executive body of the CEP, which oversees technical aspects of elections.

Multiple high-level U.S. government officials engaged with Haitian government and civil society stakeholders, underscoring the need to define the path to elections as part of a Haitian-led solution. Then-Special Envoy Dan Foote discussed the unstable political impasse with over 40 interlocutors including Prime Minister Ariel Henry, the civil society-heavy Montana Group (Commission to Search for a Haitian Solution to the Crisis), other actors from the political class, civil society, and the religious community, and the HNP in Port-au-Prince August 15-19. Bureau of Western Hemisphere Affairs (WHA) Assistant Secretary (A/S) Brian Nichols, National Security Council Senior Director Juan Gonzalez, and WHA Deputy Assistant Secretary (DAS) Mark Wells engaged PM Henry, then-Foreign Minister Claude Joseph, Haiti's Ambassador to the United States Bocchit Edmond, and nearly 40 other interlocutors in Port-au-Prince September 30 – October 1. Under Secretary of State for Civilian Security, Democracy, and Human Rights Uzra Zeya visited Port-au-Prince October 12-13, and she discussed Haiti's security situation and political impasse with PM Henry, the Montana Group, and over 30 other political and civil society stakeholders. INL A/S Todd Robinson met with PM Henry, other Haitian political leaders, HNP leadership, and international partners to discuss Haiti's deepening security crisis on November 9.

In 2021, Haitian stakeholders intermittently came together for negotiations to discuss various draft accords. For example, Montana Group's August 30 accord called for a transitional government lasting 24 months with a two-headed government, while supporters of PM Henry's September 11 accord sought

elections on a faster timeline and a transition led by the Prime Minister, but the political and civil society actors did not develop a unified accord.

A lengthy transition period complicates funding for election support issues. In 2021, the United Nations Development Program (UNDP) in Haiti, along with the UN Integrated Office in Haiti (BINUH), administered a nearly \$40 million Haitian government-resourced basket fund to support the electoral process. As of December 2021, UNDP and BINUH reported over \$12.3 million of the basket fund had been spent, much of it in preparation for a constitutional referendum championed by former President Moïse that was initially delayed in part due to a flare-up in COVID-19 cases in Haiti and became indefinitely delayed following Moïse's assassination.

Since the establishment of BINUH in June 2019, the United States has consistently advocated for the continuation of the mission's mandate when up for renewal, and in doing so, supported BINUH's advisory role in advancing Haiti's effort to undertake electoral reforms and hold free and fair elections. Through particularly challenging negotiations in October 2021, the United States led efforts to secure a nine-month renewal of BINUH.

2022

In 2022, the State Department continued efforts to assist the various Haitian political stakeholders broker an accord to return the country to democratic governance. INL DAS Heide Fulton and Chargé d'Affaires Kenneth Merten met with HNP leadership, government interlocutors, and international organizations February 24. DAS Fulton emphasized the United States would continue to help the HNP build long-term institutional capacity to counter gangs and provide essential security services, noting that improving the security environment would help Haiti hold free and fair elections as soon as possible. Bureau of Conflict and Stabilization Operations (CSO) A/S Anne Witkowsky discussed during her March 7-9 visit to Haiti the contours of the Global Fragility Act's Strategy to Prevent Conflict and Promote Stability, highlighted continued U.S. government support for a Haitian-led solution to the current political impasse, and sought a range of perspectives on the underlying drivers of instability in Haiti. She also discussed with interlocutors restoring security and addressing corruption. On March 11, A/S Nichols met with PM Henry on the sidelines of the inauguration of Chile's President Gabriel Boric to discuss security assistance and the ongoing political

dialogue with the Montana Group. On April 5-7, WHA DAS Barbara Feinstein met with FM Geneus, former Interim President Privert, Montana Group members, and a wide range of political, civil society, and private sector interlocutors, to discuss insecurity and potential reconciliation efforts to resolve the political impasse. On June 9, on the margins of the Ninth Summit of the Americas, A/S Nichols and U.S. Ambassador to the United Nations Linda Thomas-Greenfield encouraged PM Henry to continue progress in reaching a political accord and reiterated that the United States stands ready to support efforts to hold free and fair elections when conditions permit. A/S Nichols has also held meetings with members of the Montana Group in January, April, and June to likewise encourage reaching a political accord with PM Henry and other stakeholders. The State Department, both in Washington and Port-au-Prince, maintains engagement with relevant interlocutors to help advance negotiations towards a political accord. The Department also led a campaign to secure a one-year renewal of the BINUH mandate at the UN Security Council in July 2022 and will continue to work alongside BINUH's efforts to promote an inclusive inter-Haitian dialogue towards a way forward on governance and elections when conditions permit.

