

## **Human Rights and the Rule of Law in Haiti: Key Recent Developments December 2022 through May 2023**

Since IJDH's last Update on Human Rights and Rule of Law in Haiti,<sup>1</sup> Haiti's acute intersecting governance, insecurity, and humanitarian crises have deepened yet further. Already catastrophic insecurity<sup>1</sup> continued to grow in incidence, geographic reach, and brutality, and has reached levels associated with armed conflicts.<sup>2</sup> Gangs have continued to gain territory,<sup>3</sup> deploying increasingly inhumane measures to terrorize and control the population in order to do so, such as massacres; deliberately gruesome violence, including rape and other forms of sexual violence; kidnapping; and destruction of property.<sup>4</sup> The ubiquitous violence has brought most normal activities to a halt,<sup>5</sup> exacerbating a protracted economic decline marked by a lack of economic opportunity, which is in turn a driver of gang recruitment in the first place.<sup>6</sup> This is compounded by a prolonged drought<sup>7</sup> and soaring food prices,<sup>8</sup> which has brought Haitians to the brink of famine, with growing numbers at "catastrophic" levels of hunger already.<sup>9</sup> Drinkable water, healthcare, and many other critical services remain scarce, poor, or unreachable for much of the population.<sup>10</sup>

The international community has directed much attention towards Haiti in recent months, convening discussions and appointing experts with the stated goal of identifying solutions.<sup>11</sup> But international actors continue to support the illegitimate de facto Haitian government, which is directly responsible for the corruption, impunity, and incompetence that underlies almost every component of Haiti's crises.<sup>12</sup> For over a decade, individuals associated with the *Pati Ayisyen Tèt Kale* (**PHTK**) have deliberately dismantled Haiti's democratic institutions, corrupted its accountability mechanisms, and built up gangs as instruments of political violence.<sup>13</sup> De facto Prime Minister Ariel Henry, who lacks constitutional authority to govern,<sup>14</sup> is a longtime PHTK operative and direct heir to these policies.<sup>15</sup> He is kept in power – like the other PHTK-affiliated regimes before him<sup>16</sup> – by support from the international community,<sup>17</sup> which effectively installed him in the first place.<sup>18</sup> In December, Henry put forward the "National Consensus Document for an Inclusive Transition and Fair Elections" (**December Accord**).<sup>19</sup> Haitians broadly reject the Accord as an attempt to consolidate PHTK power through unconstitutional changes to Haiti's Constitution, unfair elections, and illegal court-packing,<sup>20</sup> while the international community lauds it.<sup>21</sup> The December Accord is a revised version of a failed proposal Henry put forward in September 2021,<sup>22</sup> and has been criticized even by its signatories for failing to live up to promises of inclusive dialogue.<sup>23</sup> The persistent international support for Henry enables him to avoid constructive engagement with political and civil society actors that is necessary for resolving Haiti's crises, and thus further entrenches his illegitimate government.<sup>24</sup>

The deadly insecurity and humanitarian crises have continued to shrink space for civil society to mobilize and protest,<sup>25</sup> even as the situation grows more dire and calls for Henry's resignation continue.<sup>26</sup> Instead, growing desperation and sense of abandonment has driven local community protection groups to take up arms against suspected gang members, resulting in extrajudicial killings, sometimes in collaboration with police.<sup>27</sup> Human rights group and journalists report a resulting decline in kidnapping and other gang activities.<sup>28</sup> The consequences for rule of law and community reconciliation are potentially devastating.<sup>29</sup>

Below, this Update details (I) violations of rights to life and security of the person; (II) government misconduct, including institutionalized violence and corruption; (III) lack of access to justice and chronic impunity; (IV) lack of equal rights and protections for socially vulnerable individuals, especially women and girls; (V) the collapse of economic and social rights; (VI) emigration pressures; and (VII) the ongoing failures of the international community to respect the rights of Haitians.

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<sup>1</sup> Institute for Justice and Democracy in Haiti (**IJDH**), Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2022 (2022), <http://www.ijdh.org/wp-content/uploads/2022/12/HRU-December-2022-FINAL.pdf> (hereinafter **IJDH November 2022 Update**). All IJDH Updates are available on the IJDH website at *Publications: Human Rights Updates*, INSTITUTE FOR JUSTICE AND DEMOCRACY IN HAITI, <http://www.ijdh.org/news-and-resources/publications/>.

## I. Violations of the Right to Life and Security of the Person

Already catastrophic gang violence has grown more prevalent and increasingly brutal.<sup>30</sup> Daily killings, kidnappings, and rapes impose a state of constant fear.<sup>31</sup> The pervasive insecurity has exacerbated existing economic pressures,<sup>32</sup> which in turn drive gang recruitment as Haitians become increasingly desperate for basic necessities.<sup>33</sup> With violence in homes, on the streets, and at displacement sites, Haitians have nowhere safe to turn.<sup>34</sup> The de facto government continues to collude with gang members, who are allowed to act with impunity.<sup>35</sup> Its failure to protect the population has given rise to a civilian-led self-defense movement – *Bwa Kale*<sup>II</sup> – to combat gang violence.<sup>36</sup>

### *Gang violence and related displacement*

- Gang violence intensified during the reporting period,<sup>37</sup> reaching areas previously considered safe.<sup>38</sup> There are over 200 gangs<sup>39</sup> operating in Haiti, with seven major gang coalitions.<sup>40</sup> The *G9 an Fanmi (G9)*<sup>41</sup> and *G-Pèp*<sup>42</sup> gang alliances are responsible for the majority of the violence.<sup>43</sup> Gangs control a significant amount of territory in Port-au-Prince – most public reports place the number at 80 percent or higher<sup>44</sup> – and the rest of the country.<sup>45</sup> The Artibonite Department is also particularly impacted.<sup>46</sup>
- Gang violence, including mass killing,<sup>47</sup> has resulted in the deaths of at least 1,466 people between January and April.<sup>48</sup> According to the UN Integrated Office in Haiti (**BINUH**), 531 people were killed and 300 injured in gang-related incidents between January 1 and March 15, contributing to a 21 percent rise in the homicide rate in the first quarter of 2023.<sup>49</sup> In April alone, gang members killed over 600 people in Port-au-Prince.<sup>50</sup>
- Gangs are employing increasingly brutal tactics against civilians,<sup>51</sup> including firing indiscriminately from rooftops;<sup>52</sup> burning people alive;<sup>53</sup> raping women and girls;<sup>54</sup> publicizing acts of cannibalism to intimidate rivals;<sup>55</sup> and leaving behind mutilated corpses as warnings to civilians, law enforcement, and other gangs.<sup>56</sup> Gangs' use of sexual violence as a weapon to terrorize and punish the population has increased further.<sup>57</sup> Residents of gang-controlled neighborhoods are often entirely cut off from critical services as rival groups use roadblocks to place certain neighborhoods under siege.<sup>58</sup> Gang members also routinely hijack commercial and personal vehicles along gang-controlled roads,<sup>59</sup> further impeding freedom of movement and access to critical goods and services.<sup>60</sup>
- As of mid-March, at least 160,000 people had been displaced due to the violence,<sup>61</sup> including 127,977 in the Port-au-Prince metropolitan area alone.<sup>62</sup> According to the International Organization for Migration (**IOM**), worsening and protracted gang violence accounts for 99 percent of internal displacement in the capital.<sup>63</sup> The use of so-called “slash and burn campaigns,” during which gangs set fire to entire neighborhoods, has been particularly devastating.<sup>64</sup> Flight does not guarantee safety, as gangs – and sometimes police – continue to hunt down, kill, and rape individuals in public squares and on the streets.<sup>65</sup> Most internally displaced persons stay with friends or relatives, but at least one quarter are living in one of the informal displacement sites.<sup>66</sup> These sites are located in open-air spaces, schools, and churches, with people often sleeping on the ground and exposed to the elements.<sup>67</sup> They are overcrowded<sup>68</sup> and lack adequate and gender-segregated water and sanitation infrastructure, which increases vulnerability to disease and infection and exposes women and girls to violence.<sup>69</sup> Women living in these sites have reported being raped and sexually exploited, including by aid workers.<sup>70</sup> There are reports that persons displaced from areas under gang control sometimes face discrimination based on their perceived affiliation with those gangs.

### *Continuing kidnapping epidemic*

- The number of kidnappings in Haiti has increased for the fourth consecutive year.<sup>71</sup> BINUH reported at least 395 kidnappings between January and March, a 12 percent increase from the

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<sup>II</sup> Translated from Haitian Creole as “peeled stick” or “club.”

previous quarter.<sup>72</sup> The actual number is likely much higher due to underreporting.<sup>73</sup> After a spike in kidnappings in March,<sup>74</sup> incidence slowed dramatically in April and May.<sup>75</sup>

- Gangs continue to kidnap Haitians from across all social sectors.<sup>76</sup> Kidnapping remains a lucrative source of income for gangs,<sup>77</sup> who direct extreme violence<sup>78</sup> at kidnapping victims in an attempt to extract larger ransom payments.<sup>79</sup> Despite disproportionate international media coverage of foreign – particularly white<sup>80</sup> – kidnapping cases, Haitians make up the vast majority of victims.<sup>81</sup>

#### *Government failure to protect civilians, including human rights defenders and journalists*

- The de facto government remains unable and unwilling to address ever-growing insecurity.<sup>82</sup> Government officials at all levels continue to collude with gangs and use them as tools to bolster their political power.<sup>83</sup> Police are likewise complicit;<sup>84</sup> according to a former Director General of the Haitian National Police (PNH), every major gang in Port-au-Prince has at least one PNH officer within its ranks.<sup>85</sup>
- Government officials and police continue to be credibly accused of providing vehicles and firearms to gangs<sup>86</sup> and intentionally sabotaging police equipment.<sup>87</sup> Weapons and equipment imported from abroad are often stolen or destroyed.<sup>88</sup> Gangs remain far better armed than the police, including as a result of these challenges.<sup>89</sup> The continuing trafficking of U.S. guns into Haiti compounds the problem.<sup>90</sup>
- Haitian police also lack adequate resources, training, and management to effectively confront the gangs.<sup>91</sup> Some successful operations have been undertaken, with over 2,700 arrests of alleged gang members.<sup>92</sup> But as a whole, police are heavily outnumbered<sup>93</sup> and outgunned,<sup>94</sup> lack adequate state support,<sup>95</sup> and are often unwilling to intervene or even enter gang-controlled neighborhoods, leaving civilians without state protection.<sup>96</sup> As of mid-March, the police-to-population ratio was just over 1 officer per 1,000 inhabitants.<sup>97</sup> According to the latest BINUH report (from April), only 9,000 police officers – out of 13,200 active PNH personnel – are actually performing police tasks, and only 3,500 of those are on public safety duty at any given time.<sup>98</sup> Gangs continue to attack and destroy police stations, further cementing their control over neighborhoods.<sup>99</sup> Police are often targets of gang violence themselves,<sup>100</sup> with at least 21 officers killed by gangs between January 1 and April 9.<sup>101</sup> After armed gangs killed at least ten officers in one week in late January, Haiti's police went on strike to demand better conditions.<sup>102</sup>
- On April 24, after persistent government failures to confront gang violence and bring perpetrators to justice, a group of angry residents in Port-au-Prince to lynch 14 suspected gang members.<sup>103</sup> Since then many civilians have taken up improvised weapons to fight suspected gang members,<sup>104</sup> sometimes with police complicity or encouragement,<sup>105</sup> in what has come to be known as the *Bwa Kale* movement. By some estimates, *Bwa Kale* actions have killed at least 160 individuals and are responsible for a drop in kidnapping and other gang violence.<sup>106</sup> There are also reports of people who may not be affiliated with gangs being targeted because of their appearance or because they are unfamiliar to certain neighborhoods.<sup>107</sup> The movement is a predictable consequence of long-standing government failures, but also risks harming innocent people, further damaging trust within communities, and undermining formal judicial mechanisms and the rule of law.<sup>108</sup>
- The de facto government continues to fail to protect human rights defenders, including journalists, from gang violence, resulting in the shrinking of civic space and impeding the advancement and protection of human rights in Haiti.<sup>109</sup> For example, ongoing threats against the staff of feminist organization *Nègès Mawon* continue to impede its work on behalf of women and girls in Haiti.<sup>110</sup> Human rights defenders who have been forced to flee Haiti due to threats against them remain unable to return safely.<sup>111</sup>
- Haiti remains one of the most dangerous countries in the world for journalists,<sup>112</sup> dropping 29 spots in the 2023 Global Press Freedom Index.<sup>113</sup> At least nine journalists were killed in 2022, making it the third most dangerous country for journalists that year.<sup>114</sup> Four have been killed

since the beginning of 2023.<sup>115</sup> The de facto government has failed to properly protect against, investigate, and prosecute attacks; perpetrators have not been arrested, charged, or tried.<sup>116</sup>

## II. Government misconduct, including institutionalized violence and corruption

No progress has been made toward restoring democratic government in Haiti since our previous Update. De facto Prime Minister Henry has continued efforts to consolidate power, including by unconstitutionally packing Haiti's highest court<sup>117</sup> and assembling an unconstitutional and otherwise illegitimate Provisional Electoral Council (CEP).<sup>118</sup> As of January 10, no elected officials remain in Haiti.<sup>119</sup> This is the direct product of deliberate policies by PHTK-affiliated governments, which left a constitutional vacuum that Henry, like the late President Jovenel Moïse before him,<sup>120</sup> has used to justify antidemocratic policies.<sup>121</sup> Corruption at the highest level remains prevalent and is both a symptom and a driver of Haiti's long-standing governance crisis.<sup>122</sup> Increased domestic and international attention on corruption has resulted in several steps towards accountability.<sup>123</sup> Reports of police abuses, including involvement in extrajudicial killings and suppression of protests,<sup>124</sup> have contributed to distrust of state institutions and further shrinking of civic space.

- On December 21, 2022, de facto Prime Minister Henry introduced the December Accord.<sup>125</sup> Many Haitians are critical, observing that it is not the product of a national dialogue, let alone consensus, as its misleading name suggests, and – like the previous agreement put forth by Henry in September 2021<sup>126</sup> – will further entrench the de facto government's illegitimate power.<sup>127</sup> The December Accord was not signed by a single major opposition party or prominent civil society organization.<sup>128</sup> Numerous groups have reported irregularities with the signatures that were obtained.<sup>129</sup> The Accord also fails to provide a mechanism for power-sharing, keeping the de facto Prime Minister in power for at least one more year;<sup>130</sup> allows the de facto government to pack the *Cour de Cassation* (Haiti's highest court)<sup>131</sup> and the CEP, further cementing its power for years to come; and revives unconstitutional and unpopular efforts<sup>132</sup> to amend the Constitution,<sup>133</sup> which have been used in the past to consolidate power.<sup>134</sup> Some of those who initially joined the December Accord have since turned critical,<sup>135</sup> citing Henry betraying his promise that the agreement would serve as a platform for inclusive dialogue even for those who signed on.<sup>136</sup>
- In April, Henry began the process of setting up the CEP,<sup>137</sup> even as Haitian civil society insists that free, fair, and transparent elections remain impossible in the current context.<sup>138</sup> There are strong indications that the process will entrench power with the same actors responsible for Haiti's crises.<sup>139</sup> For example, Henry excluded certain sectors from the process entirely.<sup>140</sup> Other sectors denied his requests to nominate representatives on the ground that Henry is not acting in good faith and is fundamentally unaccountable to the Haitian people.<sup>141</sup>
- Pervasive government corruption continues to undermine the legitimacy of state institutions.<sup>142</sup> Over 90 percent of Haitian public officials are out of compliance with Haiti's anti-corruption law, which requires them to declare their assets.<sup>143</sup> Haiti's Anti-Corruption Unit (ULCC) found evidence of corruption, embezzlement, fraud, money laundering, and influence peddling by high-ranking public officials in Haiti's Customs Bureau, Social Assistance Fund, and Office of Monetization of Development Assistance Programs.<sup>144</sup> The Haitian embassy in Washington, D.C. was embroiled in a corruption scheme to sell Haitian passports to foreign fugitives, resulting in the recall and dismissal of Haiti's ambassador to the United States and former Haitian Minister of Foreign Affairs Bocchit Edmond.<sup>145</sup> In January, a review of 61 judges and prosecutors also revealed widespread corruption among judicial actors.<sup>146</sup> The ULCC has taken steps to address and prosecute corruption.<sup>147</sup> For example, it initiated criminal proceedings against former senator Youri Latortue and Senate leader Joseph Lambert for corruption, embezzlement of public funds, and obstruction of justice.<sup>148</sup> Nevertheless, impunity for corruption remains the norm.<sup>149</sup>
- There has been further evidence that Haitian officials are complicit in illicit weapons trafficking, which fuels the current insecurity crisis. On April 5, judicial police called for the arrest of former Minister of Justice Berto Dorcé for his involvement in last year's weapons trafficking scheme that implicated his cabinet member Robinson Pierre-Louis and magistrate

Michelet Virgile.<sup>150</sup> An investigation by the Central Directorate of the Judicial Police revealed a weapons trafficking scheme by employees of the PNH, the National Old Age Insurance Office, and the Office of Work Accident, Sickness, and Maternity Insurance.<sup>151</sup> Meanwhile, a Haitian Bureau of Economic Affairs report revealed that the Haitian Parliament had been paying one of the priests arrested last year for his involvement in the Haitian Episcopal Church gun trafficking scandal<sup>152</sup> US \$1,900 every month for undisclosed reasons.<sup>153</sup>

- Abuse within the police system continues to be prevalent. In January, the PNH announced it would investigate numerous complaints against officers for police brutality, misappropriation of police equipment, and abuse of power.<sup>154</sup> Police officers were implicated in the January 27 assassination of political activist Mackendy D'Haiti.<sup>155</sup> Advocates on the ground also report that police continue to violently and unconstitutionally suppress protests by workers, including at the SONAPI industrial park,<sup>156</sup> who are demanding higher wages and better working conditions.<sup>157</sup>
- Human rights groups remain concerned that Miragoâne government commissioner Jean Ernest Muscadin continues to execute people he believes to be gang members outside the law.<sup>158</sup> Observers have also raised concerns about police complicity with extrajudicial executions carried out as part of the *Bwa Kale* movement.<sup>159</sup>

### III. Lack of access to justice and chronic impunity

The systematic dismantling of Haiti's accountability mechanisms by successive corrupt governments<sup>160</sup> has left Haiti's justice sector virtually non-functional and extremely vulnerable to the acute insecurity crisis.<sup>161</sup> Chronic impunity for perpetrators of grave human rights abuses and other violent crimes is a further driver for the crisis.<sup>162</sup> Continuing high rates of pretrial detention in inhumane prison conditions,<sup>163</sup> including as a result of general judicial dysfunction, violate detainees' rights to due process, health, safety, and human dignity.

#### *Justice sector dysfunction and chronic impunity*

- Chronic impunity is both a driver and a consequence of Haiti's insecurity.<sup>164</sup> Perpetrators of grave human rights abuses and other crimes rarely face accountability for their actions, emboldening bad actors and eroding public trust in institutions.<sup>165</sup>
- De facto Prime Minister Henry has unconstitutionally filled all vacancies on Haiti's *Cour de Cassation*, appointing eight new judges on February 28.<sup>166</sup> The court had become defunct and no institutional pathways to legally restore its function remained, both as a direct consequence of policies under President Moïse.<sup>167</sup> Civil society organizations and parties across the political spectrum denounced Henry's appointments as lacking reasonable democratic safeguards given their unconstitutional nature, thereby undermining the Court's independence and legitimacy as a check on executive power<sup>168</sup> and further corroding Haiti's weak judiciary.<sup>169</sup>
- On January 16, the Superior Council on Judicial Power (**CSPJ**) reviewed 61 judges and prosecutors<sup>170</sup> and found that 30<sup>171</sup> could not be certified for reasons of moral integrity.<sup>172</sup> Some civil society actors welcomed the development but called for further sanctions,<sup>173</sup> while others expressed concern that the CSPJ's procedure lacked due process safeguards, such as an appeals mechanism.<sup>174</sup> On February 23, the CSPJ ordered all uncertified judicial actors to halt work,<sup>175</sup> but a number remained active, mostly prosecutors, who are nominated and removed by the Executive Branch.<sup>176</sup> On March 13, the Ministry of Justice and Public Security announced that it was working to replace the uncertified judicial actors.<sup>177</sup> On April 20, however, de facto Prime Minister Henry held consultations to reconsider the CSPJ's decisions.<sup>178</sup> Human rights organizations condemned these talks as an attempt to protect corrupt actors and further undermine judicial independence.<sup>179</sup>
- Targeted attacks against judicial actors and generalized insecurity impede court function and access to justice.<sup>180</sup> Gang violence forced the *Tribunal de Paix*<sup>181</sup> in Cité Soleil to shut down in July 2020; it remains closed.<sup>182</sup> The Public Prosecutor's Office for the Court of First Instance in Port-au-Prince continues to operate out of the Special Labor Court in Lalue,<sup>183</sup>

where it was relocated after it was attacked by armed gangs in June 2022.<sup>184</sup> Unidentified individuals broke into that Office on May 24 and stole firearms.<sup>185</sup> The Court of First Instance of Croix-des-Bouquets remains scattered across several government buildings in the neighboring city of Tabarre.<sup>186</sup> In April, the *Réseau National de Défense des Droits Humains (RNDDH)* reported that cases are being heard in 13 out of 18 jurisdictions, but that the vast majority of courts are unable to hold criminal trials with a jury.<sup>187</sup> Judicial actors continue to face threats of violence. For example, on March 30, an armed group set fire to CSPJ Judge Durin Duret Jr.'s property, killed his chauffeur, and kidnapped one of his bodyguards.<sup>188</sup> On May 17, armed motorcyclists attacked Judge Jean Wilner Morin, who is currently investigating multiple corruption cases,<sup>189</sup> in his car.<sup>190</sup>

- Haiti's judicial system remains perpetually underfunded, with months-long strikes by court clerks to demand better working conditions and pay further impeding judicial function.<sup>191</sup>
- As reported in our previous Updates,<sup>192</sup> the Haitian investigation<sup>193</sup> into the assassination of President Jovenel Moïse has been marred by judicial delays<sup>194</sup> and political interference and obstruction, including by de facto Prime Minister Henry.<sup>195</sup> Almost two years after the killing, no one has been formally charged in the case in Haiti. There have been some recent developments: on March 9, the Central Directorate of the Judicial Police issued search warrants against 14 suspects,<sup>196</sup> and the current investigating judge has begun interviewing relevant actors.<sup>197</sup> Despite credible allegations indicating that Henry was involved in the assassination plot,<sup>198</sup> there has been no public inquiry into his role.<sup>199</sup>
- Impunity likewise persists for other high-profile cases. There has been no meaningful progress in the investigation into the assassination of former Port-au-Prince Bar Association President Monferrier Dorval since the previous judge's mandate ended in June 2021,<sup>200</sup> although a new judge was appointed to the case in April.<sup>201</sup> There has been no progress towards accountability in Haitian courts for the embezzlement of over \$2 billion from PetroCaribe development funds;<sup>202</sup> the 2018 La Saline Massacre;<sup>203</sup> or the assassinations of journalist Diego Charles,<sup>204</sup> political activist Antoinette Duclaire,<sup>205</sup> and LGBTQI+ activist Charlot Jeudy.<sup>206</sup> The lack of progress in these high-profile cases is emblematic of a dysfunctional and corrupt judiciary that perpetuates impunity for perpetrators of grave crimes against countless other Haitians.<sup>207</sup>

### *Inhumane prison conditions*

- Haiti's pretrial detention rate remains at over 83 percent.<sup>208</sup> Prolonged pretrial detention disproportionately impacts the most marginalized Haitians, who lack the money or connections to secure their release.<sup>209</sup>
- As a result, Haiti's prisons remain severely overcrowded. BINUH reported that the prisons are operating at approximately 285 percent occupancy, with just .35 square meters per person.<sup>210</sup> This is far below minimum international standards and has further complicated already-difficult access to food, water, and medicine.<sup>211</sup> People are also being detained in makeshift cells in police stations, which are cramped and lack adequate sanitation and hygiene infrastructure.<sup>212</sup> The poor conditions leave incarcerated individuals disproportionately vulnerable to illness.<sup>213</sup>
- Over the course of the last five years, authorities have continuously and drastically reduced the amount of food available to incarcerated individuals.<sup>214</sup> A 2022 study concluded that individuals incarcerated in Haiti's prisons consumed an average of just 454 calories per day – a starvation-level diet – and that 98.8 percent were at risk of beriberi.<sup>215</sup> BINUH documented twenty deaths in custody between January 17 and April 14, primarily due to malnutrition and anemia.<sup>216</sup>
- Incarcerated individuals sometimes go days without water,<sup>217</sup> with the same unclean water often used for bathing and drinking.<sup>218</sup> As a result of this scarcity, clean water, which should be provided free of cost, is being sold on the underground market.<sup>219</sup>
- There is virtually no state-provided medical care in prisons, forcing people in custody to rely on non-governmental organizations that often have limited capacity to provide urgent, life-

saving care.<sup>220</sup> Approximately 80 to 100 detainees died as a result of a lack of medical care or malnutrition in 2022.<sup>221</sup>

- The absence of sufficient dedicated facilities for women and minors puts them at heightened risk of violence.<sup>222</sup> For example, 16 women and 1 girl were raped during an armed prison break at the Gonaïves civil prison on January 26.<sup>223</sup>
- On December 1, Haiti's Minister of Justice and Public Safety instructed public prosecutors to issue at least ten indictments per month in a deliberate effort to bring down the high rate of pretrial detention.<sup>224</sup> Although this directive resulted in a higher number of indictments nationwide,<sup>225</sup> the number of pretrial detainees has actually increased since January 2023.<sup>226</sup>

#### **IV. Lack of equal rights and protections for socially vulnerable individuals, especially women and girls**

As Haiti's acute crisis grows worse, individuals with marginalized identities are more vulnerable and face additional harms.<sup>227</sup> Women and girls in particular remain at heightened risk of GBV,<sup>III</sup> particularly by gangs, despite increased international attention on the issue.<sup>228</sup> Other intersecting causes of vulnerability include disability,<sup>229</sup> sexual orientation,<sup>230</sup> poverty,<sup>231</sup> displacement,<sup>232</sup> and incarceration.<sup>233</sup> Vulnerable individuals experience greater difficulty accessing resources, with government protection and support effectively nonexistent.<sup>234</sup> Underlying this dynamic are structural inequalities and their drivers, which remain unaddressed because successive corrupt, repressive governments have impeded any possibility of progress.<sup>235</sup> These drivers include long-standing class divides<sup>236</sup> and persistent exclusion of marginalized groups from decision-making and leadership roles.<sup>237</sup>

- The risk of GBV remains high, with the World Bank reporting that one in three Haitian women and girls experience it.<sup>238</sup> The UN documented 2,645 incidences of sexual violence last year, an increase of 45 percent from 2021.<sup>239</sup> A study of GBV in Cité Soleil found that 80 percent of women and girls surveyed had experienced some form of GBV and 43 percent had experienced sexual violence.<sup>240</sup> Chronic under-reporting due to stigma, fear of retribution, and skepticism that they might obtain recourse or services – including because of lack of trust in the judicial system – leads advocates to believe that the real numbers are far higher.<sup>241</sup>
- Gangs continue to use rape and other forms of sexual violence as a weapon of conflict.<sup>242</sup> The UN documented at least 93 rapes involving gang members between January and April 2023.<sup>243</sup> The Haitian Office for the Protection of the Citizen reported that 29 women and girls were victims of gang rapes over just 4 days in April.<sup>244</sup> These attacks often occur in public<sup>245</sup> and in the presence of families and children, leading to further trauma.<sup>246</sup> A BINUH report found that gang members often force young women and girls into relationships, sexually abusing, exploiting, and even killing those who refuse.<sup>247</sup>
- Women and girls continue to have difficulty accessing critical services and obtaining recourse for harms.<sup>248</sup> Victims of sexual violence are often unable to access medical care for physical trauma, pregnancy, and sexually transmitted infections.<sup>249</sup> Impediments to accessing care include issues with physical access due to gang violence and roadblocks,<sup>250</sup> high transportation costs,<sup>251</sup> and reduced hospital operations due to insecurity.<sup>252</sup> Intimidation by gang members, stigma against victims, and general judicial dysfunction also prevents most victims from obtaining justice.<sup>253</sup> Nevertheless, Haitian grassroots and feminist organizations continue to fight for victims' rights.<sup>254</sup>
- Pregnant women are particularly impacted by the lack of adequate reproductive care in Haiti.<sup>255</sup> Gang violence often prevents women in labor from traveling to hospitals, which can

