



***Human Rights Groups Tell UN High Commissioner for Human Rights He Must Choose Haiti's Rule of Law Over the De Facto Government's Accord***

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**February 8, 2023 (PORT-AU-PRINCE, HAITI; BOSTON, MA)** — Ahead of UN High Commissioner for Human Rights (OHCHR) Volker Türk's official visit in Haiti on February 8-10, the Haitian human rights law firm *Bureau des Avocats Internationaux* (BAI) and its U.S.-based sister organization, the Institute for Justice & Democracy in Haiti (IJDH), urge High Commissioner Türk to support the rule of law in Haiti by recognizing the unconstitutional nature of the initiative to amend Haiti's Constitution by referendum. The referendum is planned by Haiti's de facto government's December 21 Accord, the *National Consensus for an Inclusive Transition and Fair Elections* ("Accord"), which in turn is supported by the United Nations and the United States.

"High Commissioner Türk and the international community can support the rule of law in Haiti, or they can support the de facto government of Haiti and its Accord. They cannot support both," said Mario Joseph, BAI Managing Attorney.

Haiti's Constitution was written in the wake of the February 7, 1986 ouster of dictator Jean-Claude "Baby Doc" Duvalier, who acquired the title "President for Life" through a rigged referendum to amend the Constitution. The Constitution's Article 284.3 states that "[a]ny Popular Consultation tending to modify the Constitution through a referendum is expressly prohibited." Previous articles in the Constitution set out the process of amendment, which, as in the United States, requires approval by supermajorities in the legislature. Article 15 of the de facto government's Accord ignores this prohibition, stating that after a six-month process of revising the Constitution, "the electoral authorities will submit the final version of the Constitution to a popular consultation for approval."

"The de facto government's proposed amendments are exactly as illegal in Haiti as they would be in the United States. Such a blatant disregard for the Constitution would be unacceptable in Canada, the U.S. or European countries," said Brian Concannon, IJDH Executive Director. "Imposing such a reduced standard for legality on Haitians is blatantly racist."

At a Security Council briefing on January 24, Special Representative of the UN Secretary-General for Haiti Helen La Lime [called](#) on Member States to support the Accord, which she claims is supported by a "broad spectrum of political figures, CSOs, religious authorities, trade unions, and the private sector" and "can help chart a path back to accountability, the rule of law, and the restoration of democratic institutions." U.S. Ambassador to the UN Robert Wood [told](#) the Security Council that the Accord "provides an opportunity for Haiti to restore stability and democratic governance."

The December 21 Accord would also allow the de facto government to name six members of the *Cour de Cassation* (Supreme Court, Article 14) and to name all members of the Electoral Council (Article 16) that would have unrestrained authority to run elections for every single elected office in the country. Not a single party that won more than 1% in Haiti's last Presidential elections has signed the Accord, and a broad swath of Haitian civil society has condemned it as a transparent power grab by a de facto government that lacks a single elected official.

Mario Joseph noted that “if High Commissioner Türk takes his mandate seriously, he will investigate how the de facto authorities and its predecessors have systematically dismantled Haitians' democracy since 2011, with the persistent support of the international community. He will listen to Haitians who will tell him that the solution to our crisis is not more dismantling and foreign interference, but a Haitian-led, democratic process.”