

Congress of the United States
Washington, D.C. 20515

May 12, 2020

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
Washington, D.C. 20520

The Honorable Chad F. Wolf
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Pompeo and Acting Secretary Wolf:

We are writing regarding the potential deportation of Haitian death squad leader Emmanuel “Toto” Constant, to urge that the Department of Homeland Security detain Mr. Constant and not deport him until the Government of Haiti provides a plan to ensure the safety of the victims of Mr. Constant’s crimes in Haiti, and his effective prosecution under Haitian law.

Mr. Constant founded and led the *Front pour l’Avancement et le Progrès Haitien* (Front for the Advancement and Progress of Haiti, or “FRAPH”), a brutal paramilitary organization that a U.S. Federal judge described as “dedicated principally towards terrorizing and torturing political opponents”¹ of Haiti’s 1991-1994 *de facto* military dictatorship.

Mr. Constant’s crimes in Haiti have been well-documented by contemporaneous human rights reports and by subsequent judicial decisions in Haiti and the United States. In 2000, Mr. Constant was convicted, *in absentia*, in a Haitian trial for the 1994 Raboteau massacre. In 2006, the U.S. District Court for the Southern District of New York found Mr. Constant responsible for brutal rapes by FRAPH of three Haitian women, and assessed \$19 million in civil damages.²

In 2008, the New York Supreme Court found that “after fleeing Haiti [Mr. Constant] arrived in this country and embarked on a further life of crime.”³ The court sentenced Constant to up to 37 years in prison for fraud, grand larceny and other crimes.

Sending Mr. Constant back to Haiti now risks unleashing his criminal proclivities on an extremely vulnerable population. Even before the COVID-19 pandemic hit, Haiti was experiencing a deep political, social and economic crisis. The U.S. State Department issued a Level 4 “Do Not Travel” warning, “due to crime, civil unrest and kidnapping.”⁴ Haiti’s police are stretched thin, underequipped, politicized and poorly paid. Protests by police in 2020 have included strikes, blocking roads, pulling civilians from cars, and even a shootout with other

¹ *Jane Doe I, Jane Doe II, and Jane Doe III vs. Emmanuel Constant*, US District Court, Southern District of New York, Findings of Fact and Conclusions of Law, 10/24/2006, p. 12.

² *Jane Doe I, Jane Doe II, and Jane Doe III vs. Emmanuel Constant*, US District Court, Southern District of New York, Findings of Fact and Conclusions of Law, 10/24/2006, p. 13.

³ *The People of the State of New York v. Emmanuel Constant*, New York Supreme Court, Ind. 8203/2006, 10/28/2008, p. 2.

⁴ <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html>

police and army officers. In this context, even if the police were willing, they would not be able to provide effective protection to people targeted by Mr. Constant and his collaborators.

There is substantial reason to believe that the Haitian government will not be willing to protect its citizens from Mr. Constant. Jean-Robert Gabriel, who was likewise convicted *in absentia* for the Raboteau massacre, was named to the Haitian military's High Command in 2018.

Perhaps most troubling, the same populations targeted in the 1990s by Mr. Constant's FRAPH – low-income neighborhoods that support Haiti's *Lavalas* movement – have been targeted by similar attacks over the last eighteen months. The most notorious of these was the November 2018 La Saline massacre, which involved more than 70 killings, dozens of destroyed homes, and at least 11 rapes. When one of us spoke with victims of the La Saline massacre in April of 2019, the perpetrators of the massacre, including gang members, police officers, and government officials, were known but had not been prosecuted. A year later, they are still at large.

Sending Mr. Constant to Haiti at this time, without a credible plan by the Haitian government to prosecute him for his past crimes and protect the people of Haiti from potential future crimes, is dangerously irresponsible. We therefore urge the Department of Homeland Security to detain Mr. Constant in the United States, in accordance with the law, until the Haitian government provides a plan to handle Mr. Constant's arrival safely and prosecute him under Haitian law.

Sincerely,

A handwritten signature in black ink that reads "Maxine Waters". The signature is written in a cursive, flowing style.

Maxine Waters
Member of Congress

A handwritten signature in blue ink that reads "Andy Levin". The signature is written in a cursive, flowing style.

Andy Levin
Member of Congress