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<sup>III</sup> The UN defines GBV as “harmful acts directed at an individual based on their gender,” and notes that GBV “is rooted in gender inequality, the abuse of power and harmful norms.” GBV includes, but is not limited to, “sexual, physical, mental and economic harm inflicted in public or in private” as well as “threats of violence, coercion and manipulation.” *Gender-based Violence*, UN REFUGEE AGENCY, <https://www.unhcr.org/en-us/gender-based-violence.html> (last visited Jun. 6, 2023).

turn high-risk pregnancies deadly.<sup>256</sup> Abortion remains illegal unless medically necessary to save a woman’s life<sup>257</sup> and thus out of reach or highly dangerous for most women.<sup>258</sup>

- Haiti’s crises impact children distinctly, with 2.6 million expected to be in need of urgent life-saving assistance in 2023 due to inadequate access to drinking water, affordable food, basic healthcare, and protection from violence.<sup>259</sup> The effects of chronic hunger and malnutrition – which include compromised immunity and increased vulnerability to health issues – are particularly pronounced in children.<sup>260</sup> UNICEF estimates that more than 115,600 children are expected to suffer from severe wasting<sup>IV</sup> in 2023.<sup>261</sup> Nearly 36 percent of all cholera cases are now found in children under 9 years old.<sup>262</sup> Widespread school closures over the past year<sup>263</sup> have impeded access to education, even as they increase children’s vulnerability to gang recruitment,<sup>264</sup> leading UNICEF’s regional director to warn that the situation is “creating a pipeline for the gangs.”<sup>265</sup> Gangs also direct brutal violence against children, raping girls and boys as young as ten years old.<sup>266</sup> The violence and extremely difficult humanitarian situation are taking a toll on children’s mental health.<sup>267</sup> In addition to these acute harms, the long-standing practice of sending children – predominantly from poor families, and predominantly girls – to work as domestic servants, or *restavèks*, continues with an estimated 207,000 to 250,000 children in *restavèk* situations.<sup>268</sup> This frequently results in deprivation of family care<sup>269</sup> and education,<sup>270</sup> as well as heightened risk of physical and sexual abuse (especially for girls).<sup>271</sup>
- Haiti’s rural farmers, “*peyizan*” – about 30 percent of the population<sup>272</sup> – remain vulnerable to attacks, large-scale evictions, and land grabs by gangs and economic and political elites.<sup>273</sup> Some land grabs are the result of collusion between gangs and the government to create free zones for mining in Haiti’s rural communities.<sup>274</sup>
- There is little available data on the human rights situation for many other marginalized groups in Haiti. As reported in our previous Update,<sup>275</sup> chronic marginalization and stigmatization of LGBTQI+ individuals in Haiti means that they are especially exposed to violence.<sup>276</sup> Gangs continue to deliberately target LGBTQI+ individuals.<sup>277</sup> The acute insecurity crisis exacerbates long-standing stigma and discrimination<sup>278</sup> against persons with disabilities that heightens their vulnerability to violence and harassment.<sup>279</sup> Persons with disabilities in Haiti also face higher unemployment rates, making them disproportionately vulnerable to Haiti’s economic decline.<sup>280</sup>

## V. Collapse of economic and social rights

Haiti’s social and economic landscape remains dire and includes unprecedented hunger,<sup>281</sup> lack of access to water and healthcare,<sup>282</sup> closures of hospitals and schools,<sup>283</sup> an ongoing fuel shortage,<sup>284</sup> and a cholera outbreak that continues to infect and kill Haitians.<sup>285</sup> These challenges are rooted in long-term under-development, partly a result of extractive foreign policies and practices, aggravated by corruption and mismanagement by Haitian governments.<sup>286</sup> The over-centralization of services, another legacy of foreign interference,<sup>287</sup> further exacerbates challenges for rural Haitians.<sup>288</sup> The current governance and insecurity crises described in this Update are causing acute harms on top of these structural drivers.<sup>289</sup> Haiti’s vulnerability to climate change and natural disasters,<sup>290</sup> including as a result of the Haitian government’s chronic inability to respond adequately to those stressors and international aid practices that undermine resilience, compounds the crisis.<sup>291</sup>

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<sup>IV</sup> The World Health Organization defines wasting as “low weight-for-height” that “usually occurs when a person has not had food of adequate quality and quantity and/or they have had frequent or prolonged illnesses.” *Malnutrition*, WORLD HEALTH ORGANIZATION, [https://www.who.int/health-topics/malnutrition#tab=tab\\_1](https://www.who.int/health-topics/malnutrition#tab=tab_1) (last visited Jun. 6, 2023). Severe wasting is the most lethal form of undernutrition and turns common ailments into deadly diseases as children’s bodies lack virtually any protections against infections and are unable to absorb nutrients. *Child alert: Severe wasting*, UNICEF, <https://www.unicef.org/child-alert/severe-wasting> (last visited Jun. 6, 2023).



### *Economy in decline*

- Haiti's economy is facing its fifth consecutive year of decline.<sup>292</sup> The persistent economic downturn has increasingly forced Haitians into extreme poverty.<sup>293</sup> As of April, nearly 90 percent of Haitians were living below the poverty line.<sup>294</sup> Nearly one third of those were living on less than US \$2.15 per day – classified as “extreme poverty.”<sup>295</sup>
- Inflation reached an all-time high of 49.3 percent in January,<sup>296</sup> making essential goods and services unaffordable for many.<sup>297</sup> For example, the price of basic food items such as rice, meat, milk powder, cooking oil, peas, and sugar has gone up by as much as 87 percent in the last year,<sup>298</sup> forcing poor households to spend at least 75 percent of their income on food.<sup>299</sup>
- Insecurity and resulting impediments to economic activities and travel have exacerbated the long-term structural causes of Haiti's economic decline.<sup>300</sup> Constant gang attacks on commercial ports and roadblocks along key routes have impeded the flow of goods through Haiti, pushing costs up and further destabilizing the economy.<sup>301</sup> External disruptions in international trade, primarily due to concerns about rampant insecurity, have dealt another blow to Haiti's economy<sup>302</sup> and devastated workers who are already struggling to make ends meet.<sup>303</sup>
- The chronic lack of economic opportunity is a further driver of gang recruitment as many Haitians who are unable to meet their basic needs see joining a gang – which can provide money and protection – as their only means of survival.<sup>304</sup> In some neighborhoods, gangs have filled the vacuum created by the government by providing or coopting certain social and humanitarian services,<sup>305</sup> sometimes leveraging these acts to further pressure members of the community to join their ranks.<sup>306</sup>

### *Access to water*

- A report published in March by the UN Office for the Coordination of Humanitarian Affairs found that 3.3 million Haitians – over one quarter of the population – lack adequate access to water, hygiene, and sanitation systems.<sup>307</sup>
- The acute water crisis is the consequence of long-term problems with access to water,<sup>308</sup> rooted in persistent failures by the Haitian government to build and maintain water infrastructure.<sup>309</sup> Ongoing catastrophic insecurity and fuel shortages that prevent water treatment and distribution have exacerbated these problems.<sup>310</sup> The UN promised to address chronic issues with access to water, sanitation, and hygiene infrastructure in 2016 as part of its plan to eliminate UN-introduced cholera,<sup>311</sup> but has failed to do so.<sup>312</sup> Haitians thus remain vulnerable to water-borne diseases, including cholera.<sup>313</sup>
- Climate change and environmental degradation are further drivers of the water crisis.<sup>314</sup> Ongoing drought in the Artibonite valley impedes agricultural activity, exacerbating existing food insecurity.<sup>315</sup> Extreme flooding in other areas in early June left 42 people dead, displaced over 13,000, and compounded problems with access to drinking water as well as other humanitarian issues.<sup>316</sup>

### *Access to food*

- Nearly half the population – 4.9 million Haitians – are acutely food insecure,<sup>317</sup> in what the UN is calling “a hunger emergency.”<sup>318</sup> Of those, over 4.7 million are currently facing crisis-level food insecurity<sup>319</sup> and nearly 1.8 million are experiencing emergency-level food insecurity.<sup>320</sup> The 2023 Global Report on Food Crises projected that this number, already the highest in the last seven years, is likely to increase further.<sup>321</sup> Eight out of ten Haitians are currently reducing the size and number of their meals.<sup>322</sup> Approximately 22 percent of children – who are especially vulnerable to the long-term effects of food insecurity<sup>323</sup> – are chronically malnourished.<sup>324</sup> People living in areas of Port-au-Prince under gang control are particularly vulnerable, with one in twenty people in the capital currently living in famine-like conditions.<sup>325</sup> As of May, 19,000 people in Cité Soleil were facing “catastrophic” hunger.<sup>326</sup>

- Pervasive insecurity, alongside increasingly inflated food prices,<sup>327</sup> is an immediate driver of the acute food crisis.<sup>328</sup> Gang violence and roadblocks in Port-au-Prince have disrupted food supply chains across the country and prevented both food distribution and access to markets.<sup>329</sup> Gang activity also prevents workers in the Artibonite region – Haiti’s main agricultural hub – from reaching their fields and maintaining irrigation systems,<sup>330</sup> exacerbating the already devastating impact of a drought on food scarcity nationwide<sup>331</sup> and prompting concerns about a famine in the country.<sup>332</sup> Fertilizer merchants have been forced to close their stores due to gang violence, further affecting the production of key crops.<sup>333</sup>
- Longer-term drivers of the hunger crisis include inadequate humanitarian support,<sup>334</sup> environmental challenges,<sup>335</sup> and persistent foreign interference in Haiti’s food sovereignty.<sup>336</sup>

#### *Access to healthcare*

- Gangs continue to target healthcare workers and patients for kidnappings<sup>337</sup> and attacks.<sup>338</sup> As a result, multiple long-functioning medical centers, including two *Médecins Sans Frontières* (MSF) facilities,<sup>339</sup> have been forced to close or suspended operations.<sup>340</sup> The violence also increases urgent healthcare needs, with hospital closures catastrophic for the many victims of gunshot wounds and sexual violence in those areas.<sup>341</sup> Healthcare workers have resorted to extreme measures to continue providing urgent care to patients, often at great risk to their personal safety<sup>342</sup> and well-being.<sup>343</sup>
- Chronic under-resourcing has brought Haiti’s healthcare system to the verge of collapse.<sup>344</sup> Healthcare workers across the country have been protesting the government’s failure to ensure adequate working conditions and sufficient salaries, further disrupting the provision of healthcare.<sup>345</sup> Medical professionals at the State University Hospital of Haiti were on strike from December 2022 until late April to protest inadequate pay and poor working conditions, restricting services for over four months.<sup>346</sup> Medical residents at the Justinian University Hospital in Cap-Haitien – the largest hospital in the North Department, serving over 800,000 people – have been on strike since the end of March to demand better working conditions, safety, and improved electrical service.<sup>347</sup>
- Women and girls – who already face significant structural barriers to accessing healthcare<sup>348</sup> – are particularly impacted by hospital closures.<sup>349</sup> For example, Fontaine Hospital Center is currently the only medical facility performing Cesarean Sections and other high-risk operations in Cité Soleil; all the others have closed due to gang violence.<sup>350</sup>
- Gang violence and roadblocks make travel to hospitals extremely risky or even impossible for both healthcare workers and patients.<sup>351</sup> They also complicate the transport of fuel and basic medical supplies, leading to shortages that impede the provision of adequate healthcare.<sup>352</sup> High fuel costs,<sup>353</sup> persistent electricity outages,<sup>354</sup> and a continuing shortage of petroleum products have further exacerbated these challenges.<sup>355</sup>
- Cholera continues to spread throughout Haiti, despite enormous efforts by healthcare professionals to keep the epidemic under control<sup>356</sup> and the implementation of a vaccination campaign.<sup>357</sup> As of June 1, the Haitian Ministry of Health reported 2,988 confirmed cases, 47,002 suspected cases, and 717 deaths.<sup>358</sup> The breakdown of monitoring systems and pervasive insecurity that impedes access to medical care and testing mean that the real numbers are likely much higher.<sup>359</sup> The disease reemerged in October 2022, almost exactly twelve years after the same strain was first recklessly introduced to Haiti by UN peacekeepers in 2010.<sup>360</sup> Its rapid spread then and now is largely due to chronic problems with Haiti’s water, sanitation, and hygiene infrastructure<sup>361</sup> and healthcare system.<sup>362</sup> Malnutrition, which also increases the severity of symptoms and chance of death, is a further vulnerability.<sup>363</sup>

#### *Access to education*

- According to UNICEF, over 25 percent of schools in Haiti have remained closed since October 2022 due to the ongoing insecurity and humanitarian crises.<sup>364</sup> The situation is particularly dire in the North and North-East Departments, where only 17 percent and 27 percent of schools were open as of January 2023, respectively.<sup>365</sup> As a result of these

prolonged closures, most children in Haiti have lost an entire academic year of schooling since September 2019.<sup>366</sup> UNICEF predicts that students will lose nearly two months of school in the first half of 2023 alone unless urgent action is taken to protect schools from violence.<sup>367</sup> School closures also leave children more vulnerable to forcible gang recruitment.<sup>368</sup>

- Targeted attacks by gang members on schools increased nine-fold in the last year, from just 8 in the first quarter of 2022 to 72 in the first quarter of 2023.<sup>369</sup> Gang members continue to shoot<sup>370</sup> and kidnap<sup>371</sup> educators and students, loot equipment and food used to provide school meals,<sup>372</sup> and occupy schools.<sup>373</sup> An April police report revealed that gangs were hiding trafficked weapons in schools in Port-au-Prince.<sup>374</sup> The deliberate attacks and general proximity to ubiquitous violence<sup>375</sup> have forced families to keep their children home,<sup>376</sup> prevented teachers from commuting to schools,<sup>377</sup> and blocked distribution of school kits in rural areas.<sup>378</sup> Children who do attend school report not being able to concentrate because of constant fear.<sup>379</sup> Some schools have tried to move studies online, further marginalizing children living in poverty without access to internet.<sup>380</sup>
- These acute challenges are exacerbated by long-standing under-resourcing and massive dysfunction within Haiti's school system.<sup>381</sup> In 2023, the government reduced funding for the education sector by 34 percent.<sup>382</sup> It continually fails to pay teachers adequately or on time,<sup>383</sup> even withholding payments from teachers who are unable to go into work due to pervasive gang violence.<sup>384</sup> In April, teachers protested the poor working conditions and inadequate pay, calling on the government to increase salaries to meet inflation.<sup>385</sup> Many teachers have quit because they cannot afford to work for free without any support from the state.<sup>386</sup>

## VI. Emigration pressures

The above-described challenges continue to exert immense emigration pressures on Haitians.<sup>387</sup> Despite repeatedly acknowledging the severity of the crisis and its impacts on Haitians,<sup>388</sup> foreign states have adopted increasingly draconian measures grounded in anti-Black racism to expel Haitians seeking refuge at their borders.<sup>389</sup> The United States' new humanitarian parole program for Haitians is an explicit recognition of the desperate situation in Haiti and the imperative to offer protection to those fleeing, even as overall U.S. immigration policy has the effect of excluding the most vulnerable Haitians from safety.<sup>390</sup> Haitians who are repatriated to Haiti continue to face extreme risk from gangs and the worsening economic and social landscape.<sup>391</sup>

- Haitians continue trying to flee the rapidly deteriorating security and humanitarian situation in the country, making dangerous and often deadly<sup>392</sup> crossings over land and sea in search of safety.<sup>393</sup> According to IOM, Haitians represented the largest proportion of the 321 migrants – a record high number – who went missing or died in the Caribbean in 2022.<sup>394</sup> Most died from drowning, as makeshift vessel unequipped to make the dangerous crossing capsized before reaching their destination.<sup>395</sup> Haitian migrants also remain extremely vulnerable to kidnapping,<sup>396</sup> trafficking,<sup>397</sup> extortion,<sup>398</sup> physical assault,<sup>399</sup> and GBV,<sup>400</sup> particularly in Mexico and the Darien Gap between Columbia and Panama.<sup>401</sup>
- Foreign states continue to remove the majority of Haitian migrants who arrive at their borders,<sup>402</sup> despite persistent criticism by UN agencies,<sup>403</sup> U.S. lawmakers,<sup>404</sup> and humanitarian organizations<sup>405</sup> that the practice is both immoral and illegal. On May 11, the U.S. government replaced its Covid-era policy used to expel migrants with a new program that restricts asylum rights in a manner that experts argue violates international legal obligations.<sup>406</sup> The Dominican Republic continues to arrest, detain, and expel Haitian nationals *en masse*.<sup>407</sup> Dominican authorities expelled at least 154,333 Haitian migrants – including pregnant women and children<sup>408</sup> – in 2022,<sup>409</sup> and at least 51,000 between January and April 2023.<sup>410</sup> These removals are fueled by anti-Haitian and anti-Black racism, with reports that Haitians and those that look like Haitians are targeted without regard to their immigration status.<sup>411</sup> Haitian migrants in the Dominican Republic are often subject to theft, physical abuse, and sexual exploitation and abuse.<sup>412</sup> Other countries, including Mexico, the

Bahamas, and the Turks and Caicos, have likewise implemented increasingly draconian and anti-Black immigration policies that impact Haitian migrants.<sup>413</sup>

- In January, the Biden administration created a new humanitarian parole program that permits entry for Haitians with a passport, access to a smartphone, and a U.S.-based legal sponsor,<sup>414</sup> even as it continues to deport Haitians arriving at the border to unsafe conditions and cut off legal pathways to asylum for the most vulnerable.<sup>415</sup> While the program's creation explicitly recognizes that Haiti's conditions continue to compel desperate emigration attempts, its design excludes the majority of Haitians, who lack passports and connections to potential U.S. sponsors.<sup>416</sup> This enforces the perception that the United States is only open to migrants it deems desirable.<sup>417</sup> The program's impacts include a sudden surge in passport applications, which has overwhelmed under-resourced passport offices, and reports of price gouging and demands for sex in exchange for the critical documents.<sup>418</sup> It is also raising concern about "brain drain."<sup>419</sup>
- As reported in our previous Updates,<sup>420</sup> Haitian migrants who are deported or removed back to Haiti, some of whom have never set foot in the country previously,<sup>421</sup> largely lack the resources and social safety networks needed to survive.<sup>422</sup>

## **VII. Ongoing failures of the international community to respect the rights of Haitians**

Haiti's human rights challenges are rooted in centuries of harmful conduct by foreign actors, from enslavement and colonialism to ongoing political and economic interference.<sup>423</sup> These policies and their impact on Haiti's social and political structures engendered a cycle of entrenched debt and aid dependence that have left Haiti impoverished and fostered the ongoing corrupt cooptation of Haiti's institutions by foreign interests and domestic elites.<sup>424</sup> For the most part, the international community has not acknowledged – let alone repaired – these harms.<sup>425</sup> In other words, unaddressed historical wrongs left Haitians with a gutted economy and deliberately weakened government structures for vindicating their human rights, even as ongoing foreign interference<sup>426</sup> and harmful aid practices<sup>427</sup> continue to impede its development. As the security and humanitarian situation for Haitians has grown more dire over the past two years, international Haiti-focused activity has increased.<sup>428</sup> During this latest reporting period, the Organization of American States created a Haiti-focused working group,<sup>429</sup> the UN High Commissioner for Human Rights visited Haiti and his Office appointed an independent expert shortly after,<sup>430</sup> many national governments issued additional sanctions against individuals they accuse of corruption or collusion with gang members,<sup>431</sup> and the United States published its Global Fragility Act strategy for Haiti as a pilot country.<sup>432</sup> There is frequent reference to advancing Haitian solutions and leadership.<sup>433</sup> But it is far from clear that these activities are empowering Haitians or indicating any departure from policies that have historically harmed Haiti, even where they purport to help.<sup>434</sup> Despite the increased attention, critically-needed humanitarian aid remains inadequate to meet the growing need.<sup>435</sup> Further, international actors have continued the policies that amount to propping up an illegitimate, corrupt, and incompetent de facto government in a manner that removes its incentives to move towards a necessary democratic transition.<sup>436</sup>

- Despite clear evidence that Henry's December Accord was not the product of a national dialogue and primarily serves to consolidate illegitimate power,<sup>437</sup> the United States and the UN have touted the accord as the "most promising" consensus effort toward a democratic transition.<sup>438</sup> Continued international support for Henry,<sup>439</sup> even as Haitians and allies demand that the international community stop propping him up,<sup>440</sup> disincentivizes Henry from meaningfully engaging in the type of inclusive dialogue the international community itself identifies as imperative.<sup>441</sup>
- The international community has continued pushing for a foreign armed intervention to combat insecurity,<sup>442</sup> first requested by de facto Prime Minister Henry in October 2022.<sup>443</sup> Most civil society organizations not affiliated with the de facto government have come out against intervention under Henry.<sup>444</sup> Their assessment is that a foreign military intervention requested by an illegitimate de facto government with no constitutional authority to do so will not achieve the hoped-for results and will instead further entrench undemocratic actors.<sup>445</sup> They also cite Haiti's history with foreign interventions,<sup>446</sup> which not only failed to restore

lasting stability, but resulted in civilian massacres, widespread sexual exploitation and abuse, and a deadly cholera epidemic.<sup>447</sup> The increasingly catastrophic insecurity has nevertheless driven many Haitians to view armed intervention as necessary to address the worst of the violence, in spite of deep skepticism borne of harms caused by past foreign actions.<sup>448</sup>

- That same violence continues to be fueled in part by ongoing arms trafficking from the United States, whose lax gun laws make it easy to smuggle weapons and ammunitions into Haiti.<sup>449</sup> The weapons trafficking scandal surrounding the Haitian Episcopal Church – which has served as a front for gangs to traffic arms into Haiti for years with virtually no accountability<sup>450</sup> – appears even worse than previously reported.<sup>451</sup> Haitian government officials have also been implicated in illicit weapons trafficking.<sup>452</sup> Haitians and U.S. lawmakers continue to call for more robust control to stem the flow of weapons.<sup>453</sup>
- Foreign states and organizations have continued to sanction Haitian individuals in an effort to crack down on corruption and human rights abuses.<sup>454</sup> Although these include a number of political and business elites with close ties to the de facto administration,<sup>455</sup> the United States, in particular, has refrained from sanctioning many of the key actors ultimately responsible for Haiti’s current crises.<sup>456</sup> There is also concern that sanctions may be used inappropriately or to influence elections because the process for designation lacks transparency;<sup>457</sup> that the sanctions themselves are ineffective, including because of issues around implementation;<sup>458</sup> and that sanctions may even be actively exacerbating the insecurity crisis as gangs become more reliant on kidnapping as their primary source of income.<sup>459</sup>
- On April 12, the OHCHR appointed an expert on human rights in Haiti with an expansive mandate to monitor the human rights situation in the country with a gender-based perspective and provide advice and technical assistance to the Haitian government and civil society.<sup>460</sup> The UN Human Rights Council Resolution authorizing the appointment also contemplates the establishment of a country office for the OHCHR in Haiti.<sup>461</sup> Whether these are measures that might advance human rights in Haiti will depend significantly on whether the expert and any eventual OHCHR office in Haiti are enabled to work independently and consider the full scope of human rights challenges in Haiti. There are indications, including in the authorizing Resolution itself, that the expert’s work will be subject to collaboration with BINUH and the OHCHR.<sup>462</sup> BINUH in particular has a mixed human rights record in Haiti and is perceived with great skepticism by Haiti’s civil society, including for its political support for PHTK-affiliated governments without due regard to human rights considerations.<sup>463</sup>
- On March 1, María Isabel Salvador took over as UN Special Representative for Haiti and Head of BINUH from Helen La Lime.<sup>464</sup> BINUH’s current mandate expires July 15, 2023<sup>465</sup> but is expected to be renewed.

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<sup>1</sup> See [IJDH November 2022 Update](#).

<sup>2</sup> *Haiti insecurity ‘comparable’ to nations at war, says UN*, FRANCE 24 (Apr. 25, 2023), <https://www.france24.com/en/americas/20230424-haiti-insecurity-comparable-to-nations-at-war-says-un>; *Haiti: Severe levels of insecurity must not be an obstacle to much needed humanitarian aid*, INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) (Feb. 8, 2023), <https://www.icrc.org/en/document/haiti-severe-levels-insecurity-must-not-be-obstacle-much-needed-humanitarian-aid>. This is significant because it indicates an extremely high level of violence and impact on the population, and is a threshold requirement for applying certain humanitarian law provisions that apply in the event of an “armed conflict.” See ICRC, *Characteristics of Armed Conflicts & Other Situations of Violence*, [https://www.icrc.org/en/download/file/67234/handout\\_3\\_-\\_characteristics\\_of\\_armed\\_conflicts\\_other\\_situations\\_of\\_violence.pdf](https://www.icrc.org/en/download/file/67234/handout_3_-_characteristics_of_armed_conflicts_other_situations_of_violence.pdf) (last visited Jun. 6, 2023).

<sup>3</sup> UN Integrated Office in Haiti (BINUH), *Human Rights Situation: Main trends, Quarterly report: January – March 2023* 3, <https://www.ohchr.org/sites/default/files/documents/countries/haiti/Haiti-Human-rights-quarterly-report-Q1-2023-EN.pdf> (last visited Jun. 6, 2023).

<sup>4</sup> See Pooja Bhatia, *Haiti’s descent into hell*, NEW STATESMAN (May 10, 2023), <https://www.newstatesman.com/world/americas/2023/05/haiti-descent-into-hell>.

<sup>5</sup> See, e.g., Jacqueline Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*, MIAMI HERALD (Jan. 24, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article271567747.html>.

<sup>6</sup> See Marlene L. Daut, *What’s the path forward for Haiti?*, NEW YORKER (Mar. 18, 2023), <https://www.newyorker.com/news/annals-of-inquiry/whats-the-path-forward-for-haiti>.

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<sup>7</sup> *Haïti : La production agricole dans l'Artibonite, rudement affectée par les actes de terreur et de criminalité des gangs*, ALTERPRESSE (Feb. 24, 2023), <https://www.alterpresse.org/spip.php?article29076>.

<sup>8</sup> *Haiti: Amid rising hunger levels, 'world cannot wait for disaster before it acts', WFP warns*, UN NEWS (Mar. 23, 2023), <https://news.un.org/en/story/2023/03/1134972>.

<sup>9</sup> Dylan Robertson, *Haiti at risk of famine as farmers kidnapped, 'extremely bad' hunger fuels tumult*, NATIONAL POST (May 13, 2023), <https://nationalpost.com/news/world/haiti-at-risk-of-famine-as-farmers-kidnapped-extremely-bad-hunger-fuels-tumult> (reporting that “the United Nations is warning that Haiti’s political chaos is putting the country at risk of famine,” with World Food Programme country director Jean-Martin Bauer noting that this “is the first time that people in the Americas have been characterized as being at risk of famine”); *Crise : Des experts craignent une famine généralisée en Haïti*, ALTERPRESSE (May 8, 2023), <https://www.alterpresse.org/spip.php?article29283>; *Haiti – Grand’Anse : On the verge of famine*, HAITI LIBRE (Feb. 16, 2023), <https://www.haitilibre.com/en/news-38866-haiti-grand-anse-on-the-verge-of-famine.html>.

<sup>10</sup> *See Droits humains : Appel à la mobilisation de plusieurs organisations et institutions, en faveur de l'accès à l'eau potable et l'assainissement en Haïti*, ALTERPRESSE (Mar. 23, 2023), <https://www.alterpresse.org/spip.php?article29158>; Murdith Joseph, *Doctors group in Haiti appeals for respect after threatening incidents*, HAITIAN TIMES (Feb. 27, 2023), <https://haitiantimes.com/2023/02/27/doctors-group-in-haiti-appeals-for-respect-after-threatening-incidents/>.

<sup>11</sup> *See, e.g., Press Release, OHCHR, UN Human Rights Chief designates William O’Neill as expert on human rights in Haiti* (Apr. 12, 2023), <https://www.ohchr.org/en/press-releases/2023/04/un-human-rights-chief-designates-william-oneill-expert-human-rights-haiti>; *see also infra* Section VII.

<sup>12</sup> *See Amy Wilentz, Haiti, April 2023: Soon There Will Be No One Left to Kidnap*, THE NATION (Apr. 17, 2023), <https://www.thenation.com/article/world/haiti-gangs-ariel-henry-biden/>.