USAID Electoral Support Programming

2015-2016

USAID provided support to the Provisional Electoral Council (CEP) through the UNDP-managed donor basket fund, as well as through its program with the Consortium for Elections and Political Process Strengthening (CEPPS) to build the communications capacity of the CEP, build the electoral oversight capacity of Haitian civil society, and election logistics. CEPPS is a U.S. non-profit organization composed of three core partners institutions: International Republic Institute; International Foundation for Electoral Systems; and National Democratic Institute. CEPPS has since 2012 implemented major USAID-funded electoral support projects in Haiti. With USAID support, the Citizen Observatory for the Institutionalization of Democracy in Haiti, a civil society coalition, trained over 200 election officials and deployed over 1,500 domestic observers for each round of elections, held in August and October 2015, November 2016, and January 2017. Almost 5.6 million Haitians across the country received civic and voter education training materials.

2017-2022

USAID has strengthened the capacity of the CEP through trainings and peer to peer exchange on topics such as electoral management and training, strategic and operational planning, budgeting and financing of elections, gender equality, legislative drafting, monitoring and evaluation, and inclusion of persons with disabilities; and built the technical capacity of the CEP through the development of IT infrastructure and systems, including an online archiving platform, an institutional email system and uninterrupted solar panel provided power.

USAID assisted Haitian election observation partner, OCID, to engage on electoral reform efforts, monitor Parliament and carry out a national door-to-door public opinion survey on day-to-day citizen concerns, the ongoing political crisis, and elections. The 2021 survey findings provided political and civic leaders with unique, reliable insights to develop more responsive policy solutions. The survey findings generated more than 19 print, online, radio and TV stories, including the front-page of the leading newspaper, *Le Nouvelliste*. OCID also mobilized 1,020 volunteer observers to conduct survey interviews, helping build their network for elections.

USAID brought marginalized youth and women into political life by helping emerging political parties and movements create party member databases, organize recruiting sessions across the country and carry out internal gender action plans. As a result, two new parties, En Avant and MARS, saw great advances. Some 74 percent of their members are youth and 41 percent are women, making the new parties more representative, responsive, and inclusive of Haitian society in advance of expected elections.

U.S. Efforts to Cooperate with Diplomatic Partners to Engage with Political Leaders, Civil Society, the Private Sector, and Underrepresented Populations in Haiti to Support a Stable Environment Conducive to Holding Free and Fair Elections

The assassination of President Moïse further exacerbated insecurity fueled by escalating gang violence, corruption, institutional weakness, a shrinking economy, and low public trust. Natural disasters such as the August 14, 2021, earthquake in southern Haiti and poor infrastructure have complicated insecurity by rendering key routes impassible or more difficult for the HNP to pry from gang control.

Haitian interlocutors of all political persuasions note that all interested parties should prioritize an improvement in security conditions; many cite an improvement in security as a precursor to holding elections.

The United States and international partners in Latin America, the Caribbean, Canada, and Europe have, often with a united approach, consistently engaged Haitian leaders from political, civil society, private sector, and underrepresented groups to support a stable environment conducive to holding free and fair elections. Since the assassination, the Core Group has consistently encouraged Haitian stakeholders to come together for a consensual political accord, fully inclusive of the broad political spectrum, civil society, and private sector actors needed for Haiti to return to democratic governance.

To exit the political crisis, the Core Group has defined two critical areas: a substantial improvement in security conditions and the conclusion of a political accord that will lead to presidential and legislative elections. In supporting these Haitian-led efforts, the United States and its partners intend to ensure the sustained political will of Haitian leaders; use a variety of tools to hold political, civil society, private sector, and religious community actors accountable; utilize well-targeted foreign assistance programs to ensure citizen security; and deploy consistent private and public messaging to reinforce steps taken by Haitian leaders.

Negotiations among the government, political parties, civil society, the private sector, the religious community, and the diaspora to resolve the Haitian political crisis remain ongoing; however, the key players in determining a political accord have often tried to leave the negotiating table. The United States and international partners have played a key role in helping to ensure these stakeholders continue negotiations towards a Haitian-led solution to the political impasse. The United States has expanded its assistance programs for security and elections, successfully encouraging the Core Group and others to do the same. To mobilize additional support for the Haitian government to address the country's most critical needs such as combatting gang violence, the United States and its partners, Canada, France, and Suriname, have hosted four International Partners Ministerial meetings on Haiti since December 2021. In the last meeting on July 8, 2022, the United States, Canada, EU, France, Haiti, and the UN Office on Drugs and Crime announced more than \$154 million in new commitments, bringing the total amount mobilized since December 2021 to over \$294 million. This includes new INL

funding of \$48 million in 2022 to help strengthen HNP capacity to counter gangs, including funding community-based efforts to deter gang recruitment, hiring additional anti-gang subject matter experts, and supporting the HNP's anti-gang operations.

In successive visits to Port-au-Prince, high-level State Department leadership consistently engaged with a broad swath of Haitian stakeholders and affirmed international partner unity on security and elections. Visits from State Department leaders proved consequential in bringing Haitians as well as international stakeholders into productive discussion.