<sup>13</sup> *See Monique Clesca, Haiti’s Rule of Lawlessness*, FOREIGN AFFAIRS (Mar. 10, 2023), <https://www.foreignaffairs.com/central-america-caribbean/haitis-rule-lawlessness>; Brian Concannon, *Biden must stop propping up the old guard in Haiti*, RESPONSIBLE STATECRAFT (Nov. 12, 2021), <https://responsiblestatecraft.org/2021/11/12/how-biden-can-support-democracy-in-haiti/>.

<sup>14</sup> *See* Becky Sullivan, *As its only remaining elected officials depart, Haiti reaches a breaking point*, NPR (Jan. 18, 2023), <https://www.npr.org/2023/01/18/1149556481/haiti-last-elected-official-political-crisis>; Luke Taylor, *Haiti left with no elected government officials as it spirals toward anarchy*, THE GUARDIAN (Jan. 10, 2023), <https://www.theguardian.com/world/2023/jan/10/haiti-no-elected-officials-anarchy-failed-state>; Letter from Bureau des Avocats Internationaux (BAI) to Dr. Carla Natalie Barnett (Nov. 4, 2022), <http://www.ijdh.org/wpcontent/uploads/2022/11/BAI-Letter-to-CARICOM-November-4-2022.pdf>; Letter from Sen. Edward Markey et al. to President Biden (Oct. 6, 2022), <https://www.markey.senate.gov/news/press-releases/as-humanitarian-crisis-worsens-markey-and-mcGovern-lead-bicameral-call-for-president-biden-to-support-haitis-democratic-aspirations-and-stability> (letter from Members of the U.S. Congress to President Biden, calling for an end to U.S. support for Henry and explaining that he “assumed his position following a power struggle with then-Prime Minister Claude Joseph and has no constitutional or popular mandate”).

<sup>15</sup> *See* HFAC Members Briefing with Ambassador Daniel L. Foote, HOUSE FOREIGN AFFAIRS COMMITTEE (Oct. 7, 2021), <https://www.youtube.com/watch?v=o0GJ8OZWIpY> (testimony of former U.S. Special Envoy to Haiti Daniel Foote to the U.S. House Foreign Affairs Committee that Henry’s regime “is seen as an extension of the Moïse [PHTK] government”); Kristina Fried, *New promises from Washington for Haiti as the term for its assassinated president ends Monday*, MIAMI HERALD (Feb. 6, 2022), <https://www.miamiherald.com/opinion/article258104658.html> (describing Henry as “a key official in previous PHTK governments”).

<sup>16</sup> *See HFAC Members Briefing with Ambassador Daniel L. Foote* (Foote testified that the PHTK would not be able to maintain power without U.S. support).

<sup>17</sup> *See HFAC Members Briefing with Ambassador Daniel L. Foote*; Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*.

<sup>18</sup> BINUH, *Communiqué du Core Group* (Jul. 17, 2021), <https://binuh.unmissions.org/fr/communiqué-du-core-group-4>; Evan Dyer, *Haitian commission sends message to Canada, U.S. – stop meddling in our government*, CBC NEWS (Dec. 8, 2021), <https://www.cbc.ca/news/politics/haiti-canada-u-s-diplomats-core-group-1.6277103>.

<sup>19</sup> *Consensus National pour une Transition Inclusive et des Élections Transparentes*, LE MONITEUR (Jan. 3, 2023), <https://www.haitilibre.com/docs/Consensus-National-pour-une-transition-inclusive-et-des-elections-transparentes.pdf>; *see infra* notes 125-36.

<sup>20</sup> *See, e.g.,* Jean Daniel Sénat, *D’importants partis politiques n’ont pas signé l’accord du 21 décembre*, LE NOUVELLISTE (Dec. 30, 2023), <https://lenouvelliste.com/article/239815/dimportants-partis-politiques-nont-pas-signe-laccord-du-21-decembre>; *L’accord Du 21 Décembre Est L’Oeuvre De La Communauté L’internationale, Révèle Ted St Dic*, RADIO PBS (Jan. 17, 2023), <https://radiopbs.org/2023/01/laccord-du-21-decembre-est-loeuvre-de-la-communaute-linternationale-revele-ted-st-dic/>; *Haïti-Crise : La signature d’un document dit de*

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consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs, ALTERPRESSE (Dec. 23, 2023), <https://www.alterpresse.org/spip.php?article28919>.

<sup>21</sup> See, e.g., Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January, BINUH (Jan. 24, 2023), <https://binuh.unmissions.org/en/remarks-special-representative-helen-la-lime-security-council-open-briefing-haiti-24-january>; Press Release, UN, Key Political Developments, Sanctions Offer Hope to Haiti's Recovery if Supported by International Community, Special Representative Tells Security Council (Jan. 24, 2023), <https://press.un.org/en/2023/sc15181.doc.htm>; Remarks at a UN Security Council Briefing on Haiti, U.S. Embassy in Chile (Jan. 24, 2023), <https://cl.usembassy.gov/remarks-at-a-un-security-council-briefing-on-haiti/>; see *infra* note 438.

<sup>22</sup> See Catherine Charlemagne, *From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4)*, CANADA-HAITI INFORMATION PROJECT (Feb. 15, 2023), <https://canada-haiti.ca/content/musseau-agreement-karibe-agreement-ariel-henry-consolidates-his-power-part-4>; *Haiti-Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs*; Jean Pharès Jérôme, *Le faire-semblant d'Ariel Henry*, LE NOUVELLISTE (Apr. 13, 2023), <https://lenouvelliste.com/article/241776/le-faire-semblant-dariel-henry>.

<sup>23</sup> See Sénat, *D'importants partis politiques n'ont pas signé l'accord du 21 décembre*; *Haiti-Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs*.

<sup>24</sup> See Jean Daniel Sénat, *Crise, le sommet de Jonathan Powell reporté sine die*, LE NOUVELLISTE (Mar. 24, 2023), <https://lenouvelliste.com/article/241480/crise-le-sommet-de-jonathan-powell-reporté-sine-die>; Bhatia, *Haiti's descent into hell*; Susan D. Page, *A Smarter U.S. Assistance Strategy for Haiti*, COUNCIL ON FOREIGN RELATIONS (Sep. 8, 2022), <https://www.cfr.org/report/smarter-us-assistance-strategy-haiti>.

<sup>25</sup> According to a Haitian human rights defender and feminist activist, Haitians are scared of the ubiquitous violence and exhausted after having seen no change for years. The activist also noted that the de facto government uses gangs to suppress protests, particularly in Port-au-Prince, and that the exodus of activists and youth from the capital and the country as a whole means there are less people willing to brave the danger to organize and attend demonstrations. See also Luke Taylor, *'Warfare is encroaching': aid groups may have to cut back services in Haiti as violence grows*, THE GUARDIAN (Mar. 3, 2023), <https://www.theguardian.com/global-development/2023/mar/03/gang-violence-aid-groups-consider-abandoning-haiti> (according to a representative of Italian non-governmental organization Avsi Foundation, "the violence is making operations almost impossible for civil society groups").

<sup>26</sup> See, e.g., Catherine Charlemagne, *Steven Benoît démissionne et supplie Ariel Henry de suivre son exemple*, HAÏTI LIBERTE (Mar. 8, 2023), <https://haitiliberte.com/steven-benoit-demissionne-et-supplie-ariel-henry-de-suivre-son-exemple/>; Ariel Henry, « s'il a le moindre sentiment de l'honneur », doit offrir sa démission, conseille l'ancien ministre et éditorialiste Marcus Garcia, REZO NODWES (Feb. 25, 2023), <https://reznodwes.com/?p=305061>; *Politique : MTV appelle à la démission du Premier ministre Ariel Henry*, HAITI 24 (Apr. 18, 2023), <https://haiti24.net/politique-mtv-appelle-a-la-demission-du-premier-ministre-ariel-henry/>; *Political Vacuum in Haiti Deepens as Senators' Terms Expire*, VOA NEWS (Jan. 10, 2023), <https://www.voanews.com/a/political-vacuum-in-haiti-deepens-as-senators-terms-expire-/6913293.html>.

<sup>27</sup> See *infra* notes 103-05.

<sup>28</sup> See Jillian Kestler-D'Amours, *Haiti vigilante push 'symptomatic' of state's failures*; *Advocates*, AL JAZEERA (Jun. 1, 2023), <https://www.aljazeera.com/news/2023/6/1/haiti-vigilante-push-symptomatic-of-states-failures-advocates>; see *infra* note 106.

<sup>29</sup> See Haitian Observatory of Crimes Against Humanity (OHCHH), *Comment on the Current Situation*, IJDH (Apr. 26, 2023), [http://www.ijdh.org/press\\_release/ohcch-calls-for-an-awakening-of-conscience-for-the-government-of-haiti-and-emphasizes-the-need-for-haitians-to-stick-to-democratic-values/](http://www.ijdh.org/press_release/ohcch-calls-for-an-awakening-of-conscience-for-the-government-of-haiti-and-emphasizes-the-need-for-haitians-to-stick-to-democratic-values/); Johnny Celestin, *The Lynching of Gang Members in Haiti: An Alarming Consequence of Social Disintegration*, LINKEDIN (Apr. 26, 2023), <https://www.linkedin.com/pulse/lynching-gang-members-haiti-alarming-consequence-social-celestin%3FtrackingId=Y%252FSxpJSKRd2cWd0LoSESvA%253D%253D/?trackingId=Y%2FSxpJSKRd2cWd0LoSESvA%3D%3D>.

<sup>30</sup> See Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*; *'Unprecedented insecurity' in Haiti requires urgent action: new UN envoy*, UN NEWS (Apr. 26, 2023), <https://news.un.org/en/story/2023/04/1136057>.

<sup>31</sup> See Vanda Felbab-Brown, *Haiti in 2023: Political abyss and vicious gangs*, BROOKINGS INSTITUTE (Feb. 3, 2023), <https://www.brookings.edu/blog/order-from-chaos/2023/02/03/haiti-in-2023-political-abyss-and-vicious-gangs/>; Bhatia, *Haiti's descent into hell*.

<sup>32</sup> See Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*.

<sup>33</sup> See Daut, *What's the path forward for Haiti?*.

<sup>34</sup> See Press Release, OHCHR, *Haiti: UN experts say Government must act to end gang violence against women and girls* (May 10, 2023), <https://www.ohchr.org/en/press-releases/2023/05/haiti-un-experts-say-government->

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[must-act-end-gang-violence-against-women-and](#); Francklyn B Geffard, *Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...*, RHINEWS (Mar. 8, 2023), <https://www.rhinews.com/actualites/au-moins-sept-femmes-victimes-de-la-violence-basee-sur-le-genre-par-jour-en-haiti-denonce-rosy-ducena-du-rn-ddh-devant-la-cidh/>.

<sup>35</sup> See @opchaiti, TWITTER (Apr. 23, 2023, 10:57 AM),

<https://twitter.com/opchaiti/status/1650151799460974601/photo/1> (hereinafter **OPC Statement on Massacre in Source Matelas**) (statement from the Office for the Protection of the Citizen (**OPC**), the government's own human rights ombudsman, describing massacres, rapes, and other violent crimes being committed by "bandits and notorious criminals known to all, armed by the political and economic elite"); Press Release, Senate Foreign Relations Committee, *SFRC Chairman Menendez, Colleagues Applaud SFRC Approval of Haiti Collusion Transparency Act* (May 3, 2023), <https://www.foreign.senate.gov/press/dem/release/sfrc-chairman-menendez-colleagues-applaud-sfrc-approval-of-haiti-criminal-collusion-transparency-act>; *Haiti – Crisis : The OAS reiterates the need for international security support*, HAITI LIBRE (May 10, 2023), <https://www.haitilibre.com/en/news-39501-haiti-crisis-the-oas-reiterates-the-need-for-international-security-support.html> (according to Organization of American States (**OAS**) Special Representative of the Secretary General Cristo Dupouy, "the nexus between criminal groups and politics is still very much strong and may still bring Haiti to the brink"); *Criminalité : L'organisme Sant Karl Lévêque déplore une absence de volonté politique pour combattre les gangs en Haïti*, ALTERPRESSE (Mar. 14, 2023), <https://www.alterpresse.org/spip.php?article29128>.

<sup>36</sup> See Kestler-D'Amours, *Haiti vigilante push 'symptomatic' of state's failures; Advocates*.

<sup>37</sup> See UN Office on Drugs and Crime (**UNODC**), Haiti's criminal markets: mapping trends in firearms and drug trafficking 4 (2023), [https://www.unodc.org/documents/data-and-analysis/toc/Haiti\\_assessment\\_UNODC.pdf](https://www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf); Charles, *Gang-related violence in Haïti has reached levels not seen in decades, U.N. chief says* (according to the former UN Secretary-General's Special Representative in Haiti, Helen La Lime, gang violence and kidnapping has increased for the fourth consecutive year).

<sup>38</sup> *En Haïti, la "terreur" des gangs se propage à un rythme "alarmant,"* LE NOUVELLISTE (Apr. 27, 2023), <https://lenouvelliste.com/article/242032/en-haiti-la-terreur-des-gangs-se-propage-a-un-rythme-alarmant>; BINUH, *Human Rights Situation: Main trends. Quarterly report: January – March 2023* at 3.

<sup>39</sup> United Nations Security Council (**UNSC**), United Nations Integrated Office in Haiti: Report of the Secretary-General, S/2023/274 (Apr. 14, 2023), ¶ 27,

[https://binuh.unmissions.org/sites/default/files/sg\\_report\\_on\\_binuh\\_14\\_april\\_2023.pdf](https://binuh.unmissions.org/sites/default/files/sg_report_on_binuh_14_april_2023.pdf) (hereinafter **UNSG April BINUH Report**); Felbab-Brown, *Haiti in 2023: Political abyss and vicious gangs; Haiti's Last Resort: Gangs and the Prospect of Foreign Intervention*, CRISIS GROUP (Dec. 14, 2022), <https://www.crisisgroup.org/latin-america-caribbean/haiti/b048-haitis-last-resort-gangs-and-prospect-foreign-intervention>. Other sources put the number as high as 300. Michele Kelemen, *The UN says an outside force is needed in Haiti, but countries are reluctant to intervene*, NPR (May 21, 2023), <https://www.npr.org/2023/05/21/1177391853/the-un-says-an-outside-force-is-needed-in-haiti-but-countries-are-reluctant-to-i>; UN Office for the Coordination of Humanitarian Affairs (**OCHA**), *Haiti: Humanitarian Response Plan 2023 At a Glance 3* (Apr. 13, 2023), <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>.

<sup>40</sup> **UNSG April BINUH Report** at ¶ 27; see also UNODC, *Haiti's criminal markets: mapping trends in firearms and drug trafficking* at 4 (listing the major gangs and gang coalitions as "the G9, G-Pep, 400 Mawozo, Baz Galil, Vilaj de Dye, Vitelhomme, and Ti Makak").

<sup>41</sup> G9 is a coalition of nine gangs founded in June 2020 and led by former police officer Jimmy "Barbecue" Chérizier, who has been implicated in several civilian massacres. *G9 and Family*, INSIGHT CRIME (Jul. 18, 2022), <https://insightcrime.org/haiti-organized-crime-news/g9-family-profile/>.

<sup>42</sup> Led by Gabriel Jean-Pierre, the *G-Pèp* criminal federation "has a significant presence in the Port-au-Prince suburb of Cité Soleil." Henry Shuldiner & Chris Dalby, *Haiti Gangs Embrace Political and Police Chaos*, INSIGHT CRIME (Jan. 31, 2023), <https://insightcrime.org/news/haiti-gangs-de-facto-authority-state-institutions-struggle-respond/>. The federation is reportedly funded by a small group of powerful businessmen. Kim Hjelmgaard & Stephen J. Beard, *Haiti spinning out of control on every metric from gangs to kidnappings, migration to murder*, USA TODAY (Mar. 11, 2023), <https://www.usatoday.com/in-depth/news/world/2023/03/11/haiti-chaos-gangs-guns-violence-migration/11110664002/>.

<sup>43</sup> See *Violence en Haïti : "J'ai vu des scènes de guerre à la porte de l'hôpital,"* BBC NEWS (Mar. 15, 2023), <https://www.bbc.com/afrique/monde-64926141>; *60 deaths in 8 days in Haïti*, DOMINICAN TODAY (Mar. 7, 2023), <https://dominantoday.com/dr/world/2023/03/07/60-deaths-in-8-days-in-haiti/> (according to the Réseau National de Défense des Droits Humains (**RNDDH**), fighting between G9 and *G-Pèp* resulted in 60 deaths in Port-au-Prince between February 24 and March 4 alone).



<sup>44</sup> OCHA, Haiti : Humanitarian note 1 (Mar. 31, 2023), <https://reliefweb.int/attachments/510aba84-9cbd-4cc2-ab59-edf008ed9bdf/20230323%20-%20New%20paradigm%2030%20March%202023.pdf> (reporting that gangs control 80 percent of Port-au-Prince); Andre Paultre & Chris Cameron, *As Haiti's Police Retreat, Gangs Take Over Much of the Capital*, NY TIMES (Mar. 22, 2023), <https://www.nytimes.com/2023/03/22/world/americas/haiti-police-gang-violence.html>; ABC News, *UN estimates gangs now control around 80% of Port-au-Prince, Haiti*, YOUTUBE (Apr. 26, 2023), <https://www.youtube.com/watch?v=5K3DvjbiGvk> (reporting that the UN estimates that gangs control 80 percent of Port-au-Prince while a Haitian law enforcement source puts the number “closer to 100 percent”); Megan Janetsky & Pierre-Richars Luxama, *Gangs take control in Haiti as democracy withers*, PBS (Jan. 31, 2023), <https://www.pbs.org/newshour/world/gangs-take-control-in-haiti-as-democracy-withers> (reporting that “most on the streets of Port-au-Prince say that the number is closer to 100 percent”); *Haiti activists urge U.S. to stop arms trafficking to gangs*, REUTERS (Mar. 8, 2023), <https://www.reuters.com/world/americas/haiti-activists-urge-us-stop-arms-trafficking-gangs-2023-03-09/> (RNDDH’s Rosy Auguste Ducéna estimates that the Ouest Department, where Port-au-Prince is located, is 100 percent under gang control). Estimates of territorial control by gangs are inherently difficult, made more so by shifting dynamics and the violence itself, and the methodology for available estimates are not made public. These numbers are thus uncertain.

<sup>45</sup> Press Release, UN, *As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council* (Apr. 26, 2023), <https://press.un.org/en/2023/sc15266.doc.htm> (according to Haiti’s Minister of Foreign Affairs and Worship, 80 percent of Haitian cities are under gang control); *Haiti activists urge U.S. to stop arms trafficking to gangs* (Ducéna estimates that gangs control 60 percent of the territory outside the Ouest Department).

<sup>46</sup> See *UNSG April BINUH Report* at ¶¶ 16, 27; *Haiti – FLASH : La terreur s’installe dans l’Artibonite*, HAITI LIBRE (Feb. 25, 2023), <https://www.haitilibre.com/article-38932-haiti-flash-la-terreur-s-installe-dans-l-artibonite.html>; *UN Condemns new surge of gang violence in Central Haiti*, ABC NEWS (Feb. 24, 2023), <https://abcnews.go.com/International/wireStory/condemns-new-surge-gang-violence-central-haiti-97450461>; *iciHaiti – Insécurité : L’Artibonite en grande difficulté*, ICIHAÏTI (May 8, 2023), <https://www.icihaiti.com/article-39484-icihaiti-insecurite-l-artibonite-en-grande-difficulte.html>; Jean Junior Celestin, *Insécurité : « Sauvons le département de l’Artibonite », le cri du vice-délégué de Saint-Marc*, LE NOUVELLISTE (Feb. 23, 2023), <https://www.lenouvelliste.com/article/240905/insecurite-sauvons-le-departement-de-lartibonite-le-cri-du-vice-delegue-de-saint-marc>; see *infra* note 330.

<sup>47</sup> See, e.g., BINUH, *The Population of Cité Soleil in the Grip of Gang Violence* (Feb. 2023), <https://www.ohchr.org/sites/default/files/documents/countries/ht/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf> (BINUH reported that between July 8 and December 31, 2022, G9 snipers indiscriminately killed at least 552 civilians simply for living in areas under rival control in the neighborhood of Cité Soleil in Brooklyn); Press Release, OHCHR, *Haiti – gang violence* (Mar. 21, 2023), <https://www.ohchr.org/en/press-briefing-notes/2023/03/haiti-gang-violence> (reporting that on February 28, armed conflict in Bel Air between the *Kempes Sanon* and *Krache Dife* gangs killed approximately 70 people, including pregnant women, children, and seniors); Ileana Ferrer Fonte, *About 70 dead in Haiti gang clashes*, PRENSA LATINA (Mar. 13, 2023), <https://www.plenglish.com/news/2023/03/13/about-70-dead-in-haiti-gang-clashes/> (reporting that clashes between the *Source Matelas* and *Titanyen* gangs in Cabaret on March 11 left twelve people dead); *Haiti-Criminalité : Une dizaine de morts à Cabaret dans des affrontements armés*, ALTERPRESSE (Mar. 13, 2023), <https://www.alterpresse.org/spip.php?article29121>; Fondasyon Je Klere, *Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d’Ariel Henry* ¶ 12 (2023), <https://www.haitilibre.com/docs/Rapport-FJKL-Situation-terreur-en-Haiti-avril-2023.pdf> (reporting that between July 2021 and April 2023, gangs had conducted more than 16 massacres and attacks against civilians); *OPC Statement on Massacre in Source Matelas* (the OPC condemned the massacre in Source Matelas from April 17 to 22).

<sup>48</sup> Press Release, OHCHR, *Haiti: UN Human Rights Chief warns against ‘never-ending cycle of violence’* (May 9, 2023), <https://www.ohchr.org/en/press-releases/2023/05/haiti-un-human-rights-chief-warns-against-never-ending-cycle-violence>; see also BINUH, *Human Rights Situation: Main trends. Quarterly report: January – March 2023* at 3 (BINUH reported 1,634 killings, injuries, and kidnappings between January and March 2023, a 28 percent increase from the previous quarter).

<sup>49</sup> *UNSG April BINUH Report* at ¶ 37; see also Press Release, OHCHR, *Haiti – gang violence* (reporting that at least 208 people were killed and 1,654 injured within the first two weeks of March due to rival gang clashes). These numbers include a massacre by the G9 coalition in Bel-Air, which killed 148 people between February 27 and March 5. RNDDH, *The reign of Prime Minister Ariel Henry Or The fury of the armed gangs* ¶ 2 (May 9, 2023), <https://web.rnddh.org/wp-content/uploads/2023/05/5-Rapport-Massacres-09Mai2023-VP-ENG.pdf>.

<sup>50</sup> Press Release, OHCHR, *Haiti: UN Human Rights Chief warns against ‘never-ending cycle of violence’*; Jacqueline Charles, *U.N. Secretary general calls armed violence in Haiti “tragic” and threat to whole region*,

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MIAMI HERALD (May 16, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275437056.html>.

<sup>51</sup> See Press Release, OHCHR, *Haiti: UN Human Rights Chief warns against 'never-ending cycle of violence'*.

<sup>52</sup> BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 3.

<sup>53</sup> BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 3; *Haiti-Criminalité : Un policier national assassiné et deux blindés incendiés à Source Matelas*, ALTERPRESSE (May 19, 2023), <https://www.alterpresse.org/spip.php?article29312>; RNDDH, *The reign of Prime Minister Ariel Henry Or The fury of the armed gangs* at ¶ 2.

<sup>54</sup> See *Video before the Inter-American Commission, on Human Rights, March 8*, NÈGÈS MAWON, <https://www.negesmawon.org/wp-content/uploads/2023/03/video.mp4> (last visited Jun. 7, 2023), (feminist organization *Nègès Mawon* received reports of 652 cases of collective and individual rape in the gang-controlled areas of La Saline, Cité Soleil, Saint Martin, and Bel Air between May 2022 and March 2023); RNDDH, *The reign of Prime Minister Ariel Henry Or The fury of the armed gangs* at ¶ 2 (reporting on individual and collective rapes carried out against women and girls during massacres in the artistic village of Noailles, Savane Pistache, Source Matelas, and Bel Air in 2022 and 2023); Jacqueline Charles, *'Intolerable risks': Haiti's escalating violence, including sexual attacks, shuts hospital*, MIAMI HERALD (Mar. 8, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272896950.html> (reporting 149 documented cases of rape in Grand'Anse, including rapes of 131 girls between the ages of 3 and 17); see also Doroty Derat, *Forgotten Victims: The Plight of Women in Cité Soleil*, AYIBO POST (Jan. 26, 2023), <https://ayibopost.com/forgotten-victims-women-cite-soleil/> (published in January, an account of the July 2022 massacre in Cité Soleil that describes brutal rapes by gang members and resulting displacement and trauma); see *infra* notes 242-48.

<sup>55</sup> U.S. Department of State, *Haiti 2022 Human Rights Report 14-15* (2023), [https://www.state.gov/wp-content/uploads/2023/02/415610\\_HAITI-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/02/415610_HAITI-2022-HUMAN-RIGHTS-REPORT.pdf).

<sup>56</sup> See, e.g., U.S. Department of State, *Haiti 2022 Human Rights Report* at 14-15; Caitlin McFall, *'Lawless' Haiti plagued by corruption and deadly gang violence fuels humanitarian crisis*, FOX NEWS (Mar. 28, 2023), <https://www.foxnews.com/world/lawless-haiti-plagued-corruption-deadly-gang-violence-fuels-humanitarian-crisis>.

<sup>57</sup> *UNSG April BINUH Report* at ¶ 16; see *infra* Section IV.

<sup>58</sup> See, e.g., OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence* at ¶¶ 64-66 (reporting that, in 2022, G9 obstructed the main roads in and out of Brooklyn, preventing residents from accessing basic goods and services, including garbage collection); OCHA, *The Humanitarian Coordinator in Haiti alerts on the crisis raging in Cite Soleil* (Apr. 23, 2023), <https://reliefweb.int/report/haiti/humanitarian-coordinator-haiti-alerts-crisis-raging-cite-soleil>; UNODC, *Haiti's criminal markets: mapping trends in firearms and drug trafficking* at 13 (reporting that Brooklyn's residents still feel under siege and that uncollected garbage is "completely blocking access" to the neighborhood).

<sup>59</sup> BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 4.

<sup>60</sup> For example, in May, gangs hijacked over 15 fuel trucks around Haiti's main fuel terminal, exacerbating an already-devastating fuel shortage that has impacted public transportation, water purification and distribution, and hospital operations. See *Haiti – News : Zapping...*, HAITI LIBRE (May 14, 2023), <https://www.haitilibre.com/en/news-39535-haiti-news-zapping.html>; see *infra* note 284.

<sup>61</sup> Press Release, OHCHR, *Haiti – gang violence*; see also International Organization for Migration (IOM), *Haiti – Emergency Tracking Tool 16 – Summary of displacement that occurred in April 2023 1* (April 2023), <https://dtm.iom.int/reports/haiti-emergency-tracking-tool-16-summary-displacement-occurred-april-2023-april-2023> (reporting that 11,036 persons were displaced in March and 8,919 in April).

<sup>62</sup> IOM, *Haiti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3* (14 February – 16 March 2023) 1 (2023), <https://dtm.iom.int/reports/haiti-dashboard-displacement-port-au-prince-metropolitan-area-round-3-14-february-16-march>.

<sup>63</sup> IOM, *Haiti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3* (14 February – 16 March 2023) at 12.

<sup>64</sup> Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*; see also *Les guerres urbaines allongent la liste des personnes déplacées en Haïti*, ENQUET ACTION (Mar. 17, 2023), <https://www.enquetaction.com/articles/les-guerres-urbaines-allongent-la-liste-des-personnes-deplacees-en-haiti> (reporting that some civilians are displaced by the fires while others are burnt alive inside their homes).

<sup>65</sup> See Press Release, OHCHR, *Haiti: UN experts say Government must act to end gang violence against women and girls*; Geffrard, *Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...*; Derat, *Forgotten Victims: The Plight of Women in Cité Soleil*.

<sup>66</sup> IOM, *Haiti – Emergency Tracking Tool 16 – Summary of displacement that occurred in April 2023*; IOM, *Haiti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3* (14 February – 16

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[March 2023](#)) at 1 (reporting that 38 percent of displaced persons in the Port-au-Prince Metropolitan Area live in 51 makeshift displacement sites).

<sup>67</sup> IOM, [Haïti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 \(14 February – 16 March 2023\)](#) at 19; *La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023*, LE QUOTIDIEN (May 13, 2023), <https://lequotidiennews.org/la-pnh-a-pied-doeuvre-alors-que-plus-de-100-000-personnes-ont-ete-forcees-de-quitter-leur-maison-entre-janvier-2022-a-avril-2023/>.

<sup>68</sup> IOM, [Haïti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 \(14 February – 16 March 2023\)](#) at 28; *La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023*.

<sup>69</sup> See IOM, [Haïti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 \(14 February – 16 March 2023\)](#) at 20, 25 (IOM reports that 52 percent of sites do not have washroom facilities, forcing residents to defecate outside at least 44 percent of the sites; of those that do have washrooms, 63 percent do not offer separate washrooms for women and 29 percent cannot be locked from the inside).

<sup>70</sup> *La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023*.

<sup>71</sup> *Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January*; see also Charles, [Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says](#) (reporting in January that kidnappings increased 104.7 percent between 2021 and 2022).

<sup>72</sup> BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 4; see also Centre d’analyse et recherche en droits de l’homme (CARDH), *Kidnapping : Bulletin (#11) Janvier, Février Et Mars 2023* ¶ 1 (Apr. 4, 2023), <https://cardh.org/archives/4363> (reporting at least 389 kidnappings in the first three months of 2023, marking a 72 percent and 173 percent increase from the first three months of 2022 and 2021 respectively; note that advocates have reported CARDH’s numbers may be low).

<sup>73</sup> See Fabiola Fanfan, *Le calvaire sans fin des femmes kidnappées en Haïti*, ENQUET ACTION (Apr. 21, 2023), <https://www.enquetaction.com/articles/le-calvaire-sans-fin-des-femmes-kidnappees-en-haiti> (reporting that the “overwhelming majority” of those affected do not report the kidnapping in order to avoid reprisals); Fondasyon Je Klere, [Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d’Ariel Henry](#) at ¶ 96 (reporting that it is “practically impossible” to know how many kidnappings have occurred); *Kidnapping en Haïti : la parole aux victimes*, LE NOUVELLISTE (Dec. 21, 2023), <https://lenouvelliste.com/article/233286/kidnapping-en-haiti-la-parole-aux-victimes> (reporting that those who survive kidnappings are often unable to speak up for psychological reasons and out of fear).

<sup>74</sup> See Aline Bottin, *Haiti’s spiralling crisis; Political instability, hunger and gang violence*, FRANCE 24 (Mar. 30, 2023), <https://www.france24.com/en/tv-shows/inside-the-americas/20230330-haiti-s-spiralling-crisis-political-instability-hunger-and-gang-violence> (reporting that within the first two weeks of March alone, armed gangs kidnapped 101 Haitians). CARDH attributed the spike in part to the impact of recent foreign sanctions on gangs’ access to funds. CARDH, [Kidnapping : Bulletin \(#11\) Janvier, Février Et Mars 2023](#) at ¶ 11.

<sup>75</sup> Compare BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 4 (reporting 395 kidnappings in the first three months of 2023) and CARDH, [Kidnapping : Bulletin \(#11\) Janvier, Février Et Mars 2023](#) at ¶ 1 (reporting 389 kidnappings in the first three months of 2023) with Fondasyon Je Klere, [Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d’Ariel Henry](#) at ¶ 97 (reporting 401 kidnappings in the first four months of 2023) and CARDH, *Impact Of The « Bwa Kale » Movement Over Insecurity And Kidnapping In Haiti / Impacts Du « Bwa Kale » Sur L’insécurité Et Le Kidnapping En Haïti* (May 28, 2023), <https://cardh.org/archives/4380> (reporting that there were “almost no” kidnappings between April 24 and May 24); but see Jean Junior Celestin, *Plusieurs cas d’enlèvements signalés en Plaine du Cul-de-Sac*, LE NOUVELLISTE (May 29, 2023), <https://lenouvelliste.com/article/242566/plusieurs-cas-denlevements-signales-en-plaine-du-cul-de-sac> (reporting that gangs kidnapped nearly a dozen people in Plaine du Cul-de-Sac between May 22 and May 28). CARDH suggests this decline may be due to the emergence of the *Bwa Kale* movement of civilian neighborhood defense groups that have been physically confronting suspected gang members, sometimes in cooperation with police, in the face of government failures to control the insecurity. CARDH, [Impact Of The « Bwa Kale » Movement Over Insecurity And Kidnapping In Haiti / Impacts Du « Bwa Kale » Sur L’insécurité Et Le Kidnapping En Haïti](#) at ¶¶ 3, 11, 99; see *infra* note 106.

<sup>76</sup> BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 4 (reporting an increase in kidnappings of teachers, students, parents in and around schools, healthcare personnel, judicial actors, and civil servants); see also Bhatia, [Haiti’s descent into hell](#) (describing the ubiquity of kidnapping in Haiti, particularly Port-au-Prince).

<sup>77</sup> See Kim Ives, *A qui profitait le nouveau combat entre Bel-Air, Solino et Bas Delmas?*, HAÏTI LIBERTÉ (Mar. 15, 2023), <https://haitiliberte.com/a-qui-profitait-le-nouveau-combat-entre-bel-air-solino-et-bas-delmas/> (reporting that kidnappings are particularly prevalent in the Port-au-Prince neighborhoods of Bel-Air, Village de

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Dieu, Grand Ravine, Tabarre, Torcelle, and Croix-des-Bouquets – all controlled by gangs who derive the majority of their funding from kidnapping ransoms).

<sup>78</sup> CARDH, [Kidnapping : Bulletin \(#11\) Janvier, Février Et Mars 2023](#) at ¶ 25.

<sup>79</sup> See, e.g., Megan Janetsky & Pierre Richard Luxama, *In Haiti, gangs take control as democracy withers*, AP NEWS (Jan. 31, 2023), <https://apnews.com/article/haiti-gangs-democracy-at-risk-7ddcea955fdd364e2b574e28daa71d03> (reporting that ransoms, such as the US \$1 million ransom placed on a kidnapped ambulance driver, are commonplace); Lise Denis, *Haiti «au bord d'une catastrophe humanitaire irréparable»*, LE DEVOIR (Apr. 26, 2023), <https://www.ledevoir.com/monde/ameriques/789878/haiti-au-bord-d-une-catastrophe-humanitaire-irreparable> (according to Montana Accord president-elect, former Prime Minister, and former governor of the *Banque de la République d'Haïti*, Fritz Jean, Haitians must turn to family members abroad to help pay the ransoms, which can reach up to \$200,000); Hjelmgard & Beard, [Haiti spinning out of control on every metric from gangs to kidnappings, migration to murder](#) (quoting one Haitian interviewee who said, “[t]hey catch you and demand \$200,000”); [Kidnapping en Haïti : la parole aux victimes](#) (reporting that kidnappers often demand ransoms that far exceed the means of the victims’ families, such as USD \$500,000); CARDH, [Kidnapping : Bulletin \(#11\) Janvier, Février Et Mars 2023](#) (CARDH reports that gangs sometimes double and triple the original amount of ransom originally demanded).

<sup>80</sup> See, e.g., Dustin J. Seibert, *Haiti, Sudan And Our Selective Sympathy Over Black And Brown Atrocities*, YAHOO NEWS (May 9, 2023), [https://news.yahoo.com/haiti-sudan-selective-sympathy-over-094503472.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly9tYWlsLmdvb2dsZS5jb20v&guce\\_referrer\\_sig=AQAAADsXfF1QGhNbnMpwZiAoxf2qbcz2od6GKFyRrdDnSaGVvIDi1QnmWpFwqKfVPysPbGffBsWaLiFsyBAbv3d0XLsPdse3HE2yGoB3GuWH4bVW8g4QCOKx-5OaBXtMdHwD--NivKjDgb0y4Q65H-bPxwjCE6X3CqXpAGc2KMJF2SS0](https://news.yahoo.com/haiti-sudan-selective-sympathy-over-094503472.html?guccounter=1&guce_referrer=aHR0cHM6Ly9tYWlsLmdvb2dsZS5jb20v&guce_referrer_sig=AQAAADsXfF1QGhNbnMpwZiAoxf2qbcz2od6GKFyRrdDnSaGVvIDi1QnmWpFwqKfVPysPbGffBsWaLiFsyBAbv3d0XLsPdse3HE2yGoB3GuWH4bVW8g4QCOKx-5OaBXtMdHwD--NivKjDgb0y4Q65H-bPxwjCE6X3CqXpAGc2KMJF2SS0) (noting that coverage on Ukraine drastically outweighs coverage on the current situation in Haiti, including the kidnapping of a Haitian-American family in March). For further reading on the disproportionate attention paid to white victims of crime generally, see Zach Sommers, *Missing White Woman Syndrome: An Empirical Analysis of Race and Gender Disparities in Online News Coverage of Missing Persons*, 106 J. CRIM. L. & CRIMINOLOGY 275 (Spring 2016), <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7586&context=jclc>.

<sup>81</sup> CARDH, [Kidnapping : Bulletin \(#11\) Janvier, Février Et Mars 2023](#) at ¶ 1 (reporting that, of the 389 kidnappings recorded in the first three months of 2023, only 29 of the victims were foreign nationals).

<sup>82</sup> See [OPC Statement on Massacre in Source Matelas](#); Press Release, Senate Foreign Relations Committee, [SFRC Chairman Menendez, Colleagues Applaud SFRC Approval of Haiti Collusion Transparency Act](#); [Haïti : Plusieurs organisations dénoncent le comportement irresponsable du gouvernement de facto face au grand banditisme](#), ALTERPRESSE (Mar. 9, 2023), <https://www.alterpresse.org/spip.php?article29114>; [Criminalité : L'organisme Sant Karl Lévêque déplore une absence de volonté politique pour combattre les gangs en Haïti](#) (according to human rights organization *Sant Karl Lévêque*, the de facto government is indifferent to the situation); see also Francklyn B Geffrard, *L'UNNOH alarmée par l'indifférence des autorités face à la dégradation du climat sécuritaire du pays...*, ALTERPRESSE (Mar. 14, 2023), <https://www.rhinews.com/actualites/lunnoh-alarmee-par-lindifference-des-autorites-face-a-la-degradation-du-climat-securitaire-du-pays/> (according to the National Union of Haitian Normaliens, the de facto government is at the service of foreign interests and has remained indifferent amidst student kidnappings and school closures).

<sup>83</sup> See [OPC Statement on Massacre in Source Matelas](#); [Haiti – Crisis : The OAS reiterates the need for international security support](#); James North, *The Billionaire Oligarch Who's Enabling Haiti's Murderous Gangs*, NEW REPUBLIC (Dec. 16, 2023), <https://newrepublic.com/article/169554/gilbert-bigio-canada-sanctions-haiti> (reporting that all interviewees agreed that Haiti's gangs are “paramilitary allies of the PHTK”); [Violence en Haïti : “J’ai vu des scènes de guerre à la porte de l’hôpital”](#) (according to experts, “armed groups have links with corrupt politicians, both in the government and in the opposition”); Louis-Henri Mars, *To Curb Gang Violence in Haiti, Break with Politics as Usual*, JUST SECURITY (Apr. 18, 2023), <https://www.justsecurity.org/86017/to-curb-gang-violence-in-haiti-break-with-politics-as-usual/> (the head of community peacebuilding organization Lakou Lapè notes that “many Haitian leaders have been arming poor Haitian young men for generations in order to gain and hold onto power”); Jacqueline Charles, *U.S. senators reintroduce sanctions bill targeting Haitian gangs and their supporters*, MIAMI HERALD (Feb. 15, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272474609.html> (reporting that Canada and the United States have imposed sanctions on Haitians for allegedly supporting gangs).

<sup>84</sup> Roberson Alphonse, *Pour que tout ne parte pas en ville pour Henry et le HCT*, LE NOUVELLISTE (Feb. 7, 2023), <https://www.lenouvelliste.com/article/240592/pour-que-tout-ne-parte-pas-en-ville-pour-henry-et-le-hct>; Jean Daniel Sénat, *La PNH est handicapée par des problèmes matériels et des faiblesses structurelles*, LE NOUVELLISTE (Mar. 28, 2023), <https://lenouvelliste.com/article/241454/la-pnh-est-handicapee-par-des-problemes-materiels-et-des-faiblesses-structurelles> (according to a former director general of police, “gangs infiltrate the Haitian National Police (PNH) and recruit members there”); Francklyn B Geffrard, *Un policier*

haïtien arrêté pour affiliation présumée au gang “5 Secondes” de Dieu..., RHINEWS (Apr. 12, 2023), <https://www.rhinews.com/actualites/un-policier-haitien-arrete-pour-affiliation-presumee-au-gang-5-secondes-de-dieu/> (reporting that a police officer was arrested for affiliation with the Village de Dieu gang on April 11).

<sup>85</sup> Sénat, *La PNH est handicapée par des problèmes matériels et des faiblesses structurelles*.

<sup>86</sup> See generally UNODC, *Haiti’s criminal markets: mapping trends in firearms and drug trafficking*; *Criminalité : Le Rnddh appelle l’État à cesser d’alimenter les gangs en armes et munitions en Haïti*, ALTERPRESSE (Feb. 4, 2023), <https://www.alterpresse.org/spip.php?article29023> (according to RNDHD, state authorities supply weapons, ammunition, and money to armed gangs).

<sup>87</sup> See, e.g., *Haïti ; Sept individus arrêtés mi-février 2023 pour activités criminelles*, ALTERPRESSE (Feb. 17, 2023), <https://www.alterpresse.org/spip.php?article29066> (reporting that the General Inspectorate of the National Police recommended sanctions against twelve police officers in cases related to the theft and destruction of police vehicles by gangs in October and November 2022); *Haiti – Justice : A former Divisional Inspector of the PNH, arrested in the USA*, HAITI LIBRE (May 11, 2023), <https://www.haitilibre.com/en/news-39510-haiti-justice-a-former-divisional-inspector-of-the-pnh-arrested-in-the-usa.html> (reporting that a former Divisional Inspector for the PNH was arrested in the United States on May 19 for his alleged involvement in a gang attack on the Leclerc police station on October 12, 2022, during which gangs stole weapons and an armored vehicle).

<sup>88</sup> See, e.g., Juhakenson Blaise, *Long-awaited armored vehicles burned 2 weeks after arrival in Haiti*, HAITIAN TIMES (May 24, 2023), <https://haitiantimes.com/2023/05/24/long-awaited-armored-vehicles-burned-2-weeks-after-arrival-in-haiti/> (reporting that a third armored vehicle was destroyed just two weeks after a Canadian company delivered four armored vehicles to Haiti).

<sup>89</sup> Paultre & Cameron, *As Haiti’s Police Retreat, Gangs Take Over Much of the Capital*; Luke Taylor, *Haitian cops are poorly paid and outgunned – part of the problem*, THE GUARDIAN (Feb. 2, 2023), <https://www.theguardian.com/world/2023/feb/02/haiti-cops-outgunned-gangs>.

<sup>90</sup> UNODC, *Haiti’s criminal markets: mapping trends in firearms and drug trafficking* at 18 (according to the UN, most firearms and munitions in Haiti come from the United States, Florida in particular); see *infra* notes 449-54.

<sup>91</sup> UNODC, *Haiti’s criminal markets: mapping trends in firearms and drug trafficking* at 8; UNSC, United Nations Integrated Office in Haiti: Report of the Secretary-General, S/2023/41 (Jan. 17, 2023), ¶ 15, [https://binuh.unmissions.org/sites/default/files/sgs\\_report\\_on\\_binuh\\_-\\_17\\_january\\_2023\\_1.pdf](https://binuh.unmissions.org/sites/default/files/sgs_report_on_binuh_-_17_january_2023_1.pdf) (*hereinafter* **UNSG January BINUH Report**) Alphonse, *Pour que tout ne parte pas en ville pour Henry et le HCT*.

<sup>92</sup> Jacqueline Charles, *After cops were killed, Haiti police launched an operation. Here’s what happened next*, MIAMI HERALD (May 31, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275956881.html> (reporting that “Operation Tornado” resulted in the arrests of over 2,700 people for alleged gang involvement, interventions in gang territory, seizure of gang weapons and vehicles, and the deaths of some alleged gang members); *La police déterminée à libérer Martissant/ une tentative de reprise de contrôle du sous-commissariat a échoué*, GAZETTE HAITI (May 12, 2023), <https://www.gazettehaiti.com/node/9866> (reporting that police have retaken control of certain areas of Martissant and destroyed bandit hideouts); *Haiti – FLASH : The dangerous gang leader «Ti Makak» killed by the police*, Haiti Libre (Apr. 25, 2023), <https://www.haitilibre.com/en/news-39384-haiti-flash-the-dangerous-gang-leader-ti-makak-killed-by-the-police.html> (police killed well-known gang leader Carlo “Ti Makak” Petit-Homme during an anti-gang operation on April 14 in Thomassin).

<sup>93</sup> Jacqueline Charles & Johnny Fils-Aimé, *Armed with machetes, stones, Haitians fight back against gangs – but there’s a deadly price*, MIAMI HERALD (May 2, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article27477746.html>; see also Paultre & Cameron, *As Haiti’s Police Retreat, Gangs Take Over Much of the Capital* (according to PHN union spokesperson Gesnel Morlant, “[i]f nothing is done, the police force could collapse in the weeks to come”); see *infra* note 419.

<sup>94</sup> Taylor, *Haitian cops are poorly paid and outgunned – part of the problem*.

<sup>95</sup> Taylor, *Haitian cops are poorly paid and outgunned – part of the problem*.

<sup>96</sup> See, e.g., OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence* at ¶ 83 (reporting that police did not intervene at all in Cité Soleil from July 9 to the end of December 2022); *Haïti-Criminalité : Les bandits armés continuent d’opérer en toute impunité à Port-au-Prince*, ALTERPRESSE (Mar. 3, 2023), <https://www.alterpresse.org/spip.php?article29096> (reporting that police did not intervene for five days after heavily armed gangs took several downtown Port-au-Prince neighborhoods hostage on February 27, setting fire to a number of homes); @Radio\_Metronome, TWITTER (Apr. 19, 2023, 2:30 PM), [https://twitter.com/Radio\\_Metronome/status/1648755968551837702](https://twitter.com/Radio_Metronome/status/1648755968551837702) (reporting that armed police were on site yet did not respond as gangs attacked the population of Source-Matelas in Canaan on April 19).

<sup>97</sup> Jacqueline Charles, *U.N. details Haiti’s serious challenges with gangs, guns and drugs – and issues a warning*, MIAMI HERALD (Mar. 5, 2023), <https://www.miamiherald.com/news/nation->

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[world/world/americas/haiti/article272742520.html](https://www.world/world/americas/haiti/article272742520.html) (this figure falls “well below the 2.2 per 1,000 recommended by the UN”); see also Paultre & Cameron, *As Haiti’s Police Retreat, Gangs Take Over Much of the Capital* (reporting that many officers have quit or left the country amidst increasing insecurity and low wages); see *infra* note 419.

<sup>98</sup> *‘Unprecedented insecurity’ in Haiti requires urgent action: new UN envoy.*

<sup>99</sup> Paultre & Cameron, *As Haiti’s Police Retreat, Gangs Take Over Much of the Capital*; Press Release, UN, *As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council* (reporting that heavily armed criminal gangs target critical infrastructure, including police stations); see, e.g., *Le sous-commissariat de Fort-Jacques incendié par des bandits armés*, GAZETTE HAITI (Mar. 2, 2023), <https://gazettehaiti.com/node/9612> (reporting that armed gangs set fire to the Fort Jacques sub-police station on March 1 and destroyed the Pernier sub-police station on January 28); Murdith Joseph, *Police take back Artibonite station after latest gang invasion*, HAITIAN TIMES (Feb. 24, 2023), <https://haitiantimes.com/2023/02/24/haiti-police-restore-control-after-gang-attacks-police-station-in-artibonite/> (reporting that police regained control of l’Estère police station on February 23 after the *Kokorat San Ras* gang attacked it the previous day).

<sup>100</sup> See, e.g., Jacques Kolo, *Haiti/Sécurité: Les gangs font la loi dans l’Artibonite*, RHINEWS (Feb. 8, 2023), <https://www.rhinews.com/actualites/haiti-securite-les-gangs-font-la-loi-dans-lartibonite/> (reporting that seven police officers were killed by gang members in Liancourt on January 8); Jean Daniel Sénat, *Terreur à Pétiön-Ville, 4 policiers tués, des pertes dans la population civile*, LE NOUVELLISTE (Jan. 20, 2023), <https://www.lenouvelliste.com/article/240212/terreur-a-petion-ville-4-policiers-tues-des-pertes-dans-la-population-civile> (reporting that members of Vitelhomme Innocent’s gang killed at least four police officers on January 20 in Pétiön-Ville); Juhakenson Blaise, *Fifteen police officers killed in 15 days in Haiti this year*, HAITIAN TIMES (Jan. 26, 2023), <https://haitiantimes.com/2023/01/26/fifteen-police-officers-killed-in-15-days-in-haiti-this-year/>; *Haiti – Politic : CARICOM statement on violence in Haiti*, HAITI LIBRE (Jan. 31, 2023), <https://www.haitilibre.com/en/news-38743-haiti-politic-caricom-statement-on-violence-in-haiti.html> (reporting that 14 police officers were killed in January alone).

<sup>101</sup> *Haiti gang ambushes, kills 3 policemen as violence soars*, AP NEWS (Apr. 9, 2023), <https://apnews.com/article/haiti-police-killed-gangs-8c6dbbee7a995b37241eb2d564433e0e>; see also *Haitian Police Blockade Port-au-Prince Streets After Gangs Kill 14 Officers*, DEMOCRACY NOW! (Jan. 27, 2023), [https://www.democracynow.org/2023/1/27/headlines/haitian\\_police\\_blockade\\_port\\_au\\_prince\\_streets\\_after\\_gangs\\_kill\\_14\\_officers](https://www.democracynow.org/2023/1/27/headlines/haitian_police_blockade_port_au_prince_streets_after_gangs_kill_14_officers) (“An estimated 78 police officers have been killed since Henry, who’s backed by the United States, came to power in 2021.”).

<sup>102</sup> Officers expressing anger with de facto Prime Minister Henry’s failure to provide adequate support erected barricades in Port-au-Prince and attempted to break into Henry’s home and penetrate the airstrip where his plane was located. Pierre Richard Luxama & Megan Janetsky, *Haitian police rebels protest is paralyzing Port-au-Prince*, AP NEWS (Jan. 26, 2023), <https://apnews.com/article/law-enforcement-caribbean-port-au-prince-haiti-crime-1ee816630cb9d1baf4346d9bcc39d47>; *Haïti : manifestation à Port-au-Prince après la mort de six policiers, tués par des membres de gangs dans le nord du pays*, LE MONDE (Jan. 27, 2023), [https://www.lemonde.fr/international/article/2023/01/27/manifestations-a-haiti-apres-la-mort-de-six-policiers-tues-par-des-membres-de-gangs\\_6159485\\_3210.html](https://www.lemonde.fr/international/article/2023/01/27/manifestations-a-haiti-apres-la-mort-de-six-policiers-tues-par-des-membres-de-gangs_6159485_3210.html); *Criminalité : Ariel Henry et Frantz Elbé appellent à l’unité pour combattre le gangs armés en Haïti*, ALTERPRESSE (Jan. 29, 2023), <https://www.alterpresse.org/spip.php?article29004>; see also Onz Chéry, *Mayor urges Haitian police to return to work*, HAITIAN TIMES (Feb. 2, 2023), <https://haitiantimes.com/2023/02/03/gonaives-mayor-urges-haitian-police-to-work-as-normal-again/> (reporting that police in Gonaïves went on strike in late January to protest the death of six police officers in nearby Liancourt on January 25); *Haïti-Criminalité : Deux morts, dont un écolier en pleine salle de classe, et plusieurs blessés dans une nouvelle attaque de gangs armés à Liancourt*, ALTERPRESSE (Feb. 8, 2023), <https://www.alterpresse.org/spip.php?article29036> (reporting that police in Verrettes, Liancourt, and Petite-Rivière de l’Artibonite left their posts following the deaths of seven colleagues in Liancourt); Jacques Kolo, *Haiti/Insécurité: Des policiers de L’Estère ont vidé les lieux*, RHINEWS (Feb. 22, 2023), <https://www.rhinews.com/actualites/haiti-insecurite-des-policiers-de-lestere-ont-vide-les-lieux/> (reporting that officers in l’Estère left their posts on February 22 following unsuccessful requests for reinforcements and a gang attack against them).

<sup>103</sup> See *Haiti – Canapé-Vert : More than a dozen bandits lynched and burned by the population*, HAITI LIBRE (Apr. 25, 2023), <https://www.haitilibre.com/en/news-39382-haiti-canape-vert-more-than-a-dozen-bandits-lynched-and-burned-by-the-population.html>; Sahar Akbarzai & Hira Humayun, *Crowd kills over a dozen suspected gang members in Haiti*, CNN (Apr. 25, 2023), <https://www.cnn.com/2023/04/25/americas/haiti-gang-suspects-attacked-intl-latam/index.html>; OHCCH, *Comment on the Current Situation* (contextualizing mob violence against gangs and calling for the government to take responsibility for protection of the population); Celestin, *The Lynching of Gang Members in Haiti: An Alarming Consequence of Social Disintegration*

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(attributing the population’s resort to violence against gangs to “a lack of trust in the justice system and a feeling of hopelessness”); *see also* *Haiti – Insecurity : The Law allows citizens to defend themselves reminds the Ministry of Justice*, HAITI LIBRE (Mar. 3, 2023), <https://www.haitilibre.com/en/news-39008-haiti-insecurity-the-law-allows-citizens-to-defend-themselves-reminds-the-ministry-of-justice.html> (reporting that the Minister of Justice called on Haitians to exercise their right to self-defense under the Haitian Penal Code).

<sup>104</sup> Juhakenson Blaise, *In Haiti, “Bwa Kale” vigilantes turn tables against suspected gangs*, HAITIAN TIMES (May 1, 2023), <https://haitiantimes.com/2023/05/01/in-haiti-bwa-kale-vigilantes-turn-tables-against-suspected-gangs/> (reporting that the vigilante killing of 14 suspected gang members in Canapé-Vert “emboldened residents around the country to turn the tables against gangs, with help from some [police] officers”); Frances Robles & Andre Paultre, *Vigilante Justice Rises in Haiti and Crime Plummet*, NY TIMES (Jun. 3, 2023), <https://www.nytimes.com/2023/06/03/world/americas/haiti-crime-gangs-vigilantes.html>.

<sup>105</sup> *See, e.g.*, Gary Pierre-Pierre, *Haiti’s ‘bwa kale’ a new window for international help | Opinion*, HAITIAN TIMES (May 8, 2023), <https://haitiantimes.com/2023/05/08/haitis-bwa-kale-a-new-window-for-international-help-opinion/> (“In many instances, the police joined these operations and turned the tables on the gangs.”); *In Haiti, a grassroots vigilante movement is fighting back against gang warfare*, Yahoo News (May 8, 2023), <https://ca.news.yahoo.com/haiti-grassroots-vigilante-movement-fighting-080000785.html>.

<sup>106</sup> *See, e.g.*, CARDH, [Impact Of The « Bwa Kale » Movement Over Insecurity And Kidnapping In Haiti / Impacts Du « Bwa Kale » Sur L’insécurité Et Le Kidnapping En Haïti](#) at ¶¶ 1, 3 (reporting that local defense groups executed at least 160 suspected gang members between April 24 and May 24, a period which saw almost no kidnappings and just 43 killings by gang members); *see also* Blaise, *In Haiti, “Bwa Kale” vigilantes turn tables against suspected gangs* (reporting that civilians were involved in killing approximately 100 suspected gang members as of May 1); Widlore Mérancourt & Amanda Coletta, *Haitians fight back against gangs, drawing support – and worry*, WASHINGTON POST (May 18, 2023), <https://www.washingtonpost.com/world/2023/05/15/haiti-vigilantes-gangs-mob-lynching/> (reporting that 230 people have been lynched in Haiti in 2023, with 164 in April alone, although not attributing those numbers explicitly to the *Bwa Kale* movement); *UN’s Guterres says Haitian violence threatens entire region*, 21<sup>ST</sup> CENTURY CHRONICLE (May 16, 2023), <https://21stcenturychronicle.com/uns-guterres-says-haitian-violence-threatens-entire-region/> (according to the UN, civilians killed at least 164 suspected gang members in April). Civilians have targeted suspected gang members using machetes, sticks, and axes, stoned or beat them to death, and burned them alive. *See* Blaise, *In Haiti, “Bwa Kale” vigilantes turn tables against suspected gangs*; Bhatia, *Haiti’s descent into hell*.

<sup>107</sup> *See, e.g.*, Chloé Lauvergnier, *Fed up with gang violence, Haitians are taking the law into their own hands*, THE OBSERVER (May 16, 2023), <https://observers.france24.com/en/tv-shows/the-observers/20230516-fed-up-with-gang-violence-haitians-are-taking-the-law-into-their-own-hands> (RNDDH’s Rosy Auguste Ducéna explains that “[g]enerally speaking, the people being executed are only subjected to very superficial questioning,” resulting in violations of their right to due process and risking that “innocent people will be murdered because they didn’t give the right answers to save their lives”); Pierre-Pierre, *Haiti’s ‘bwa kale’ a new window for international help | Opinion*.

<sup>108</sup> *See* Celestin, *The Lynching of Gang Members in Haiti: An Alarming Consequence of Social Disintegration*; Robles & Paultre, *Vigilante Justice Rises in Haiti and Crime Plummet* (also noting that many Haitians support the movement, which they say is all that is keeping them safe from the gangs); Kestler-D’Amours, *Haiti vigilante push ‘symptomatic’ of state’s failures: Advocates*; Lauvergnier, *Fed up with gang violence, Haitians are taking the law into their own hands*.

<sup>109</sup> *Haiti: Events of 2022*, HUMAN RIGHTS WATCH (HRW) (2023), <https://www.hrw.org/world-report/2023/country-chapters/haiti>; *Haiti: Current and Past Recommendations to the UN Security Council (Monthly Action Points)*, WORKING GROUP ON WOMEN, PEACE AND SECURITY (April 2023), <https://www.womenpeaceandsecurity.org/region/americas/central-america-caribbean/haiti/> (“Human rights defenders, including women human rights defenders, are facing serious risks as a result of their work.”); *L’observatoire pour la protection des défenseurs des droits humains demande aux autorités dominicaines d’exclure Pierre Espérance de leur liste de sanctions*, REZO NODWES (Apr. 28, 2023), <https://reznodwes.com/?p=309749> (reporting continuing threats against RNDDH’s Executive Director, Pierre Espérance).

<sup>110</sup> BAI et al., *Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti 10* (2023), <http://www.ijdh.org/wp-content/uploads/2023/04/IACHR-Haiti-SGBV-Combined.pdf>; *IJDH November 2022 Update*

<sup>111</sup> For example, as reported in our previous Updates, activists Emmanuela Douyon and Pascale Solages remain unable to safely return to Haiti after being forced to flee due to threats against them. BAI et al., *Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti* at 10; *IJDH November 2022 Update*; IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*

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December 2021 through May 2022 4 (2022), <http://www.ijdh.org/wp-content/uploads/2022/06/IJDH-Human-Rights-Update-June-2022.pdf> (hereinafter **IJDH June 2022 Update**).

<sup>112</sup> See Press Release, UNESCO, *UNESCO: Killings of journalists up 50% in 2022, half targeted off duty* (Jan. 16, 2023), <https://www.unesco.org/en/articles/unesco-killings-journalists-50-2022-half-targeted-duty>.

<sup>113</sup> *Haiti*, REPORTERS WITHOUT BORDERS, <https://rsf.org/en/country/ha%C3%AFTi> (last visited Jun. 7, 2023) (ranking Haiti 99th on its World Press Freedom Index while noting that at least six journalists were killed in connection with their work in 2022).

<sup>114</sup> Press Release, UNESCO, *UNESCO: Killings of journalists up 50% in 2022, half targeted off duty*.

<sup>115</sup> *Haiti – FLASH : Freedom of the Press, Haiti collapses and falls 29 places (world ranking)*, HAITI LIBRE (May 4, 2023), <https://www.haitilibre.com/en/news-39453-haiti-flash-freedom-of-the-press-haiti-collapses-and-falls-29-places-world-ranking.html>; see, e.g., Allwitt Joly, *Assassinat du jeune journaliste Dumesky Kersaint à Carrefour*, LOOP NEWS (Apr. 17, 2023), <https://haiti.loopnews.com/content/assassinat-du-jeune-journaliste-dumesky-kersaint-carrefour> (reporting that a young Radio Télé INUREP journalist was assassinated on April 16); *Deux journalistes ont été tués en Haïti dans les deux dernières semaines*, NOOVO INFO (Apr. 28, 2023), <https://www.noovo.info/nouvelle/deux-journalistes-ont-ete-tues-en-haiti-dans-les-deux-dernieres-semaines.html> (reporting that Radio-Tele Evolution Inter journalist Rico Jean and his friend were kidnapped and killed on April 25 in Saint-Marc); *Two more journalists killed in Haiti as gang violence continues to rage*, THE GUARDIAN (Apr. 28, 2023), <https://www.theguardian.com/world/2023/apr/28/journalists-killed-haiti>; *Haïti-Insécurité : Un journaliste de Radio Lumière tué par balles*, LE MIROIR (May 6, 2023), <https://www.lemiroirinfo.ca/haiti-insecurite-un-journaliste-de-radio-lumiere-tue-par-balles/> (reporting that gang members shot Radio Lumière journalist Paul Jean Marie dead in his home on May 5 in Croix-des-Bouquets).

<sup>116</sup> See Roberson Alphonse, *La liberté d'expression, moteur de tous les autres droits de l'homme...*, LE NOUVELLISTE (May 3, 2023), <https://lenouvelliste.com/article/242100/roberson-alphonse-la-liberte-d-expression-moteur-de-tous-les-autres-droits-de-lhomme> (according to journalist Roberson Alphonse, there have been hardly any trials to hold journalists' assassins accountable); *Haïti-Médias : L'Anmh continue de réclamer une enquête sérieuse sur le double assassinat de Jean Léopold Dominique et Jean-Claude Louissaint*, ALTERPRESSE (Apr. 3, 2023), <https://www.alterpresse.org/spip.php?article29192> (reporting that the government has not opened a formal investigation into the double-assassination of journalists Jean Léopold Dominique and Jean-Claude Louissaint on April 3 in 2000); *Les défis restent colossaux, notamment le besoin de justice pour les journalistes assassinés, constate l'ambassadeur Dominique Dupuy*, LE NOUVELLISTE (May 3, 2023), <https://lenouvelliste.com/article/242102/les-defis-restent-colossaux-notamment-le-besoin-de-justice-pour-les-journalistes-assassines-constate-lambassadeur-dominique-dupuy> (according to Haiti's ambassador and permanent delegate to UNESCO, Dominique Dupuy, justice for assassinated journalists remains a "colossal challenge"); see *infra* note 204 (there has been no progress in the investigation into journalist Diego Charles' murder).

<sup>117</sup> See *infra* notes 166-69.

<sup>118</sup> See *Criminalité : Plusieurs secteurs jugent inopportune l'organisation d'éventuelles élections en Haïti*, ALTERPRESSE (Apr. 27, 2023), <https://www.alterpresse.org/spip.php?article29266>; Roberson Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*, LE NOUVELLISTE (Apr. 18, 2023), <https://lenouvelliste.com/article/241866/aggravation-de-linsecurite-le-pm-ariel-henry-en-mode-elections-rapido-presto>; Charlemagne, *From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4)*.

<sup>119</sup> Sullivan, *As its only remaining elected officials depart, Haiti reaches a breaking point*.

<sup>120</sup> IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments November 2020 through May 2021 2* (2021), <http://www.ijdh.org/wp-content/uploads/2021/06/June-2021-Human-Rights-Update-IJDH.pdf> (hereinafter **IJDH May 2021 Update**).

<sup>121</sup> See Clesca, *Haiti's Rule of Lawlessness*; Tanya Wadhwa, *Haiti's de facto government installs transition council to guarantee general elections*, PEOPLES DISPATCH (Feb. 10, 2023), <https://peoplesdispatch.org/2023/02/10/haitis-de-facto-government-installs-transition-council-to-guarantee-general-elections/>; Concannon, *Biden must stop propping up the old guard in Haiti*.

<sup>122</sup> See Clesca, *Haiti's Rule of Lawlessness*; Felbab-Brown, *Haiti in 2023: Political abyss and vicious gangs*.

<sup>123</sup> In addition to efforts by Haiti's Anti-Corruption Unit (ULCC), foreign countries have implemented sanctions against 39 political and economic elites in an effort to combat systemic corruption. See *infra* notes 454-60.

<sup>124</sup> See, e.g., Murdith Joseph, *PNH wants public to come forward with police complaints*, HAITIAN TIMES (Jan. 22, 2023), <https://haitiantimes.com/2022/10/25/haiti-watch-live-blog/#651749>; Diery Marcelin, *Mackendy D'Haïti, ancien candidat à la mairie, parmi deux morts à Léogâne*, LE NOUVELLISTE (Jan. 27, 2023), <https://www.lenouvelliste.com/article/240341/mackendy-dhaiti-ancien-candidat-a-la-mairie-parmi-deux-morts-a-leogane>; *Manifestation des ouvriers de la SONAPI pour réclamer de meilleures conditions de travail*, LE MIROIR (May 22, 2023), <https://www.lemiroirinfo.ca/manifestation-des-ouvriers-de-la-sonapi-pour-reclamer-de->



[meilleures-conditions-de-travail/](#); *Haiti-Justice : Le Rnddh qualifie d'anti-déontologique le comportement du commissaire du gouvernement Jean Ernest Muscadin*, ALTERPRESSE (Apr. 11, 2023), <https://www.alterpresse.org/spip.php?article29217>.

<sup>125</sup> *Consensus National pour une Transition Inclusive et des Élections Transparentes*.

<sup>126</sup> See Charlemagne, *From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4)* (calling the December accord an “attempt to resurrect the September 11 Agreement”); *Haiti-Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs*; Jérôme, *Le faire-semblant d'Ariel Henry*.

<sup>127</sup> See, e.g., Sénat, *D'importants partis politiques n'ont pas signé l'accord du 21 décembre*; Charlemagne, *From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4)*; *Haiti-Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs*; *L'accord Du 21 Décembre Est L'oeuvre De La Communauté L'international, Révèle Ted St Dic*; *Haiti-Crise : La transparence et le sérieux, absents dans le processus ayant abouti à l'accord du 21 décembre 2022, selon le Cnt*, ALTERPRESSE (Jan. 19, 2023), <https://www.alterpresse.org/spip.php?article28973>; *Haiti: les acteurs divisés sur l'accord du 21 décembre d'Ariel Henry*, LOOP NEWS (Jan. 3, 2023), <https://haiti.loopnews.com/content/haiti-les-acteurs-divises-sur-laccord-du-21-decembre-dariel-henry>; *Haiti-Politique : Le Collectif du 4 décembre 2013 s'interroge sur le bien-fondé d'un forum sur la sécurité nationale, prévu par le Hct*, ALTERPRESSE (May 22, 2023), <https://www.alterpresse.org/spip.php?article29316>; *Criminalité : Le Rnddh appelle l'État à cesser d'alimenter les gangs en armes et munitions en Haïti*; Daniela Mohor, *Q&A: Why Haiti's 'mafia state' needs a homegrown solution*, NEW HUMANITARIAN (Mar. 6, 2023), <https://www.thenewhumanitarian.org/interview/2023/03/06/haiti-gang-violence-solutions-interview-monique-clesca>; Bhatia, *Haiti's descent into hell*; Press Release, BAI & IJDH, *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* (Feb. 8, 2023), [http://www.ijdh.org/press\\_release/human-rights-groups-tell-un-high-commissioner-for-human-rights-he-must-choose-haitis-rule-of-law-over-the-de-facto-governments-accord/](http://www.ijdh.org/press_release/human-rights-groups-tell-un-high-commissioner-for-human-rights-he-must-choose-haitis-rule-of-law-over-the-de-facto-governments-accord/); Clesca, *Haiti's Rule of Lawlessness*. Despite the lack of support from Haitians, the international community has largely stood by the accord. For example, both the UN and the United States continue to tout the accord as a broadly inclusive consensus document. See *Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January*; Press Release, UN, *Key Political Developments, Sanctions Offer Hope to Haiti's Recovery if Supported by International Community, Special Representative Tells Security Council*.

<sup>128</sup> *Consensus National pour une Transition Inclusive et des Élections Transparentes*; see also Sénat, *D'importants partis politiques n'ont pas signé l'accord du 21 décembre*; Clesca, *Haiti's Rule of Lawlessness*.

<sup>129</sup> Some signatories denied ever having signed the accord, while some signatures appeared in duplicate. Brian Concannon, *Enough!*, SECURITY TIMES (Feb. 2023), <https://www.the-security-times.com/enough/>; Jean Pharès Jérôme, *COJHIT révèle des irrégularités dans la signature de l'accord du 21 décembre*, LE NOUVELLISTE (Jan. 19, 2023), <https://www.lenouvelliste.com/article/240165/cojhit-revele-des-irregularites-dans-la-signature-de-laccord-du-21-decembre>; *Haiti-Crise : La transparence et le sérieux, absents dans le processus ayant abouti à l'accord du 21 décembre 2022, selon le Cnt*.

<sup>130</sup> As part of his implementation of the accord, Henry installed the High Council of the Transition (HCT) on February 6, intended as a counterbalance to executive power. Evens Sanon, *Haiti appoints council amid push to hold general elections*, AP NEWS (Feb. 6, 2023), <https://apnews.com/article/politics-caribbean-ariel-henry-haiti-61e72730433e284ae165462cfb97b323>; Esdra Jeudy, *Signature d'un nouvel accord politique*, LE NATIONAL (Dec. 23, 2022), [http://www.lenational.org/post\\_article.php?pol=2983](http://www.lenational.org/post_article.php?pol=2983). However, the HCT has made little progress. See Peterson Luxama, *Politique : un mois après, le Haut Conseil de la Transition d'Ariel Henry piétine*, HAITI INFOS PRO (Mar. 6, 2023), <https://haitiinfospro.com/politique-un-mois-apres-le-haut-conseil-de-la-transition-dariel-henry-pietine/>; Juhakenson Blaise, *Forum On Insecurity In Haiti Slammed*, METRONews (May, 29, 2023), <https://texasmetronews.com/56161/forum-on-insecurity-in-haiti-slammed/>; *Prévu pour les 16 et 17 mai, le forum du HCT sur la sécurité reporté*, GAZETTE HAITI (May 17, 2023), <https://www.gazettehaiti.com/node/9879>; Jean Corvington, « *Le Forum Sur La Sécurité Du HCT En Haïti Critiqué Pour Son Manque D'efficacité Et D'incohérence* », METRONOME HAITI (May 31, 2023), <https://metronomehaiti.com/le-forum-sur-la-securite-du-hct-en-haiti-critique-pour-son-manque-defficacite-et-dincoherence/>. Haitian human rights organizations and opposition members have warned that the installation was illegitimate and that the HCT is just a tool for consolidating power, while members of the HCT have themselves raised concerns about its ability to function in a meaningful way. See *Crise : L'installation unilatérale des membres du Hct risque d'empirer la situation en Haïti, prévient la Pohdh*, ALTERPRESSE (Feb. 9, 2023), <https://www.alterpresse.org/spip.php?article29038>; Francklyn B Geffard, “*Le HCT est une marionnette pour aider Ariel Henry à organiser des élections truquées*”, selon Jean-Charles Moïse..., RHINEWS (Feb. 9, 2023), <https://www.rhinews.com/actualites/le-hct-est-une-marionnette-pour-aider-ariel-henry-a-organiser-des-elections-truquees-selon-jean-charles-moise/>; *Haiti-Sécurité : À son forum politique contesté, Ariel Henry a*

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cherché à rallier les secteurs de l'opposition, ALTERPRESSE (May 25, 2023), <https://www.alterpresse.org/spip.php?article29323>; Une stratégie de sécurité et un chronogramme électoral, attendus au forum politique contesté sur la sécurité en Haïti, ALTERPRESSE (May 24, 2023), <https://www.alterpresse.org/spip.php?article29320>; Haiti – Politic : Closing of the HCT Forum, yet another roadmap and promises of the PM (Video speech), HAITI LIBRE (May 25, 2023), <https://www.haitilibre.com/en/news-39614-haiti-politic-closing-of-the-hct-forum-yet-another-roadmap-and-promises-of-the-pm-video-speech.html>; Juhakenson Blaise, *Forum on insecurity in Haiti slammed*, HAITIAN TIMES (May 26, 2023), <https://haitiantimes.com/2023/05/26/forum-on-insecurity-in-haiti-slammed/>; Catherine Charlemagne, *Vie et misère du Haut Conseil de la Transition*, HAÏTI LIBERTÉ (Apr. 19, 2023), <https://haitiliberte.com/vie-et-misere-du-haut-conseil-de-la-transition/>.

<sup>131</sup> See *infra* notes 166-69.

<sup>132</sup> See [IJDH May 2021 Update](#) at n. 46-49.

<sup>133</sup> See *Haïti-Crise : Le professeur Victor Benoit et l'historien Georges Michel critiquent la non application de la Constitution du 29 mars 1987*, ALTERPRESSE (Mar. 29, 2023), <https://www.alterpresse.org/spip.php?article29178> (Haitians maintain that the problem in Haiti is not the Constitution itself, but bad actors like Henry who fail to abide by its provisions and seek to change it illegally); Sénat, *Crise, le sommet de Jonathan Powell reporté sine die*; BAI & IJDH, [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](#).

<sup>134</sup> See [IJDH May 2021 Update](#) (detailing efforts by Haitian President Moïse to change the Haitian constitution through referendum in order to consolidate his power); *From Duvalier to Avril, 1957-89*, U.S. LIBRARY OF CONGRESS, <https://countrystudies.us/haiti/65.htm> (last visited Jun. 12, 2023) (in 1985, Haitian President François Duvalier illegally changed the Haitian Constitution through a referendum to make himself “President for life”).

<sup>135</sup> Jean Junior Celestin, *Dialogue politique: « Il y a un problème de cohésion entre les forces en présence », soutient Abel Descollines*, LE NOUVELLISTE (Apr. 11, 2023), <https://lenouvelliste.com/article/241707/dialogue-politique-il-y-a-un-probleme-de-cohesion-entre-les-forces-en-presence-soutient-abel-descollines>.

<sup>136</sup> Sénat, *Crise, le sommet de Jonathan Powell reporté sine die*.

<sup>137</sup> Isabelle Papillon, *CEP : des noms circulent déjà !*, HAÏTI LIBERTÉ (Apr. 19, 2023), <https://haitiliberte.com/cep-des-noms-circulent-deja/>; Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*.

<sup>138</sup> *Criminalité : Plusieurs secteurs jugent inopportune l'organisation d'éventuelles élections en Haïti*; Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*; see also Juhakenson Blaise, *Critics: Election efforts fueling Haiti's mass killings*, HAITIAN TIMES (May 3, 2023), <https://haitiantimes.com/2023/05/03/critics-election-efforts-fueling-haitis-mass-killings/> (reporting that political activists are concerned that the push for elections is actually fueling violence in the country, with the de facto government using elections as a distraction while it allows the security situation to deteriorate to the point where foreign military intervention is the only possible solution). Henry himself has acknowledged the urgency and importance of restoring a secure environment as an essential condition for organizing elections in February, which members of his administration had previously used as justification for urging a foreign armed intervention. *Haiti – Crisis : The Caricom delegation met the PM*, HAITI LIBRE (Feb. 28, 2023), <https://www.haitilibre.com/en/news-38955-haiti-crisis-the-caricom-delegation-met-the-pm.html>; Frantz Duval, *Force spécialisée armée pour aider la PNH : accompagnement avec ou sans déploiement ?*, LE NOUVELLISTE (May 24, 2023), <https://www.lenouvelliste.com/article/242477/force-specialisee-armee-pour-aider-la-pnh-accompagnement-avec-ou-sans-deploiement>; see *infra* notes 442-49.

<sup>139</sup> See Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*; see also Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap* (“Henry seems reluctant to open the organizing of the elections to anyone other than himself and his band of associates.”); Jean Daniel Sénat, *Les initiatives gouvernementales pour former le CEP ne font pas l'unanimité*, LE NOUVELLISTE (Apr. 13, 2023), <https://lenouvelliste.com/article/241774/les-initiatives-gouvernementales-pour-former-le-cep-ne-font-pas-lunanimite>; Bhatia, *Haiti's descent into hell* (reporting that few Haitians trust the government to organize fair elections, and that most “believe that the PHTK will set the rules of any election in its favor”); Germina Pierre Louis, *« Le Premier ministre Ariel Henry crée des conditions pour s'installer indéfiniment au pouvoir », estime Liné Balthazar*, LE NOUVELLISTE (Apr. 18, 2023), <https://lenouvelliste.com/article/241857/le-premier-ministre-ariel-henry-cree-des-conditions-pour-sinstaller-indefinement-au-pouvoir-estime-line-balthazar> (reporting that members of the PHTK – which makes up the vast majority of Henry’s cabinet – have been urging Henry to join discussions, with some, including PHTK president Liné Balthazar, concerned that Henry has no real desire to organize elections in Haiti).

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<sup>140</sup> Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*.

<sup>141</sup> See, e.g., *Politique : L'Anmh boude l'initiative de mise en place d'un nouveau Conseil électoral provisoire en Haïti*, ALTERPRESSE (Apr. 26, 2023), <https://www.alterpresse.org/spip.php?article29262>; Papillon, *CEP : des noms circulent déjà !*. Some sectors further reported not being able to participate because the requests came so late as to not offer a meaningful ability to participate. See Roberson Alphonse, *Le gouvernement Henry entame des contacts pour monter son CEP*, LE NOUVELLISTE (Apr. 12, 2023),

<https://lenouvelliste.com/article/241747/le-gouvernement-henry-entame-des-contacts-pour-monter-son-cep>.

<sup>142</sup> Haiti ranks 171<sup>st</sup> out of 180 countries on Transparency International's Corruption Perceptions Index 2022 – down from 168<sup>th</sup> in 2021. *Corruption Perceptions Index: Haiti*, TRANSPARENCY INTERNATIONAL, <https://www.transparency.org/en/cpi/2022/index/hti> (last visited Jun. 7, 2023); see also Robert Muggah, *Haiti Is on the Brink of State Failure*, FOREIGN POLICY (Feb. 17, 2023), <https://foreignpolicy.com/2023/02/17/haiti-crisis-corruption-criminal-gangs-violence-humanitarian-assistance-state-failure-sanctions/> (“Dozens of elected and appointed government officials have been implicated in corruption, money laundering, arms smuggling, and drug trafficking to bolster their power and influence.”); @moniclesca, TWITTER (May 2, 2023, 12:26 PM), [https://twitter.com/moniclesca/status/1653435919142100992?s=51&t=thKHxes\\_CjCKXbJpVhuQfA](https://twitter.com/moniclesca/status/1653435919142100992?s=51&t=thKHxes_CjCKXbJpVhuQfA) (political activist and author Monique Clesca, describing a scheme to sell Haitian passports “to the highest bidder”: “Corruption is at the heart of Ariel[]Henry’s governance in #Haiti”).

<sup>143</sup> Jean Junior Celestin, *Moins de 10% des agents publics assujettis à cette formalité ont fait leur déclaration de patrimoine.*, LE NOUVELLISTE (Mar. 1, 2023), <https://www.lenouvelliste.com/article/240958/moins-de-10-des-agents-publics-assujettis-a-cette-formalite-ont-fait-leur-declaration-de-patrimoine>.

<sup>144</sup> Judge Jean Wilner Morin is currently investigating former Director General of the General Administration of Customs Romel Bell for embezzlement of public funds. *Haïti-Violences : Attaque armée contre le magistrat Jean Wilner Morin, l'Apm condamnée*, ALTERPRESSE (May 17, 2023),

<https://www.alterpresse.org/spip.php?article29309>; Francklyn B Geffrard, “Romel Bell, ex-DG de l'administration générale des douanes, s'est enrichi illicitement au détriment du trésor public,” selon un rapport accablant de l'ULCC...”, RHINEWS (Mar. 6, 2023), <https://www.rhinews.com/actualites/romel-bell-ex-dg-de-ladministration-generale-des-douanes-sest-enrichi-illicitement-au-detriment-du-tresor-public-selon-un-rapport-accablant-de/>; see also *infra* notes 454-60. Former chief accountant of the Social Assistance Fund (CAS) Pierre Richard Valles and CAS acting director Edwine Tonton were arrested in late April for influence peddling, corruption, embezzlement, and fraud. @Radio\_Metronome, TWITTER (Apr. 18, 2023, 2:17 PM),

[https://twitter.com/Radio\\_Metronome/status/1648390211347394560](https://twitter.com/Radio_Metronome/status/1648390211347394560); Francklyn B Geffrard, *Haïti/Corruption : Edwine Tonton, ex-directrice de las CASE, arrêtée pour corruption...*, RHINEWS (Apr. 25, 2023), <https://www.rhinews.com/actualites/haiti-corruption-edwine-tonton-ex-directrice-de-la-cas-arretee-pour-corruption/>; *Haïti-Violences : Attaque armée contre le magistrat Jean Wilner Morin, l'Apm condamnée*. An arrest warrant was also issued for former Director General of the Office of Monetization of Development Assistance Programs Patrick Noramé, who is accused of money laundering, embezzlement of public funds and corruption. *Haiti – News : Zapping...*, HAITI LIBRE (Mar. 29, 2023), <https://www.haitilibre.com/en/news-39179-haiti-news-zapping.html>.

<sup>145</sup> Juhakenson Blaise, *Haitian ambassador fired over illegal passports, refutes allegations*, HAITIAN TIMES (May 6, 2023), <https://haitiantimes.com/2023/05/06/haitian-ambassador-fired-over-illegal-passports-refutes-allegations/> (reporting that Edmond has denied the allegations and accused others, including then-Minister of Foreign Affairs and former acting President and Prime Minister Claude Joseph, of complicity). The allegations against Edmond come after a separate U.S. Customs-led investigation in June 2021 that revealed money laundering by diplomats in Haiti's U.S. embassy. Jacqueline Charles, *Haiti's top diplomat in the U.S. is fired after a passport scandal in the Washington embassy*, MIAMI HERALD (May 5, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275072471.html>.

<sup>146</sup> Press Release, RNDDH, *Processus de certification des magistrats-tes : Le RNDDH salue le travail du CSPJ* (Jan. 18, 2023), <https://web.rnddh.org/wp-content/uploads/2023/01/1-CP-Certification-Magistrats-18Jan2023.pdf>; UNSG April BINUH Report at ¶ 31; see *infra* notes 170-79.

<sup>147</sup> See, e.g., Francklyn B Geffrard, *Sept (7) anciens sénateurs poursuivis en justice pour défaut de déclaration de patrimoine...*, RHINEWS (Mar. 7, 2023), <https://www.rhinews.com/actualites/sept-7-anciens-senateurs-poursuivis-en-justice-pour-defaut-de-declaration-de-patrimoine/> (in March, the ULCC recommended seven former senators – Nawoon Marcellus, Wilot Joseph, Jean-Marie Junior Salomon, Dieudonne Luma, Richard Lenine Hervé Fourcand (also sanctioned by the Canadian and U.S. governments for human rights violations and drug trafficking), Wilfred Gelin and Sauveur Jean-Jacques – for prosecution for failing to declare their assets at the end of their terms).

<sup>148</sup> Francklyn B Geffrard, *Affaire Youri Latortue/ULCC : L'avocat de Latortue réclame le classement sans suite du dossier jugeant de l'inopportunité pénale de l'affaire...*, RHINEWS (Mar. 21, 2023), <https://www.rhinews.com/actualites/affaire-youri-latortue-ulcc-lavocat-de-latortue-reclame-le-classement-sans->

[suite-du-dossier-jugeant-de-linopportunité-pénale-de-l'affaire/](#). Both Latortue and Lambert have also been sanctioned by the U.S. and Canadian governments for human rights violations and drug trafficking. *Sanctions: Grave breach of international peace and security in Haiti*, Government of Canada, <https://www.international.gc.ca/campaign-campagne/haiti-sanction/index.aspx?lang=eng> (last visited Jun. 7, 2023); *Treasury Sanctions Corrupt Haitian Politicians for Narcotics Trafficking*, U.S. Department of State (Nov. 4, 2022), <https://home.treasury.gov/news/press-releases/jy1080>; see *infra* notes 454-60.

<sup>149</sup> See UN Development Programme, Justice Programme UNDP: Fact Sheet (February 2023), <https://www.undp.org/sites/g/files/zskgke326/files/2023-04/undp-ht-ProgrammeJustice-Factsheet-042023-En.pdf>; see *infra* Section III.

<sup>150</sup> Roberson Alphonse, *Rebondissements dans le dossier de trafic d'armes à Port-de-Paix*, LE NOUVELLISTE (Apr. 5, 2023), <https://lenouvelliste.com/article/241675/rebondissements-dans-le-dossier-de-traffic-darmes-a-port-de-paix>; Isabelle Papillon, *L'ex-ministre Berto Dorcé sur la sellette*, HAÏTI LIBERTE (Apr. 12, 2023), <https://haitiliberte.com/lex-ministre-ber-to-dorce-sur-la-sellette/>.

<sup>151</sup> RNDDH, *Arms and ammunition trafficking : Employees of ONA and OFATMA arrested by the DCPJ* (Mar. 15, 2023), <https://web.rnddh.org/wp-content/uploads/2023/03/3-Rapport-Trafic-darmes-et-de-munitions-15Mar2023-ENG.pdf>.

<sup>152</sup> See Kirk Petersen, *Diocese of Haiti Continues Its Descent into Chaos*, LIVING CHURCH (May 17, 2023), <https://livingchurch.org/2023/05/17/diocese-of-haiti-continues-its-descent-into-chaos/>; see *infra* notes 450-52.

<sup>153</sup> Onz Chéry, *Police: Haitian Episcopal church a front for gangs, government paid priest*, HAITIAN TIMES (Apr. 4, 2023), <https://haitiantimes.com/2023/04/04/police-haitian-episcopal-church-a-front-for-gangs-government-paid-priest/>.

<sup>154</sup> Joseph, *PNH wants public to come forward with police complaints*.

<sup>155</sup> Marcelin, *Mackendy D'Haïti, ancien candidate à la mairie, parmi deux morts à Léogâne*.

<sup>156</sup> *Manifestation des ouvriers de la SONAPI pour réclamer de meilleures conditions de travail*; Juhakenson Blaise, *Laborers in Haiti continue striking for \$18 daily wage*, HAITIAN TIMES (May 23, 2023), <https://haitiantimes.com/2023/05/23/laborers-in-haiti-continue-striking-for-18-daily-wage/>.

<sup>157</sup> According to information shared by BAI and RNDDH, police used tear gas against labor rights demonstrators in May, suppressed the demonstrations before they even started and prevented protesters from gathering in front of the Prime Minister's residence. A human rights defender and feminist activist further shared that members of the PNH attacked demonstrators protesting in connection with National Day of the Haitian Women's Movement on April 3, emphasizing that victims of such attacks have no recourse.

<sup>158</sup> *Haïti-Justice : Le Rnddh qualifie d'anti-déontologique le comportement du commissaire du gouvernement Jean Ernest Muscadin* (noting that Fondasyon Je Klere joined RNDDH in its condemnation of Muscadin's 2022 killings). Muscadin was accused of summarily executing two alleged gang members in 2022. [IJDH November 2022 Update](#) at 4-5; cf. Jean Junior Celestin, « *Tant que je serai commissaire du gouvernement, les bandits ne connaîtront jamais la paix* », *declare Jean Ernest Muscadin*, LE NOUVELLISTE (Mar. 22, 2023), <https://lenouvelliste.com/article/241421/tant-que-je-serai-commissaire-du-gouvernement-les-bandits-ne-connaîtront-jamais-la-paix-declare-jean-ernest-muscadin> (Muscadin sees his actions as necessary, given the government's abdication of responsibility in the face of growing gang violence).

<sup>159</sup> See *supra* note 105.

<sup>160</sup> See generally BAI et al., *Justice Sector Challenges in Haiti* (2021), <http://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti-UPR-Submission-EN-1.pdf>.

<sup>161</sup> See, e.g., UN Development Programme, *Justice Programme UNDP: Fact Sheet*; HRW, *Haiti: Events of 2022*.

<sup>162</sup> See, e.g., UN Development Programme, *Justice Programme UNDP: Fact Sheet*; Charles, *'Intolerable risks': Haiti's escalating violence, including sexual attacks, shuts hospital* ("Haitian justice has remained passive, paralyzed by three major handicaps: corruption, inefficiency, and the lack of resources allocated to the sector by the Haitian state. . . . The result is a low rate of prosecution and conviction of the perpetrators, creating a culture of impunity across the country that tends to normalize what is unacceptable."); see also BAI & IJDH, *Reversing Post-Raboteau Massacre Trial Impunity* (Jul. 2020), <http://www.ijdh.org/wp-content/uploads/2020/07/IJDH-Briefing-Raboteau-in-2020-FINAL-EN.pdf> (the prosecution of the Raboteau massacre in 2000 is evidence that Haiti's justice system under a democratic government was capable of ensuring justice for victims and accountability for perpetrators).

<sup>163</sup> [UNSG April BINUH Report](#) at ¶¶ 35-36; Charles, *'Intolerable risks': Haiti's escalating violence, including sexual attacks, shuts hospital*; *IACHR Public Hearing on Widespread Sexual Violence Against Women and Girls in Haiti*.

<sup>164</sup> UN Development Programme, *Justice Programme UNDP: Fact Sheet*; *Haiti: Expanding Gang Activity Amid Persisting Political Instability*, ACLED (Feb. 8, 2023), <https://acleddata.com/conflict-watchlist-2023/haiti/> ("The impunity enjoyed by gangs might also lead to growing levels of violence outside of Ouest department.").

- <sup>165</sup> See Press Release, RNDDH, [Processus de certification des magistrats-tes : Le RNDDH salue le travail du CSPJ](#) (“[T]he Haitian judiciary has failed in its role as a deterrent, offering unacceptable protection to armed bandits and maintaining a system of impunity in the country.”); OPC Statement on Massacre in Source Matelas; BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 5-6.
- <sup>166</sup> See Francklyn B Geffrard, *Ariel Henry nommé de nouveaux juges à la Cour de Cassation...*, RHINEWS (Feb. 28, 2023), <https://www.rhinews.com/actualites/ariel-henry-nomme-de-nouveaux-juges-a-la-cour-de-cassation/>. These latest appointments come after Henry unconstitutionally appointed Supreme Court magistrate Jean Joseph Lebrun as President of the Supreme Court on November 11. See [IJDH November 2022 Update](#) at n. 125.
- <sup>167</sup> Emmanuel Moïse Yves, *Après la mort du juge René Sylvestre, la justice haïtienne risque le dysfonctionnement total*, AYIBO POST (Jul. 4, 2021), <https://ayibopost.com/apres-la-mort-du-juge-rene-sylvestre-la-justice-haitienne-risque-le-dysfonctionnement-total/>; BAI et al., [Justice Sector Challenges in Haiti](#).
- <sup>168</sup> See Francklyn B Geffrard, *La FBH exprime ses réserves quant à la nomination des juges à la Cour de Cassation...*, RHINEWS (Mar. 8, 2023), <https://www.rhinews.com/actualites/la-fbh-exprime-ses-reserves-quant-a-la-nomination-des-juges-de-la-cour-de-cassation/>.
- <sup>169</sup> See, e.g., Geffrard, *La FBH exprime ses réserves quant à la nomination des juges à la Cour de Cassation...* (the Federation of Bars of Haiti criticized the appointments’ unilateral nature, the number of judges selected, and the terms’ ten-year duration); *Justice : Plusieurs partis politiques dénoncent la nomination unilatérale de 8 nouveaux juges à la Cour de Cassation en Haïti*, ALTERPRESSE (Mar. 1, 2023), <https://www.alterpresse.org/spip.php?article29088>; *Justice : Avis divergents de la Pohdh et de l’Apm sur la nomination de 8 juges à la Cour de Cassation en Haïti*, ALTERPRESSE (Mar. 2, 2023), <https://www.alterpresse.org/spip.php?article29093>; Francklyn B Geffrard, “Huit (8) nouveaux juges nommés à la Cour de Cassation en violation de la règle sacro-sainte de la ‘compétence et de l’intégrité’- FJKL...”, RHINEWS (Mar. 2, 2023), <https://www.rhinews.com/actualites/huit-8-nouveaux-juges-nommes-a-la-cour-de-cassation-en-violation-de-la-regle-sacro-sainte-de-la-ef82b2-competence-et-de-lintegrite-fjkl/>; *Lawyers liken situation in Haiti to Somalia*, JAMAICA STAR (Mar. 14, 2023), <https://jamaica-star.com/article/news/20230314/lawyers-liken-situation-haiti-somalia>; UNSG April BINUH Report at ¶ 10.
- <sup>170</sup> RNDDH, *Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays* ¶ 21 (Apr. 10, 2023), <https://web.rn-ddh.org/wp-content/uploads/2023/04/4-Rapport-Justice-Assises-2022-2023-VS-10Avr2023-FR-.pdf>; BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 5; see also *Justice : Les 28 magistrats non certifiés en janvier 2023 ne doivent plus siéger en Haïti, exige le Cspj*, ALTERPRESSE (Feb. 24, 2023), <https://www.alterpresse.org/spip.php?article29075>; (reporting that 59 judges were reviewed); UNSG April BINUH Report at ¶ 31 (reporting that 69 judges were reviewed). The review was conducted pursuant to the CSPJ’s authority to find certain actors “uncertified” and terminate their mandates under a transitional mechanism enacted in 2007 to remedy decades of unconstitutional judicial appointments. [Haïti : La certification des magistrats ne compète pas au gouvernement](#).
- <sup>171</sup> RNDDH, [Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays](#) at ¶ 22; BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 5; see also *Justice : Les 28 magistrats non certifiés en janvier 2023 ne doivent plus siéger en Haïti, exige le Cspj* (reporting that 28 judges were deemed uncertified); UNSG April BINUH Report at ¶ 31 (reporting that 28 judges were deemed uncertified).
- <sup>172</sup> Press Release, RNDDH, [Processus de certification des magistrats-tes : Le RNDDH salue le travail du CSPJ; UNSG April BINUH Report](#) at ¶ 31 (reporting that reasons included drunkenness, property theft, abuse of authority, and a lack of academic qualifications); see also Clesca, [Haïti’s Rule of Lawlessness](#) (two of the judges that the CSPJ found to be uncertified were those presiding over two of Haiti’s highest-profile cases – the PetroCaribe corruption scandal and the investigation into the assassination of President Moïse).
- <sup>173</sup> See *Justice : Les 28 magistrats non certifiés en janvier 2023 ne doivent plus siéger en Haïti, exige le Cspj*; Jacqueline Charles, *They stole and they freed criminals. Now these Haiti judges are being singled out*, MIAMI HERALD (Jan. 18, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article271294857.html>.
- <sup>174</sup> See *Justice : Les 28 magistrats non certifiés en janvier 2023 ne doivent plus siéger en Haïti, exige le Cspj*.
- <sup>175</sup> UNSG April BINUH Report at ¶ 31.
- <sup>176</sup> Kervens Adam Paul, *Emmelie Prophète Milcé promet que les magistrats non certifiées seront remplacés*, LE NOUVELLISTE (Mar. 14, 2023), <https://lenouvelliste.com/article/241254/emmelie-prophete-milce-promet-que-les-magistrats-non-certifies-seront-remplaces>; but see Jean Daniel Sénat, *Human rights defenders have reacted to the departure of Commissioner Jaques Lafontant*, LE NOUVELLISTE (May 29, 2023), <https://lenouvelliste.com/en/article/242571/des-defenseurs-des-droits-humains-reagissent-au-depart-du-commissaire-jacques-lafontant> (reporting that Edler Guillaume replaced Jacques Lafontant as Port-au-Prince’s Prosecutor General after the CSPJ uncertified Lafontant).

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- <sup>177</sup> Paul, *Emmelie Prophète Milcé promet que les magistrats non certifiées seront remplacés*.
- <sup>178</sup> *Haiti-Justice : la certification des magistrats remise en cause par la Primature*, TED ACTU (Apr. 28, 2023), <https://tedactu.com/2023/04/28/haiti-justice-la-certification-des-magistrats-remise-en-cause-par-la-primature/>.
- <sup>179</sup> See *Haiti-Justice : Plusieurs organisations de droits humains dénoncent les manœuvres du gouvernement de facto contre le processus de certification des magistrats par le Cspj*, ALTERPRESSE (May 8, 2023), <https://www.alterpresse.org/spip.php?article29285>; *Haiti : La certification des magistrats ne compète pas au gouvernement*, ALTERPRESSE (Apr. 24, 2023), <https://www.alterpresse.org/spip.php?article29257>.
- <sup>180</sup> See Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*.
- <sup>181</sup> *Tribunaux de Paix* are Haiti's lowest court, equivalent to a court of common pleas or a trial court. Decisions made by the *Tribunal de Paix* may be appealed in the Court of First Instance. Jameson Francisque, *Comprendre comment s'organise le système judiciaire haïtien*, AYIBO POST (Dec. 17, 2020), <https://ayibopost.com/comprendre-comment-sorganise-le-systeme-judiciaire-haitien/>.
- <sup>182</sup> Information provided by BAI.
- <sup>183</sup> Information provided by BAI.
- <sup>184</sup> OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*.
- <sup>185</sup> Michelson Césaire, *Le parquet de Port-au-Prince cambriolé à nouveau, des armes emportées*, LE NOUVELLISTE (May 25, 2023), <https://lenouvelliste.com/article/242495/le-parquet-de-port-au-prince-cambriole-a-nouveau-des-armes-emportees>.
- <sup>186</sup> As reported by BAI. See also Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*; UNSG January BINUH Report.
- <sup>187</sup> RNDDH, *Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays*.
- <sup>188</sup> *Lafontant ordonne une enquête sur l'attaque armée à Vivy Mitchel*, LOOP NEWS (Apr. 2, 2023), <https://haiti.loopnews.com/content/lafontant-ordonne-une-enquete-sur-lattaque-armee-vivy-mitchel>.
- <sup>189</sup> See *supra* note 144.
- <sup>190</sup> Michaelson Césaire, *Le juge anticorruption Jean Wiler Morin échappe à une attaque armée*, LE NOUVELLISTE (May 17, 2023), <https://lenouvelliste.com/article/242335/le-juge-anticorruption-jean-wilner-morin-echappe-a-une-attaque-armee>; *Haiti – FLASH : Judge Jean Wilner Morin under a deluge of bullets*, HAITI LIBRE (May 18, 2023), <https://www.haitilibre.com/en/news-39560-haiti-flash-judge-jean-wilner-morin-under-a-deluge-of-bullets.html>.
- <sup>191</sup> See Marie Laurette Numa, *Grève illimitée des greffiers !*, HAÏTI LIBERTE (Mar. 15, 2023), <https://haitiliberte.com/greve-illimitee-des-greffiers/>; RNDDH, *Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays* at ¶ 72; Press Release, RNDDH, *Des cellules de détention transformées en prisons : Le RNDDH tire la sonnette d'alarme* ¶ 33, 35 (Jun. 1, 2023), <https://web.rnddh.org/wp-content/uploads/2023/06/3-CP-Commissariat.SousCommissariat.Ouest-01Juin2023-FR.pdf>.
- <sup>192</sup> *IJDH November 2022 Update* at 5; *IJDH June 2022 Update* at 7-8.
- <sup>193</sup> A separate investigation in a U.S. court has made more progress – on March 24, Rodolphe Jaar, a Haitian-Chilean citizen, plead guilty to three charges related to the assassination, including providing money for weapons and bribing officials that were guarding Moïse. He was sentenced to life in prison on June 2. Zach Montague, *Man Pleads Guilty in Case Related to Assassination of Haiti's President*, NY TIMES (Mar. 24, 2023), <https://www.nytimes.com/2023/03/24/us/politics/rodolphe-jaar-jovenel-moise-plot.html>; *US court sentences Haitian businessman to life in Moïse's killing*, AL JAZEERA (Jun. 2, 2023), <https://www.aljazeera.com/news/2023/6/2/us-court-sentences-haitian-businessman-to-life-in-moises-killing>.
- <sup>194</sup> High turnover among judges has, in part, contributed to delays, with five judges having presided over the investigation since its initiation. Two resigned in response to the government's failure to guarantee their safety amidst threats of violence and one was removed as the result of a corruption scandal. The two most recent investigative judges received the case docket only after significant delays, and the current judge's mandate expired in August 2022. Juhakenson Blaise, *Disorder in Haiti's courts*, HAITIAN TIMES (Jul. 7, 2022), <https://haitiantimes.com/2022/07/07/disorder-in-haitis-courts/>; *IJDH November 2022 Update* at 5; Francklyn B Geffard, *Le CARDH appelle à nouveau à la nomination d'un nouveau juge d'instruction sur le dossier de l'assassinat de Jovenel Moïse...*, RHINEWS (Mar. 8, 2023), <https://www.rhinews.com/actualites/le-cardh-appelle-a-nouveau-a-la-nomination-dun-nouveau-juge-dinstruction-sur-le-dossier-de-l-assassinat-de-jovenel-moise/>.
- <sup>195</sup> See Matt Rivers, Etant Dupain & Natalie Gallón, *Haitian Prime Minister involved in planning the President's assassination, says judge who oversaw case*, CNN (Feb. 8, 2022), <https://www.cnn.com/2022/02/08/americas/haiti-assassination-investigation-prime-minister-intl-cmd-latam/index.html>; *Haiti – Assassination Moïse: Former PM Claude Joseph with the OAS accuses Ariel Henry, the Haitian chancellery reacts*, HAITI LIBRE (Jan. 1, 2022), <https://www.haitilibre.com/en/news-35832-haiti%20assassination-moise-former-pm-claude-joseph-with-theoasaccuses-ariel-henry-the-haitian-chancellery->

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[reacts.html](#); Haiti – Assassination Moïse: The ex-PM Claude Joseph surprised by the reaction of the Government, HAITI LIBRE (Jan. 30, 2022), <https://www.haitilibre.com/en/news-35840-haiti-assassination-moise-the-ex-pm-claude-joseph-surprised-bythereaction-of-the-government.html>; Francklyn B Geffrard, Daniel Foote : « Ariel Henry fait obstruction à l'enquête sur l'assassinat de Jovenel Moïse. Il devrait s'expliquer à la justice haïtienne et internationale »..., RHINEWS (Apr. 7, 2022), <https://www.rhinews.com/actualites/daniel-foote-ariel-henry-fait-obstacle-a-lenquete-sur-lassassinat-de-jovenel-moise-il-devrait-sexpliquer-a-la-justice-haitienne-et-internationale/>.

<sup>196</sup> BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 5.

<sup>197</sup> See Jean Daniel Sénat, *Assassinat du président Moïse: Claude Joseph auditionné et répond aux accusations colombiennes*, LE NOUVELLISTE (Feb. 2, 2023), <https://www.lenouvelliste.com/article/240494/assassinat-du-president-moise-claude-joseph-auditionne-et-repond-aux-accusations-colombiennes> (investigating judge Walter Wesser Voltaire interviewed former acting President and Prime Minister Claude Joseph on January 26 and February 2); *Il était au courant de l'assassinat de Jovenel Moïse !*, HAITI NEWS 2000 (May 15, 2023), <https://haitinews2000.net/38551/il-etait-au-courant-de-lassassinat-de-jovenel-moise/> (Judge Voltaire interviewed the former Departmental Director of the West of the Haitian police – who has been accused of complicity in the assassination plot – in May); *Assassinat de Jovenel Moïse: l'ancien ministre Nader Joiseus auditionné*, GAZETTE HAITI (May 31, 2023), <https://www.gazettehaiti.com/node/9928> (Judge Voltaire interviewed Nader Joisés, the former Minister of Public Works, Transportation, and Communication on May 31 in a series of “interminable” hearings).

<sup>198</sup> David Adams & Jake Johnston, *Exclusive: How Haiti's Assassination Plot Unraveled, Minute by Minute and Text by Text*, CEPR (May 1, 2023), <https://cepr.net/exclusive-how-haitis-assassination-plot-unraveled-minute-by-minute-and-text-by-text/>; Rivers, Dupain & Gallón, *Haitian Prime Minister involved in planning the President's assassination, says judge who oversaw case*.

<sup>199</sup> See Widlore Merancourt & Anthony Faiola, *A Haitian prosecutor sought charges against the prime minister in the president's assassination. He was fired.*, WASHINGTON POST (Sep. 14, 2021), <https://www.washingtonpost.com/world/2021/09/14/haiti-henry-moise-assassination/>. The United States has not pursued Henry as a suspect in its investigation either. Jacqueline Charles, *More Colombian suspects in Moïse assassination questioned by FBI during Haiti visit*, MIAMI HERALD (Apr. 10, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article274102660.html> (“FBI agents did not question Haitian Prime Minister Ariel Henry, who has been supportive of the U.S. investigation.”).

<sup>200</sup> See BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 5. Dorval was shot and killed outside his home “[j]ust hours” after “he called for ‘another kind of country, another state’ during a radio interview in which he addressed several controversial topics including constitutional reform, elections and the breakdown of Haitian institutions.” Jacqueline Charles, *Haitian lawyer, constitutional expert gunned down hours after controversial radio interview*, MIAMI HERALD (Aug. 9, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245352670.html>.

<sup>201</sup> *Haiti – News : Zapping...*, HAITI LIBRE (Apr. 21, 2023), <https://www.haitilibre.com/en/news-39359-haiti-news-zapping.html>.

<sup>202</sup> Haiti's Superior Court of Auditors and Administrative Disputes found that multiple Haitian governments stole \$2 billion in petrodollars earmarked for social services and infrastructure under Venezuela's PetroCaribe petroleum-import finance project. Jacqueline Charles, *Haiti corruption scandal: Billions wasted in Venezuelan PetroCaribe aid, new report shows*, MIAMI HERALD (Aug. 19, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245045015.html>. The case's investigating judge, Ramoncite Accimé, was one of the 28 judges found to be uncertified by the CSPJ in January, prompting concerns about further delays. Roberson Alphonse, *PetroCaribe : le CSPJ consacre la disgrâce du juge en charge de l'instruction du plus gros scandale de corruption*, LE NOUVELLISTE (Jan. 17, 2023), <https://lenouvelliste.com/article/240113/petrocaribe-le-cspj-consacre-la-disgrace-du-juge-en-charge-de-linstruction-du-plus-gros-scandale-de-corruption>.

<sup>203</sup> Former PNH officer, Jimmy Chérizier, and two senior officials in the Moïse administration planned and provided resources for the attack, during which armed gangs led by Chérizier killed at least 71 people, raped at least eleven women, and looted and destroyed at least 150 homes in La Saline in Port-au-Prince. Harvard Law School International Human Rights Clinic & OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti* (2021), [https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing\\_With\\_Impunity-1.pdf](https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf). According to BINUH, the investigation has “remained at a standstill due to a motion for recusal filed before the *Cour de Cassation*, in 2019, against the judge investigating the case.” BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 5; see also Congressional Research Service, *Haiti: Recent Developments and U.S. Policy* 7 (Jun. 5, 2023), <https://crsreports.congress.gov/product/pdf/R/R47394>.

<sup>204</sup> Unidentified motorcyclists shot and killed journalist Diego Charles and activist Marie Antoinette Duclaire on June 29. Jacqueline Charles, *Amnesty urges protection, action in murder probe of Haiti journalist, political*

activist, MIAMI HERALD (Aug. 6, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article253307088.html>. No progress has been reported in their case.

<sup>205</sup> Charles, *Amnesty urges protection, action in murder probe of Haiti journalist, political activist*.

<sup>206</sup> Jeudy, the president of the LGBT advocacy organization, Kouraj, was found dead in his home on November 25, 2019. Port-au-Prince’s Court of First Instance opened an investigation into his death on November 27, 2019. No progress has since been reported. HRW, *Haiti: Events of 2022; Décès de Charlot Jeudy : le parquet de Port-au-Prince annonce l’ouverture d’une enquête*, LE NOUVELLISTE (Nov. 27, 2019), <https://lenouvelliste.com/article/209586/deces-de-charlot-jeudy-le-parquet-de-port-au-prince-annonce-louverture-dune-enquete>.

<sup>207</sup> BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 4-5; HRW, *Haiti: Events of 2022*; Jillian Kestler-D’Amours, *Haiti’s sexual violence survivors demand justice*, AL JAZEERA (Jan. 25, 2023), <https://www.aljazeera.com/news/2023/1/25/haitis-sexual-violence-survivors-demand-justice> (reporting that impunity for sexual violence “remains the norm”); see also RNDDH, *Arms and ammunition trafficking : Employees of ONA and OFATMA arrested by the DCPJ* (reporting that a 2022 Central Directorate of Judicial Police investigation into an arms trafficking scheme implicating five government employees remains blocked at the judicial level).

<sup>208</sup> *UNSG April BINUH Report* at ¶ 35 (reporting that the pretrial detention rate was 83.2 percent).

<sup>209</sup> See *Haiti - Justice : Sur 11,718 détenus en Haïti seulement 1,935 ont été jugés et condamnés*, HAITI LIBRE (Jan. 31, 2023), <https://www.haitilibre.com/article-38602-haiti-justice-sur-11-718-detenus-en-haiti-seulement-1-935-ont-ete-juges-et-condmanes.html>.

<sup>210</sup> *UNSG April BINUH Report* at ¶ 35 ; see also *Haïti - Justice : Sur 11,718 détenus en Haïti seulement 1,935 ont été jugés et condamnés* (reporting that prisons are operating at over four times their capacity); Dánica Coto, *Haitians are dying of thirst and starvation in severely overcrowded prisons*, WASHINGTON POST (Jun. 8, 2023), [https://www.washingtonpost.com/world/2023/06/08/haiti-prisons-mistreatment-starvation-caribbean/3061f1de-05b2-11ee-b74a-5bdd335d4fa2\\_story.html](https://www.washingtonpost.com/world/2023/06/08/haiti-prisons-mistreatment-starvation-caribbean/3061f1de-05b2-11ee-b74a-5bdd335d4fa2_story.html) (reporting that incarcerated individuals are forced to sleep standing up).

<sup>211</sup> See *Haïti - Justice : Sur 11,718 détenus en Haïti seulement 1,935 ont été jugés et condamnés*.

<sup>212</sup> Press Release, RNDDH, *Des cellules de détention transformées en prisons : Le RNDDH tire la sonnette d’alarme*.

<sup>213</sup> Coto, *Haitians are dying of thirst and starvation in severely overcrowded prisons*.

<sup>214</sup> Jean Samuel Mentor, *Haïti : Voici pourquoi les prisonniers meurent de faim dans les centres carcéraux*, HAITI NEWS 2000 (Mar. 1, 2023), <https://haitinews2000.net/38315/haiti-voici-pourquoi-les-prisonniers-meurent-de-faim-dans-les-centres-carceraux/>; see also Arch G. Mainous III et al., *A cautionary tale for health education initiatives in vulnerable populations: Improving nutrition in Haiti prisons*, 9 FRONT. MED. 1 (Dec. 20, 2022), <https://www.frontiersin.org/articles/10.3389/fmed.2022.1076583/full>; U.S. Department of State, 2022 Country Reports on Human Rights Practices: Haiti, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/haiti> (last visited Jun. 13, 2023); Coto, *Haitians are dying of thirst and starvation in severely overcrowded prisons*.

<sup>215</sup> Mainous III et al., *A cautionary tale for health education initiatives in vulnerable populations: Improving nutrition in Haiti prisons* (finding that in addition to the starvation-level diet, authorities failed to provide sufficient vitamins to prevent diseases like scurvy and beriberi).

<sup>216</sup> *UNSG April BINUH Report* at ¶ 35; see also Jacqueline Charles, *Starvation rations: Inmates are dying inside Haiti’s overcrowded prisons from lack of food*, MIAMI HERALD (Dec. 20, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article270206732.html>.

<sup>217</sup> Melissa Beralus, *Pour ne pas mourir de soif, des prisonnières à Cabaret boient l’eau de la douche*, AYIBO POST (Mar. 25, 2023), <https://ayibopost.com/pour-ne-pas-mourir-de-soif-une-prisonniere-a-cabaret-avoue-boire-leau-de-la-douche/>; U.S. Department of State, 2022 Country Reports on Human Rights Practices: Haiti; Coto, *Haitians are dying of thirst and starvation in severely overcrowded prisons*.

<sup>218</sup> Mentor, *Haïti : Voici pourquoi les prisonniers meurent de faim dans les centres carcéraux*.

<sup>219</sup> Mentor, *Haïti : Voici pourquoi les prisonniers meurent de faim dans les centres carcéraux* (reporting that a gallon of drinking water is selling for 375 gourdes (approximately US \$2.65), which many cannot afford).

<sup>220</sup> U.S. Department of State, 2022 Country Reports on Human Rights Practices: Haiti; Coto, *Haitians are dying of thirst and starvation in severely overcrowded prisons*.

<sup>221</sup> James Patrick Jordan, *Haïti : la faim et le système carcéral de l’impérialisme américain*, HAITI LIBERTE (May 3, 2023), <https://haitiliberte.com/haiti-la-faim-et-le-systeme-carceral-de-limperalisme-americain/>.

<sup>222</sup> See John Fritz Moreau, *Les conditions de détention des enfants en conflit avec la loi en Haïti sont préoccupantes*, JUNO 7 (Feb. 21, 2023), <https://www.juno7.ht/conditions-de-detention-des-enfants-en-conflit-la-loi/> (reporting that minors are often kept in cells with adults, in violation of international standards and Haitian law); *L’État haïtien a une part de responsabilité dans les viols collectifs perpétrés à la prison civile des*



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Gonaïves, AVOCATS SANS FRONTIERES CANADA (Feb. 1, 2023), <https://asfcanada.ca/medias/letat-haitien-a-une-part-de-responsabilite-dans-les-viol-collectifs-perpetres-a-la-prison-civile-des-gonaives/>; U.S. Department of State, 2022 Country Reports on Human Rights Practices: Haiti; Rania Massoud, *Tollé en Haïti après le viol de 17 femmes, dont une mineure, dans une prison*, ICI RADIO-CANADA (Feb. 3, 2023), <https://ici.radio-canada.ca/nouvelle/1953077/tolle-haiti-viol-femmes-mineure-prison-gonaives>.

<sup>223</sup> Ronel Paul, *Haïti: le lourd bilan de la mutinerie à la prison civile des Gonaïves*, RFI (Jan. 30, 2023), <https://www.rfi.fr/fr/amériques/20230129-haïti-le-lourd-bilan-de-la-mutinerie-à-la-prison-civile-des-gonaïves>; see also Ronel Paul, *Mutinerie à la prison civile des Gonaïves: une vingtaine de prisonniers tués, plusieurs autres évadés*, ZOOM HAITI NEWS (Jan. 28, 2023), <https://zoomhaitinews.com/mutinerie-a-la-prison-civile-des-gonaives-une-vingtaine-de-prisonniers-tues-plusieurs-autres-evades/> (reporting that at least 14 detainees were killed during the violence, which occurred while prison guards were protesting the de facto government's failure to address rising violence against police, leaving those in custody without protection). Note that more than a dozen women and minors were raped in their cells in the same prison during a prison mutiny in 2019. Women's organizations have demanded that the government move the women in Gonaïves to another facility. *Mutinerie à la prison civile des Gonaïves: 16 femmes et une mineure violées*, VANT BEF INFO (Jan. 30, 2023), <https://vantbefinfo.com/mutinerie-a-prison-civile-des-gonaives-16-femmes-et-une-mineure-violees/>.

<sup>224</sup> UNSG January BINUH Report at ¶ 32.

<sup>225</sup> *Haïti - Justice : Détention préventive, 3e mois consécutif positif (février 2023)*, HAITI LIBRE (Mar. 12, 2023), <https://www.haitilibre.com/article-39042-haiti-justice-detention-preventive-3e-mois-consecutif-positif-fevrier-2023.html> (reporting a progressive increase in indictments during the first quarter of 2023); see also RNDDH, *Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays* at ¶ 38 (despite the nation-wide increase in indictments, certain jurisdictions have not been able to meet the Ministry of Justice's directive; in Jérémie, for example, where 458 persons await trial, the court only has enough judges to hear ten criminal cases throughout the course of the entire judicial year).

<sup>226</sup> Compare UNSG January BINUH Report at ¶ 33 (reporting 9,278 pretrial detainees as of January 17) with UNSG April BINUH Report at ¶ 35 (reporting 9,507 pretrial detainees as of April 4).

<sup>227</sup> See, e.g., *Haïti-Agriculture : Plusieurs paysans dépossédés de leurs terres à Limonade par des bandits armés*, ALTERPRESSE (Apr. 20, 2023), <https://www.alterpresse.org/spip.php?article29247>; HRW, *Haiti: Events of 2022*; Geffrard, *Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...* The severity of the crisis of sexual violence against women and girls prompted the Inter-American Commission on Human Rights to hold a dedicated hearing on March 8 in response to a civil society request co-led by IJDH. *Violencia sexual contra las mujeres y niñas en Haïti*, FACEBOOK, [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=516667760420589](https://www.facebook.com/watch/live/?ref=watch_permalink&v=516667760420589) (last visited Jun. 13, 2023). Civil society offered factual testimony during the hearing – which also featured interventions from the Haitian government and the UN – and during an interactive side event. For related materials, see *IACHR Public Hearing on Widespread Sexual Violence Against Women and Girls in Haiti*.

<sup>228</sup> See, e.g., *Violencia sexual contra las mujeres y niñas en Haïti*; UN General Assembly (UNGA), Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international, UN Doc. A/HRC/52/L.17/Rev.1 ¶ 8 (Mar. 30, 2023), <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2FL.17%2FRE.V.1&Language=E&DeviceType=Desktop&LangRequested=False> (the mandate of the new UN expert on human rights in Haiti calls for, “in particular, the inclusion of a gender-based perspective”); *UN Experts Urge Haiti Gov't to End Gang Violence Against Women & Girls*, MIRAGE NEWS (May 11, 2023), <https://www.miragenews.com/un-experts-urge-haiti-govt-to-end-gang-violence-1003421/>.

<sup>229</sup> See Juhakenson Blaise, *Violence in Haiti leaves the disabled in further harm, no state support*, HAITIAN TIMES (Dec. 2, 2022), <https://haitiantimes.com/2022/12/02/violence-in-haiti-leaves-the-disabled-in-further-harm-no-state-support/>.

<sup>230</sup> See HRW, *Haiti: Events of 2022*.

<sup>231</sup> See *Criminalité/Genre : Les femmes de plus en plus victimes de violences sexuelles en Haïti*, ALTERPRESSE (Mar. 9, 2023), <https://www.alterpresse.org/spip.php?article29112> (the loss of personal income makes women even more dependent on male family members, heightening already severe vulnerability to domestic violence); Global Initiative Against Transnational Organized Crime, *Gang control and security vacuums: assessing gender-based violence in Cité Soleil 14* (May 2023), <https://drive.google.com/file/d/1izhFijuwMFeKtk044CnbB2ZcTH9bS5x7/view> (finding that unemployed women were three times as likely to experience GBV); BAI et al., *Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti* (Oct. 31, 2022), <http://www.ijdh.org/wp-content/uploads/2022/11/Joint-Submission-to-WGDAWG-on-GenderPoverty-FINAL.pdf>.

- <sup>232</sup> See [La PNH à pied d'œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023](#); see *supra* notes 68-70.
- <sup>233</sup> See Geffrard, [Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...; L'État haïtien a une part de responsabilité dans les viols collectifs perpétrés à la prison civile des Gonaïves](#); see *supra* notes 222-24.
- <sup>234</sup> See, e.g., [La Sofa : 37 ans de lute féministe en Haïti](#), ALTERPRESSE (Feb. 23, 2023), <https://www.alterpresse.org/spip.php?article29074> (according to *Solidarite Fanm Ayisyèn* dean, Dr. Lise-Marie Déjean, the Ministry for the Status of Women and Women's Rights has not been “playing its role”); Geffrard, [Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...](#)
- <sup>235</sup> See Wilentz, [Haïti, April 2023: Soon There Will Be No One Left to Kidnap](#).
- <sup>236</sup> See, e.g., BAI et al., [Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti](#) at 11, 16; BAI et al., [Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti](#).
- <sup>237</sup> See [Violencia sexual contra las mujeres y niñas en Haïti](#) (Haitian Women’s Collective’s Carine Jocelyn reflected on women’s long-standing exclusion from participation in decision-making spaces and leadership).
- <sup>238</sup> See [Tackling Gender Based Violence in Fragile Contexts](#), WORLD BANK (Mar. 8, 2023), <https://www.worldbank.org/en/news/feature/2023/03/07/tackling-gender-based-violence-in-fragile-contexts#>; [Today’s top news : Malawi, Mozambique, South Sudan, Haiti, Syria](#), OCHA (Mar. 20, 2023), <https://www.unocha.org/story/todays-top-news-malawi-mozambique-south-sudan-haiti-syria>; see also Geffrard, [Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...](#) (according to RNDDH’s Rosy Ducéna, on average, seven women per day are victims of GBV).
- <sup>239</sup> See Megan Janetsky & Fernanda Pesce, [War for control of Haiti’s capital targets women’s bodies](#), AP NEWS (Feb. 13, 2023), <https://apnews.com/article/crime-violence-kidnapping-caribbean-haiti-89757f336975cb28283025e65446affb>; see also Kestler-D’Amours, [Haïti’s sexual violence survivors demand justice](#) (reporting a six-fold increase in reported rapes in Port-au-Prince between January and December 2022); [Criminalité/Genre : Les femmes de plus en plus victimes de violences sexuelles en Haïti](#) (according to grassroots feminist organization *Solidarité Fanm Ayisyèn*, the rise in the number of victims of sexual violence that they assist reflects the increase of sexual violence in Haiti).
- <sup>240</sup> Global Initiative Against Transnational Organized Crime, [Gang control and security vacuums: assessing gender-based violence in Cité Soleil](#) at 3.
- <sup>241</sup> See Global Initiative Against Transnational Organized Crime, [Gang control and security vacuums: assessing gender-based violence in Cité Soleil](#) at 15 (finding that 84 percent of women and girls surveyed did not report their abuse to authorities); [Haïti: Gang-related insecurity and unrest likely to affect much of the country through at least late March](#), CRISIS 24 (Feb. 27, 2023), <https://crisis24.garda.com/alerts/2023/02/haiti-gang-related-insecurity-and-unrest-likely-to-affect-much-of-the-country-through-at-least-late-march-update-11>; [UNSG April BINUH Report](#) at ¶ 44; OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 54; Janetsky & Pesce, [War for control of Haiti’s capital targets women’s bodies](#); Kestler-D’Amours, [Haïti’s sexual violence survivors demand justice](#).
- <sup>242</sup> Charles, [Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says](#); Janetsky & Pesce, [War for control of Haiti’s capital targets women’s bodies](#); Amnesty International, [Amnesty International Report 2022/23: The state of the world’s human rights 184](#) (Mar. 27, 2023), <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>; Murdith Joseph, [Activities call attention to assaults on Haitian women and girls](#), HAITIAN TIMES (Mar. 13, 2023), <https://haitiantimes.com/2023/03/13/activities-call-attention-to-assaults-on-haitian-women-and-girls/> (reporting on the infringement of women’s freedom of movement and ability to participate in jobs, school, and events due to the high risk of being sexually assaulted by gangs); OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 50 (several victims of sexual violence had reported to the Human Rights Service of BINUH that members of the G9 gang had sworn “to rape and punish all the women of ‘Ti-Gabriel,’” the leader of rival gang *G-Pèp*). Although women and girls make up a small percentage of all kidnappings, they are uniquely vulnerable to kidnappings as gang members often use sexual violence to pressure families to pay the ransom. See Press Release, OHCHR, [Haïti – gang violence](#); CARDH, [Kidnapping : Bulletin \(#11\) Janvier, Février Et Mars 2023](#) at ¶ 25; BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 4; Bhatia, [Haïti’s descent into hell](#).
- <sup>243</sup> OCHA, [Haïti : Humanitarian Note](#) at 2.
- <sup>244</sup> See [Haïti – Massacre at Source Matelas : The OPC does not deplore, it accuses](#), HAITI LIBRE (Apr. 29, 2023), <https://www.haitilibre.com/en/news-39413-haiti-massacre-at-source-matelas-the-opc-does-not-deplore->

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[it-accuses.html](#); see also [OPC Statement on Massacre in Source Matelas](#) (statement from the Office of the Protection of the Citizen decrying the state’s failure to protect victims from rape and other violence).

<sup>245</sup> See Press Release, OHCHR, [Haiti: UN experts say Government must act to end gang violence against women and girls](#); Geffrard, [Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...](#) (according to RNDDH’s Rosy Ducéna, “when women have to move because of these armed conflicts, they are pursued in the public squares where they take refuge, to be raped again and again... raped on the national roads, on the asphalt, in full view of everyone”).

<sup>246</sup> OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 49; BAI et al., [Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti](#) at 7 (reporting that family members who have witnessed rapes suffer from guilt for not intervening); [Video before the Inter-American Commission on Human Rights, March 8](#) (describing a case in which a mother was forced to watch the rape of her nine-year-old daughter).

<sup>247</sup> OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 52; *The role of women in gangs in Haiti: from an active role to simply supporting the partner*, DOMINICAN TODAY (May 20, 2023), <https://dominantoday.com/dr/world/2023/05/20/the-role-of-women-in-gangs-in-haiti-from-an-active-role-to-simply-supporting-the-partner/>. According to a joint OHCHR-BINUH report from October 2022, families living in areas under gang control sometimes encourage women and girls living in impoverished areas “to have non-consensual intercourse with gang elements in exchange for in-kind benefits, such as food, drinking water, and other material gains, as well as ‘protection’ from abuses committed by other armed men.” BINUH & OHCHR, *Sexual violence in Port-au-Prince: A weapon used by gangs to instill fear* (Oct. 2022), <https://www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf>.

<sup>248</sup> See Kestler-D’Amours, [Haiti’s sexual violence survivors demand justice](#).

<sup>249</sup> See Kestler-D’Amours, [Haiti’s sexual violence survivors demand justice](#); Charles, [‘Intolerable risks’: Haiti’s escalating violence, including sexual attacks, shuts hospital](#).

<sup>250</sup> See OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶¶ 76-79 (reporting that clashes between gangs blocked medical supplies, ambulances, movement of health professionals, prevented injured people from physically accessing health institutions, and scared individuals from visiting); Charles, [Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says](#); Megan Janetsky & Fernanda Pesce, *In heart of Haiti’s gang war, one hospital stands its ground*, AP NEWS (Feb. 26, 2023), <https://apnews.com/article/caribbean-port-au-prince-haiti-health-6df0e7b5bd9fd8113ab2e1e1cb3b1e2c> (reporting that the extent of violence in the streets has resulted in patients being too scared to seek even the most basic care).

<sup>251</sup> See OCHA, [Haiti: Humanitarian Response Plan 2023 At a Glance](#) at 3; OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 53.

<sup>252</sup> See OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶¶ 76-79; [UNSG April BINUH Report](#) at ¶ 40; see *infra* notes 339-41.

<sup>253</sup> See Kestler-D’Amours, [Haiti’s sexual violence survivors demand justice](#) (according to a *Solidarité Fanm Ayisyèn* representative, “the judicial system practically doesn’t exist... [s]o when women come and don’t find results... they get discouraged”); BAI et al., [Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti](#) at 10; OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 54 (reporting that victims refrain from discussing their experiences due to fear of being stigmatized by families and communities); Janetsky & Pesce, [War for control of Haiti’s capital targets women’s bodies](#) (reporting on the case of a 36-year-old woman who tried to report a gang rape to the police, but was told that the police did not handle gang cases); see also *supra* Section III.

<sup>254</sup> See, e.g., @Neges\_Mawon, TWITTER (Jun. 2, 2023, 4:40 PM), [https://twitter.com/Neges\\_Mawon/status/1664733796921475073](https://twitter.com/Neges_Mawon/status/1664733796921475073) (feminist organization *Nègès Mawon* joined a march to raise awareness about the transmission of HIV from women to their fetuses); BAI Panel Discussion: “Women’s Participation in a Clean-Break Transition,” IJDH, [http://www.ijdh.org/ijdh\\_events/bai-panel-discussion-womens-participation-in-a-clean-break-transition/](http://www.ijdh.org/ijdh_events/bai-panel-discussion-womens-participation-in-a-clean-break-transition/) (last visited Jun. 12, 2023) (on March 3, BAI held a panel during which speakers “addressed the importance of women playing meaningful roles in any effort to get Haiti back on the democratic path”).

<sup>255</sup> [Criminalité/Genre : Les femmes de plus en plus victimes de violences sexuelles en Haïti](#) (according to feminist organization *Kay Fanm* there is a lack of access to adequate prenatal and postnatal gynecological care); World Bank, *Haiti Gender Assessment Report* (May 25, 2023), <https://www.worldbank.org/en/country/haiti/publication/haiti-gender-assessment-report#:~:text=Women%20in%20Haiti%20suffer%20from,decisions%20about%20their%20health%20care.>

<sup>256</sup> Janetsky & Pesce, [In heart of Haiti’s gang war, one hospital stands its ground](#) (according to UN data, continued insecurity could result in 10,000 pregnant women facing fatal obstetric complications); *News Alert: New Assessment Reveals Alarming Health Needs in Southern Haiti*, PROJECT HOPE (May 22, 2023),

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<https://www.projecthope.org/news-alert-new-assessment-reveals-alarming-health-needs-in-southern-haiti/05/2023/> (reporting that high maternal mortality rates persist as a result of preventable and treatable conditions not being treated because 46 percent of pregnant individuals are unable to access healthcare facilities during childbirth).

<sup>257</sup> Jade Prévost-Manuel, *Reclaiming Safe Abortion Access in Haiti*, YES MAGAZINE (Mar. 30, 2023),

<https://www.yesmagazine.org/social-justice/2023/03/30/abortion-rights-haiti>; Ravensley Boisrond,

*L'avortement en Haïti : un sujet tabou que reste en suspens*, NETALKOLE (Apr. 1, 2023),

<https://netalkolemedia.com/lavortement-en-haiti-un-sujet-tabou-qui-reste-en-suspens/#:~:text=En%20Ha%C3%AFti%2C%20l'avortement%20est.aller%20jusqu'%C3%A0%20deux%20ans.>

<sup>258</sup> Prévost-Manuel, *Reclaiming Safe Abortion Access in Haiti* (explaining that over 50 percent of abortions are performed outside the formal healthcare system, exposing women to medical risks, and that women who have a voluntary abortion in Haiti can face life imprisonment and social ostracization).

<sup>259</sup> *1 in 2 children depend on humanitarian aid to survive this year*, UNICEF (Jan. 28, 2023),

<https://wcmprod.unicef.org/haiti/en/press-releases/1-2-children-depend-humanitarian-aid-survive-year>.

<sup>260</sup> *Haiti: Amid rising hunger levels, 'world cannot wait for disaster before it acts', WFP warns; Almost half of Haiti's children face acute hunger as economic and security crisis worsens post-earthquake*, SAVE THE CHILDREN (Apr. 11, 2023), <https://www.savethechildren.net/news/almost-half-haiti-s-children-face-acute-hunger-economic-and-security-crisis-worsens-post>.

<sup>261</sup> Severe wasting heightens the risk of death and results in stunted physical and cognitive development. *Armed violence plunging children in severe acute malnutrition in Haiti*, UNICEF (May 11, 2023),

<https://www.unicef.org/lac/en/press-releases/armed-violence-plunging-children-severe-acute-malnutrition-in-haiti> (reporting an estimated 30 percent increase in cases of severe wasting compared to 2022).

<sup>262</sup> Olivia Lewis, *Children Affected Most During Haiti's Recent Cholera Outbreak*, DIRECT RELIEF (Mar. 7, 2023),

<https://www.directrelief.org/2023/03/children-affected-most-during-haitis-newest-cholera-spread/>; Pan-

American Health Organization (PAHO), *Cholera Epidemic in Haiti and the Dominican Republic 3* (Mar. 3, 2023),

<https://reliefweb.int/report/haiti/cholera-epidemic-haiti-and-dominican-republic-3-march-2023>.

<sup>263</sup> *Haiti: Armed violence against schools increases nine-fold in one year*, UNICEF (Feb. 9, 2023),

<https://www.unicef.org/press-releases/haiti-armed-violence-against-schools-increases-nine-fold-one-year-unicef>

(one in four schools have remained closed since October 2023, with 72 schools closed between October 2022 and February 2023); Jacqueline Charles, *In Haiti, schools increasingly being targeted for looting, kidnapping, violence by gangs*, MIAMI HERALD (Feb. 9, 2023),

<https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272315123.html>; see *infra* notes 364-69.

<sup>264</sup> Luke Taylor, *Gangs, cholera and political turmoil leave half Haiti's children relying on aid*, THE GUARDIAN (Feb. 7, 2023),

<https://www.theguardian.com/global-development/2023/feb/07/gangs-cholera-and-political-turmoil-leave-half-haitis-children-relying-on-aid>; BINUH, *Human Rights Situation: Main trends. Quarterly report: January – March 2023* at 4; Press Release, UN, *As Haiti Slides into Violence, Its People 'Cannot Wait Any Longer' for Assistance, Foreign Minister Tells Security Council*.

<sup>265</sup> Brian Ellsworth, *Haitian children are vulnerable in capital's violence, UNICEF says*, REUTERS (Jan. 27, 2023),

<https://www.reuters.com/world/americas/haitian-children-are-vulnerable-capitals-violence-unicef-says-2023-01-27/>.

<sup>266</sup> Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights* at 184;

Global Initiative Against Transnational Organized Crime, *Gang control and security vacuums: assessing gender-based violence in Cité Soleil* at 7.

<sup>267</sup> *5 ways UNICEF is supporting Haiti's children*, UNICEF (May 5, 2023),

<https://www.unicef.org/lac/en/stories/5-ways-unicef-supporting-haitis-children>.

<sup>268</sup> UN Economic and Social Council, *Country programme document: Haiti*, UN Doc. A/ICEF/2023/P/L.6 (Jan. 3, 2023), ¶ 5, [https://www.unicef.org/executiveboard/media/14781/file/2023-PL6-Haiti\\_CPD-EN-ODS.pdf](https://www.unicef.org/executiveboard/media/14781/file/2023-PL6-Haiti_CPD-EN-ODS.pdf); see also *Restavek*, RESTAVEK FREEDOM, <https://restavekfreedom.org/issue/> (last visited Jun. 13, 2023) (the Restavek Freedom website reports approximately 300,000 children in *restavèk* situations).

<sup>269</sup> UN Economic and Social Council, *Country programme document: Haiti* at ¶ 8.

<sup>270</sup> See UNICEF, *Children Affected by Internal Migration and Displacement in Latin America and the Caribbean* 20 (2023), <https://www.unicef.org/lac/media/40981/file/children-affected-by-internal-migration.pdf> (citing a 2015 study that found *restavèks* had a significantly lower school attendance rate compared to non-*restavèk* children – 79 percent compared to 93 percent of all children).

<sup>271</sup> *Restaveks: Haitian Slave Children*, END SLAVERY NOW,

<https://www.endslaverynow.org/blog/articles/restaveks-haitian-slave-children> (last visited Jun. 13, 2023).

<sup>272</sup> Cantave Jean-Baptiste, *Agroecology is a poverty solution in Haiti (commentary)*, MONGABAY (Mar. 6, 2023),

<https://news.mongabay.com/2023/03/agroecology-is-a-poverty-solution-in-haiti-commentary/>.

- <sup>273</sup> *Haiti-Agriculture : Le Mouvement paysan de Papaye dénonce la destruction et l'accaparement des jardins paysans à Hinche*, ALTERPRESSE (Apr. 19, 2023), <https://www.alterpresse.org/spip.php?article29242> (reporting that attacks by gangs in March and April had targeted the peasant populations by setting gardens aflame and destroying plantations); *Haiti-Agriculture : Plusieurs paysans dépossédés de leurs terres à Limonade par des bandits armés* (“As we speak, these armed groups occupy almost all the land... évacuat[ing] the peasants by brutalizing them, torturing them in order to monopolize their property.”); Gavin Voss, *Haiti’s Rural Gangs Threaten Food Production as Hunger Crisis Looms*, INSIGHT CRIME (Feb. 27, 2023), <https://insightcrime.org/news/haitis-rural-gangs-threaten-food-production-as-hunger-crisis-looms/>; Dylan Robertson, *Haiti at risk of famine as farmers kidnapped, ‘extremely bad’ hunger fuels tumult*, CTV NEWS (May 13, 2023), <https://www.ctvnews.ca/canada/haiti-at-risk-of-famine-as-farmers-kidnapped-extremely-bad-hunger-fuels-tumult-1.6397227> (reporting that gangs kidnap farmers as a means of extortion, hold irrigation systems hostage, and sometimes violently drive away farmers so they can rent out arable land).
- <sup>274</sup> *Haiti-Agriculture : Le Mouvement paysan de Papaye dénonce la destruction et l'accaparement des jardins paysans à Hinche*.
- <sup>275</sup> *IJDH November 2022 Update* at 8.
- <sup>276</sup> HRW, *Haiti: Events of 2022; What to know about Haiti as LGBTQIA+*, MPSM INC. (May 19), <https://www.mpsminc.org/post/what-to-know-about-haiti-as-lgbtqia> (last visited Jun. 13, 2023).
- <sup>277</sup> *Violences des gangs : Une vague d’assassinats, d’enlèvements et de déplacements de familles en Haïti, déplore le rapport 2022 d’Amnesty International*, ALTERPRESSE (Mar. 28, 2023), <https://www.alterpresse.org/spip.php?article29172>; Amnesty International, *Amnesty International Report 2022/23: The state of the world’s human rights* at 184.
- <sup>278</sup> HRW, *Haiti: Events of 2022*.
- <sup>279</sup> See, e.g., *Les femmes handicapées, surexposées aux violences sexuelles*, LOOP NEWS (Mar. 27, 2023), <https://haiti.loopnews.com/content/les-femmes-handicapees-surexposees-aux-violences-sexuelles> (reporting that a deaf individual was asked to mime their rape and other people with disabilities were denied the opportunity to be interviewed by police when reporting an incident as their account was not deemed credible); Blaise, *Violence in Haiti leaves the disabled in further harm, no state support* (reporting on several interviews with Haitians with disabilities who did not attend doctors’ appointments or seek support services as they require travel outside their homes); Geffrard, *Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...* (according to RNDDH’s Rosy Ducéna, individuals with sensory, physical, and mental impairments are not granted any protections).
- <sup>280</sup> Blaise, *Violence in Haiti leaves the disabled in further harm, no state support*.
- <sup>281</sup> Food Security Information Network (FSIN), 2023 Global Report on Food Crises 97-98 (2023), <https://www.fsinplatform.org/sites/default/files/resources/files/GRFC2023-hi-res.pdf>; Bottin, *Haiti’s spiralling crisis: Political instability, hunger and gang violence*.
- <sup>282</sup> *Droits humains : Appel à la mobilization de plusieurs organisations et institutions, en faveur de l’accès à l’eau potable et l’assainissement en Haïti*; Joseph, *Doctors group in Haiti appeals for respect after threatening incidents*.
- <sup>283</sup> See, e.g., Jacqueline Charles, *As Caribbean leaders meet to discuss Haiti, gang violence has new victim: a rural hospital*, MIAMI HERALD (Feb. 16, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272518750.html>; *Haiti: Armed violence against schools increases nine-fold in one year*.
- <sup>284</sup> Although fuel is officially flowing again after a devastating two-month blockade from September to November 2022 as a result of gang violence and the de facto government’s removal of much-needed fuel subsidies, access remains scarce, particularly in Port-au-Prince. See *Crise : Persistance d’une nouvelle rareté du carburant, malgré l’arrivage d’une nouvelle cargaison en Haïti*, ALTERPRESSE (Apr. 13, 2023), <https://www.alterpresse.org/spip.php?article29223>; *UNSG January BINUH Report* at ¶ 61; *Haiti – News : Zapping...*, HAITI LIBRE (Mar. 30, 2023), <https://www.haitilibre.com/en/news-39187-haiti-news-zapping.html>; Roberson Alphonse, *Tirs autour du terminal de Varreux, deux blessés et un navire pétrolier touché*, LE NOUVELLISTE (Mar. 30, 2023), <https://lenouvelliste.com/article/241567/tirs-autour-du-terminal-de-varreux-deux-blesses-et-un-navire-petrolier-touche>; *Haiti – Politic : EDH explains rationing and blackouts*, HAITI LIBRE (Jan. 31, 2023), <https://www.haitilibre.com/en/news-38738-haiti-politic-edh-explains-rationing-and-blackouts.html>.
- <sup>285</sup> *Haïti : hausse de plus de 50% des cas de choléra en un mois, selon l’ONU*, UN NEWS (Jan. 19, 2023), <https://news.un.org/fr/story/2023/01/1131487>.
- <sup>286</sup> See generally Sandra Wisner & Brian Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*, 21 J. HUM. RTS. 185 (2023), <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1252&context=njihr>.

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<sup>287</sup> See Haiti Advocacy Working Group, Decentralization: Haiti’s Answer for Six Months and Sixty Years (2010), [http://www.ijdh.org/wp-content/uploads/2010/07/HAWG\\_Decentralization\\_FINAL.pdf](http://www.ijdh.org/wp-content/uploads/2010/07/HAWG_Decentralization_FINAL.pdf) (“Haiti’s centralization began under colonial rule and was further reinforced during the 1915-1934 U.S. occupation.”).

<sup>288</sup> See IJDH et al., [Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti](#).

<sup>289</sup> See Luke Taylor, *Haiti faces ‘hunger emergency’ amid escalating gang violence and surging inflation*, THE GUARDIAN (Mar. 24, 2023), <https://www.theguardian.com/global-development/2023/mar/24/haiti-faces-hunger-emergency-amid-escalating-gang-violence-and-surging-inflation>.

<sup>290</sup> Recent flooding and earthquakes killed over 50 people and displaced tens of thousands. Jacqueline Charles, *Four dead, homes demolished as earthquake strikes southwestern Haiti*, MIAMI HERALD (Jun. 6, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article276136141.html>. Hurricane season – which goes from early June through November – may lead to further destruction. Jacqueline Charles, *Haiti gets battered by damaging floods as Caribbean prepares for hurricane season*, MIAMI HERALD (Jun. 3, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275983246.html>.

<sup>291</sup> See Jacqueline Charles, *At least 42 dead, thousands homeless in Haiti after a weekend of heavy rains, flooding*, MIAMI HERALD (Jun. 5, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article276100501.html>; *Haiti Fragility Brief 2023*, CARLETON UNIVERSITY (Jan. 15, 2023), <https://reliefweb.int/report/haiti/haiti-fragility-brief-2023>; Jake Johnston, *Who decides who runs Haiti?*, LE MONDE DIPLOMATIQUE (Feb. 2022), <https://agenceglobal.com/2022/02/16/jake-johnston-who-decides-who-runs-haiti/> (discussing how over 50 percent of U.S. aid for Haiti after the 2010 earthquake went to contractors in the United States and less than 3 percent went to local organizations, “undermining the very state that is ostensibly being ‘built’”).

<sup>292</sup> [UNSG January BINUH Report](#) at ¶ 51; Peyvand Khorsandi, *‘Haiti can’t wait’: People on the brink as hunger levels rise, warns food security report*, WORLD FOOD PROGRAMME (Mar 24, 2023), <https://www.wfp.org/stories/haiti-cant-wait-people-brink-hunger-levels-rise-warns-food-security-report>. Experts are concerned that the economy will continue to contract in 2023, and Haiti’s per capita gross domestic product remains the lowest in the Latin American and Caribbean region. *The World Bank in Haiti*, WORLD BANK, <https://www.worldbank.org/en/country/haiti/overview> (last visited Jun. 13, 2023). The first quarter of 2023 saw improved fiscal performance, explained by the de facto government’s efforts to increase revenue by cutting fuel subsidies. This has not translated into an improved economic and social landscape for Haitians; the effects of the fuel subsidies instead brought the country to a virtual stand-still last fall and were felt most acutely by the poor. Roberson Alphonse, *Jean Baden Dubois optimiste quant à un renforcement future de la gourde*, LE NOUVELLISTE (Apr. 17, 2023), <https://lenouvelliste.com/article/241816/jean-baden-dubois-optimiste-quant-a-un-renforcement-futur-de-la-gourde>; [IJDH November 2022 Update](#) at 9.

<sup>293</sup> OCHA, [Haiti: Humanitarian Response Plan 2023 At a Glance](#) at 3.

<sup>294</sup> OCHA, [Haiti: Humanitarian Response Plan 2023 At a Glance](#) at 3.

<sup>295</sup> World Bank, *Poverty & Equity Brief: Haiti 1* (Apr. 2023), [https://databankfiles.worldbank.org/public/ddpext\\_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global\\_POVEQ\\_HTI.pdf](https://databankfiles.worldbank.org/public/ddpext_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global_POVEQ_HTI.pdf).

<sup>296</sup> *Compare Haiti – FLASH : Annual inflation continues to rise to 49.3% (January 2023)*, HAITI LIBRE (Mar. 17, 2023), <https://www.haitilibre.com/en/news-39083-haiti-flash-annual-inflation-continues-to-rise-to-493-january-2023.html> with *Haiti Inflation Rate*, TRADING ECONOMICS, <https://tradingeconomics.com/haiti/inflation-cpi> (last visited Jun. 13, 2023) (reporting that inflation was at 23.95 percent in January 2022); see also [Haiti Inflation Rate](#) (the most recent available data indicates that inflation was at 48.3 percent in March).

<sup>297</sup> *Haiti: Amid rising hunger levels, ‘world cannot wait for disaster before it acts’, WFP warns; Haiti: Acute Food Insecurity Projection Update for March – June 2023*, IPC INFO (Mar. 23, 2023), <https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1156263/> (reporting that rising costs of transportation have forced individuals to turn to unsustainable coping strategies); *Compare Haiti – FLASH : Annual inflation continues to rise to 49.3% (January 2023)* (reporting that the cost of food products and non-alcoholic beverages rose 48.6 percent, clothing and footwear rose 47.3 percent, furniture, household items and routine household maintenance rose 44.6 percent, health care rose 44.9 percent, and transportation rose 120.8 percent); Khorsandi, *‘Haiti can’t wait’: People on the brink as hunger levels rise, warns food security report* (reporting that the price of a food basket in 2023 had risen by 88 percent compared to 2022); FSIN, [2023 Global Report on Food Crises](#) at 98 (as of October 2022, “the cost of a food basket was 134 percent higher than the five-year average for that period, pushing the basic food basket out of reach for many Haitians”).

<sup>298</sup> Jacqueline Charles, *The number of Haitians going hungry amid gang violence is now nearly half the population*, MIAMI HERALD (Mar. 23, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article273506840.html>.

<sup>299</sup> FSIN, [2023 Global Report on Food Crises](#) at 98; *see also* David Amaglobeli et al., International Monetary Fund, Policy Responses to High Energy and Food Prices 6 (Mar. 2023), <https://www.imf.org/-/media/Files/Publications/WP/2023/English/wpica2023074-print-pdf.ashx> (reporting that, on average, food consumption accounts for 44 percent of household income, and in some cases amounts to more than 60 percent); *see also* Wethzer Piercin, *De plus en plus d'Haïtiens «cherchent la vie» dans les ordures à Port-au-Prince*, AYIBO POST (Apr. 3, 2023), <https://ayibopost.com/de-plus-en-plus-dhaitiens-cherchent-la-vie-dans-les-ordures-a-port-au-prince/> (reporting that the rising prices and lack of economic opportunity have driven some Port-au-Prince residents to search garbage piles for anything of value that can be resold to help feed their families); Food and Agriculture Organization of the UN, Haiti: DIEM – Data in Emergencies Monitoring brief 3 (Mar. 2023), <https://www.fao.org/3/cc5014en/cc5014en.pdf> (a UN Food and Agricultural Organization survey found that 33 percent of households used begging as a coping strategy, while over 75 percent used credit).

<sup>300</sup> *See* Banque de la République d'Haïti, Note Sur La Politique Monétaire: 1er trimestre de l'exercice fiscal 2022-2023 (Octobre – Décembre 2022) 2, [https://www.haitilibre.com/docs/Politique\\_monetaire\\_decembre2022.pdf](https://www.haitilibre.com/docs/Politique_monetaire_decembre2022.pdf) (last visited Jun. 14, 2023) (reporting that deteriorating security circumstances have particularly disrupted the production of goods and services by local businesses and their distribution); *Haïti : Situation désastreuse – Aucune condition favorable aux activités économiques, pointe l'économiste Enomy Germain*, ALTERPRESSE (May 5, 2023), <https://www.alterpresse.org/spip.php?article29281> (reporting that addressing insecurity is a condition precedent to restoring the economy); *Haïti-Criminalité : A Fort Jacques, « nous sommes devenus néant »*, ALTERPRESSE (May 10, 2023), <https://www.alterpresse.org/spip.php?article29293> (reporting that commercial activities have been shut down in Fort Jacques since February). Port-au-Prince and the Artibonite region – Haiti's main industrial and agricultural hubs, respectively – are particularly impacted. Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*; *see, e.g., Haïti/ Insécurité: Une 2e succursale de banque commerciale fermée au Centre-ville de Port-au-Prince*, VANT BÈF INFO (Mar. 27, 2023), <https://vantbefinfo.com/haiti-insecurite-une-2e-succursale-de-banque-commerciale-fermee-au-centre-ville-de-port-au-prince/> (two major commercial banks closed branches in downtown Port-Au-Prince this year due to insecurity); *Haïti-Criminalité : Risques de famine dans l'Artibonite, avec les pertes de récoltes dues aux manœuvres des gangs*, ALTERPRESSE (Feb. 28, 2023), <https://www.alterpresse.org/spip.php?article29085> (reporting that gangs prevent female produce sellers in the Artibonite from bringing their goods to market).

<sup>301</sup> Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*; UNSC, Meetings Coverage, *Security Council Highlights Sanctions in Tackling Haitian Gangs, but Underscores Need for Dialogue, Effective Police, in Resolving Country's Crisis* (Dec. 21, 2022), <https://press.un.org/en/2022/sc15161.doc.htm> (according to a BINUH report, as of 21 December, gangs controlled all main roads in and out of the capital, disrupting the flow of people and resources in the area); *Haiti: political instability, gang violence and disease*, INTERNATIONAL RESCUE COMMITTEE (Apr. 7, 2023), <https://www.rescue.org/article/haiti-political-instability-gang-violence-and-disease>; *Haiti: Gang-related insecurity and unrest likely to affect much of the country through at least early May*, CRISIS 24 (Apr. 4, 2023), <https://crisis24.garda.com/alerts/2023/04/haiti-gang-related-insecurity-and-unrest-likely-to-affect-much-of-the-country-through-at-least-early-may-update-12> (reporting that along controlled roads, gangs will often demand payments for their use, hindering access); *Haïti : Situation désastreuse – Aucune condition favorable aux activités économiques, pointe l'économiste Enomy Germain* (reporting that wholesaler traders are forced to increase the purchase prices for essential goods due to exorbitant tolls on gang controlled routes and additional transportation costs resulting from navigating gang territory); *Haiti, Nord-ouest : Isolement total 19 organisations du Nord-ouest interpellent le gouvernement*, ALTERPRESSE (May 10, 2023), <https://www.alterpresse.org/spip.php?article29292> (reporting that gang activity has left the entire northwest region in “complete isolation” from the rest of the country, preventing its 800,000 inhabitants from accessing goods and services); *see also* *Haiti: Gang-related insecurity and unrest likely to affect much of the country through at least early June*, CRISIS 24 (May 5, 2023), <https://crisis24.garda.com/alerts/2023/05/haiti-gang-related-insecurity-and-unrest-likely-to-affect-much-of-the-country-through-at-least-early-june-update-13> (reporting that gangs control areas surrounding key infrastructure, including the Varreux fuel terminal, enabling them to control access).

<sup>302</sup> For example, in January, the United States stopped importing mangos from Haiti due to concerns about the rampant insecurity. Emmanuel Moïse Yves, *Coup dur pour les producteurs de la mangue Francisque d'Haïti*, AYIBO POST (Dec. 14, 2023), <https://ayibopost.com/exportation-mangues-francisque-vers-usa/>. Garment factories in Haiti have laid off hundreds of employees amid concerns about instability in the country, with thousands more at risk of losing their jobs by June. *See* Jacqueline Charles, *Once the promise of hope in Haiti, textile park is now laying off thousands of workers*, MIAMI HERALD (Feb. 2, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article271963327.html> (describing the trend of losses in textile jobs in Haiti since 2021); *Haiti – Economy : Thousands of additional jobs could be lost*

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by June in the textile sector, HAITI LIBRE (Feb. 9, 2023), <https://www.haitilibre.com/en/news-38811-haiti-economy-thousands-of-additional-jobs-could-be-lost-by-june-in-the-textile-sector.html> (also noting that other employers are considering moving factories out of Haiti as customers prefer to order textiles from more reliable suppliers).

<sup>303</sup> See, e.g., Blaise, *Laborers in Haiti continue striking for \$18 daily wage* (reporting that textile workers demand higher wages, noting that, with their current wages, they can afford to “neither eat nor drink”); Renel Exentus, *Haïti : pour une solidarité active avec les travailleurs haïtiens*, LE NATIONAL (May 17, 2023), [https://www.lenational.org/post\\_article.php?tri=1139](https://www.lenational.org/post_article.php?tri=1139) (reporting that workers have been denouncing dire working conditions which have been exacerbated by gang-based insecurity and union repression by multinational firms and local elites).

<sup>304</sup> [UNSG April BINUH Report](#) at ¶ 38 (gangs recruit children who are then used as street informants and errand runners, in addition to committing attacks themselves); Press Release, UN, *As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council* (reporting that gang recruit from neighborhoods of extreme poverty); see also Brian Concannon & Mario Joseph, *The last thing Haiti needs is military intervention. It didn’t work in the past, and won’t work now | Opinion*, MIAMI HERALD (Sep. 19, 2023), <https://www.miamiherald.com/opinion/op-ed/article266022281.html> (calling Haiti’s gang violence “a symptom of the government’s inability to provide basic government services” because “[w]ithout schools and jobs for young people or an adequate police force, gangs are inevitable”); Daut, *What’s the path forward for Haiti?* (“One gang member who joined when he was just fourteen . . . remarked that, if given the opportunity, ‘the youth would wake up to work—not fight—because they [would be] making money.’”).

<sup>305</sup> OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶¶ 8-9.

<sup>306</sup> OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 9.

<sup>307</sup> OCHA, [Haiti: Humanitarian Response Plan 2023 At a Glance](#) at 2, 4 (further reporting that only 55 percent of households have access to basic drinking water services and only 49 percent have access to improved latrines); Robenson Bertrand, *Plus de 3 millions d’Haïtiens dans le besoin en eau, des organisations accusent le gouvernement*, HAITI 24 (Mar. 23, 2023), <https://haiti24.net/plus-de-3-millions-dhaitiens-dans-le-besoin-en-eau-des-organisations-accusent-le-gouvernement/>; see also Pablo Ferri, *The misery and politics of Haiti’s cholera epidemic*, EL PAÍS (Feb. 20, 2023), <https://english.elpais.com/international/2023-02-21/the-misery-and-politics-of-haitis-cholera-epidemic.html> (reporting that some Haitians make three-hour round trips to access water); *In Haiti, Access to Water and Sanitation is Vital, and the World Bank Is Making This Possible*, WORLD BANK (Mar. 22, 2023), <https://www.worldbank.org/en/news/feature/2023/03/22/in-haiti-access-to-water-and-sanitation-is-vital-and-the-world-bank-is-making-this-possible#:~:text=In%202020%2C%20only%2043%25%20of,in%202022%2C%20a%20worrisome%20trend> (reporting that in remote areas of Haiti, individuals face difficulties accessing water supplies due to reservoirs being downstream from small communities in mountainous regions and poorly maintained water systems).

<sup>308</sup> See *Haiti*, WORLD HEALTH ORGANIZATION, <https://www.who.int/emergencies/funding/outbreak-and-crisis-response-appeal/2023/2023-appeals/appeal-haiti> (last visited Jun. 14, 2023) (reporting that improved access to potable water has been marginal since 2010, with only a 4.5 percent increase in access to basic drinking water services between 2010 and 2022).

<sup>309</sup> See *Droits humains : Appel à la mobilisation de plusieurs organisations et institutions, en faveur de l’accès à l’eau potable et l’assainissement en Haïti* (reporting that a number of Haitian civil society organizations called on the government to ensure equitable access to water in both rural and urban areas and denounced the privatization of water); *En Haïti, l’accès à l’eau et à l’assainissement est vital, et la Banque mondiale rend cela possible* (as of 2022, only 40 percent of the 1,041 piped water supply systems serving small towns and population dense rural areas were functional due to consistent underfunding); *1 in 2 children depend on humanitarian aid to survive this year* (reporting that damaged water supplies have still not been repaired); *Environnement: L’accès à l’eau potable, un véritable calvaire pour les habitants de Montagne Lavoute*, HAITI PRESS NETWORK (Apr 25, 2023), <https://www.hpinfo.com/post/environnement-l-acc%C3%A8s-%C3%A0-l-eau-potable-un-v%C3%A9ritable-calvaire-pour-les-habitants-de-montagne-lavoute>.

<sup>310</sup> See *Haiti*, World Health Organization (reporting that fuel shortages and the blockade of the oil terminal at Varreux by gangs resulted in serious disruptions to water distribution); HRW, *Haiti: Events of 2022*.

<sup>311</sup> See UNGA, *New Approach to Cholera in Haiti*, UN Doc. A/71/895 (May 3, 2017), <https://reliefweb.int/report/haiti/new-approach-cholera-haiti-report-secretary-general-a71895#:~:text=The%20United%20Nations%20new%20approach,to%20those%20Haitians%20most%20directly>, p 1 (the UN’s New Approach to Cholera included a promise “to support Haiti in overcoming the epidemic and building sound water, sanitation and health systems”); see also *Haiti*, WHO UNICEF JMP, <https://washdata.org/data/household#!/hti> (last visited Jun. 14, 2023) (between 2015 and 2020, the latest available data, access to clean water and basic sanitation remained virtually unimproved).



- <sup>312</sup> Press Release, BAI & IJDH, *Broken UN Promises Lead to Haiti Cholera Resurgence* (Oct. 11, 2022), [http://www.ijdh.org/press\\_release/broken-un-promises-lead-to-haiti-cholera-resurgence/](http://www.ijdh.org/press_release/broken-un-promises-lead-to-haiti-cholera-resurgence/).
- <sup>313</sup> OCHA, *Haiti: Humanitarian Response Plan 2023 At a Glance* at 4, 7; *In Haiti, Access to Water and Sanitation is Vital, and the World Bank Is Making This Possible* (reporting that women who travel long distance to bring water home are exposed more than men to waterborne diseases).
- <sup>314</sup> See Victoria Koski-Karell & Elio Dortilus, *Colonialism Created Food Insecurity in Haiti, Now Climate Change Compounds It*, TRUTHOUT (Mar. 11, 2023), <https://truthout.org/articles/colonialism-created-food-insecurity-in-haiti-now-climate-change-compounds-it/>; *Strengthening the climatic resilience of the drinking water sector in the South of Haiti*, UN DEVELOPMENT PROGRAMME, <https://www.adaptation-undp.org/projects/strengthening-climate-resilience-drinking-water-haiti> (last visited Jun. 14, 2023).
- <sup>315</sup> *Haiti : La production agricole dans l'Artibonite, rudement affectée par les actes de terreur et de criminalité des gangs*.
- <sup>316</sup> Charles, *At least 42 dead, thousands homeless in Haiti after a weekend of heavy rains, flooding*.
- <sup>317</sup> *Haiti: Factsheet*, EUROPEAN COMMISSION, <https://reliefweb.int/report/haiti/echo-factsheet-haiti-last-updated-17042023> (last updated Apr. 14, 2023); *Haiti: Amid rising hunger levels, 'world cannot wait for disaster before it acts', WFP warns* (reporting that the number of severely hungry people in Haiti has tripled since 2016); Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*.
- <sup>318</sup> Bottin, *Haiti's spiralling crisis: Political instability, hunger and gang violence*; Francklyn B Geffrard, *Le nombre d'Haïtiens souffrant de la faim ne cesse d'augmenter, selon le PAM...*, RHINEWS (Mar. 23, 2023), <https://www.rhinews.com/actualites/le-nombre-dhaitiens-souffrant-de-la-faim-ne-cesse-daugmenter-selon-le-pam/>; *Haiti: Amid rising hunger levels, 'world cannot wait for disaster before it acts', WFP warns* ("Haiti can't wait – we can't wait for the scale of the problem to translate into deaths before the world responds – but that's where we're headed," said Jean-Martin Bauer, Country Director of the World Food Programme in Haiti); *Crise : Des experts craignent une famine généralisée en Haïti* (reporting that experts fear impending widespread famine).
- <sup>319</sup> FSIN, *2023 Global Report on Food Crises* at 97 (projecting that this will increase to 4.89 million this year); Emmanuel Marino Bruno, *Crise : Nécessité d'une aide d'urgence à 4,9 millions de personnes en situation d'insécurité alimentaire en Haïti, alerte la Cnsa*, ALTERPRESSE (Mar. 17, 2023), <https://www.alterpresse.org/spip.php?article29138>. Crisis-level food insecurity refers to households that are living with high or above-usual acute malnutrition or are barely able to meet their food needs through depleting essential livelihood assets or crisis-coping strategies. *What is the IPC?*, FAMINE EARLY WARNING SYSTEMS NETWORK, <https://fews.net/about/integrated-phase-classification#:~:text=The%20IPC%20Acute%20Malnutrition%20Scale,3.1%20manual%20for%20more%20information> (last visited Jun. 14, 2023).
- <sup>320</sup> FSIN, *2023 Global Report on Food Crises* at 97; Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*. Emergency-level food crisis refers to households either living with very high acute malnutrition and excess mortality or only able to meet their food needs by resorting to emergency livelihood strategies and asset liquidation. *What is the IPC?*.
- <sup>321</sup> FSIN, *2023 Global Report on Food Crises* at 97.
- <sup>322</sup> Geffrard, *Le nombre d'Haïtiens souffrant de la faim ne cesse d'augmenter, selon le PAM...*; Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*.
- <sup>323</sup> Chronic malnutrition has "long-lasting physical consequences," affecting both physical and cognitive capabilities. *Armed violence plunging children into severe acute malnutrition in Haiti*, UNICEF (May 11, 2023), <https://www.unicef.org/press-releases/armed-violence-plunging-children-severe-acute-malnutrition-haiti>; see *supra* notes 260-62.
- <sup>324</sup> *Haïti – Agriculture : \$50M de la Banque Mondiale pour améliorer les systèmes de production alimentaire*, HAITI LIBRE (Feb. 10, 2023), [https://www.haitilibre.com/en/news-38819-haiti-agriculture-\\$50m-de-la-banque-mondiale-pour-ameliorer-les-systemes-de-production-alimentaire.html](https://www.haitilibre.com/en/news-38819-haiti-agriculture-$50m-de-la-banque-mondiale-pour-ameliorer-les-systemes-de-production-alimentaire.html); World Food Programme, WFP Haiti Country Brief 1 (Apr. 2023), <https://docs.wfp.org/api/documents/WFP-0000149572/download/>.
- <sup>325</sup> Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*; UNSG *January BINUH Report* at ¶ 58.
- <sup>326</sup> *United Nations: Haiti at risk of starvation*, AP NEWS (May 30, 2023), <https://newsroom.ap.org/editorial-photos-videos/detail?itemid=a9f50163d23d4ad08122396c2f6d752c>; see also *Haiti commune cut off from capital by violent gangs*, AP NEWS (Apr. 24, 2023), <https://apnews.com/video/crime-haiti-organized-violence-jovenel-moise-2f2287274a244a05b0f2883f6c50147e> (reporting that gang violence has effectively cut off the neighborhood Cité Soleil from Port-au-Prince, with gangs controlling the flow of goods in and out).
- <sup>327</sup> See Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*; Marvens Compere & Murdith Joseph, *State of Haiti: Food vendors speak about hunger crisis*, HAITIAN TIMES (Feb. 10, 2023), <https://haitiantimes.com/2023/02/10/state-of-haiti-food-vendors-speak-about-hunger-crisis/>

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(during interviews with food vendors in Port-au-Prince on the acute hunger many Haitians are facing due to inflation, one vendor said they were all “dead people walking”); see *supra* notes 296-300.

<sup>328</sup> See *Un Haïtien sur deux peine à se nourrir, s’alarme l’ONU*, LE NOUVELLISTE (Mar. 23, 2023), <https://lenouvelliste.com/article/241443/un-haitien-sur-deux-peine-a-se-nourrir-salarme-lonu>; Taylor, *Haiti faces ‘hunger emergency’ amid escalating gang violence and surging inflation; Haiti on ‘brink of civil war’, humanitarian group warns*, AL JAZEERA (May 1, 2023), <https://www.aljazeera.com/news/2023/5/1/haiti-on-brink-of-civil-war-humanitarian-group-warns>.

<sup>329</sup> Francklyn B Geffrard, ‘*Les droits civils, économiques, politiques, sociaux du peuple haïtien sont constamment violés*’, selon le RNDDH..., RHINEWS (Mar. 2, 2023), <https://www.rhinews.com/actualites/les-droits-civils-economiques-politiques-sociaux-du-peuple-haitien-sont-constamment-violes-selon-le-rn-ddh/>; Voss, *Haiti’s Rural Gangs Threaten Food Production as Hunger Crisis Looms*; Claudy Junior Pierre, « *Haïti ne peut pas attendre. Ce pays est dans une crise sans précédent* », selon le directeur national du PAM, LE NOUVELLISTE (Feb. 3, 2023), <https://www.lenouvelliste.com/article/240506/haiti-ne-peut-pas-attendre-ce-pays-est-dans-une-crise-sans-precedent-selon-le-directeur-national-du-pam>; see, e.g., FSIN, *2023 Global Report on Food Crises* at 97 (reporting that gangs have hindered access to main highways connecting the country, with a minor road connecting Port-au-Prince with the south fully blocked since 2021); *Haïti-Criminalité : SOS dans plusieurs communes de l’Artibonite, livrées aux gangs armés*, ALTERPRESSE (Feb. 23, 2023), <https://www.alterpresse.org/spip.php?article29073> (reporting that gangs have negatively impacted agricultural production in the Artibonite Valley, which was without water for several weeks); *Haïti-Criminalité : Risques de famine dans l’Artibonite, avec les pertes de récoltes dues aux manœuvres des gangs*; *Haiti – FLASH : The Artibonite Valley hostage of armed groups*, HAITI LIBRE (Mar. 5, 2023), <https://www.haitilibre.com/en/news-38992-haiti-flash-the-artibonite-valley-hostage-of-armed-groups.html>; Jean Junior Celestin, *Insécurité alimentaire : les demandes d’aide ont augmenté*, LE NOUVELLISTE (Mar. 23, 2023), <https://www.lenouvelliste.com/article/241441/insecurite-alimentaire-les-demandes-daide-ont-augmente> (Food for the Poor reported difficulties transporting food from Port-au-Prince to other regions due to insecurity).

<sup>330</sup> See *Haïti-Criminalité : SOS dans plusieurs communes de l’Artibonite, livrées aux gangs armés*; *Haïti-Criminalité : Risques de famine dans l’Artibonite, avec les pertes de récoltes dues aux manœuvres des gangs*; Voss, *Haiti’s Rural Gangs Threaten Food Production as Hunger Crisis Looms* (reporting that attacks in January and February by the *Baz Gran Grif* gang resulted in thousands fleeing and a halt to maintenance on irrigation canals, which were without water for weeks); *Haiti – FLASH : The Artibonite Valley hostage of armed groups*; Geffrard, ‘*Les droits civils, économiques, politiques, sociaux du peuple haïtien sont constamment violés*’, selon le RNDDH...; Wethzer Piercin & Jérôme Wendy Norestyl, *Artibonite : les agriculteurs forcés d’abandonner leurs terres face aux gangs armés*, AYIBO POST (Mar. 29, 2023), <https://ayibopost.com/les-gangs-plantations-artibonite/> (reporting that gangs seize property, commit theft and destruction and force farmers to pay gangs in order to sell their yields); Geffrard, *Le nombre d’Haïtiens souffrant de la faim ne cesse d’augmenter, selon le PAM...* (reporting that farmers have been forced to plant on smaller plots or flee their land entirely to avoid gang violence, depriving them of their livelihoods and impacting the amount of food available nation-wide); see also *Haïti – Agriculture : \$50M de la Banque Mondiale pour améliorer les systèmes de production alimentaire* (“[A]griculture is critical to addressing food insecurity in Haiti, as it contributes to twenty percent of the country’s GDP and employs over two-fifths of the workforce.”).

<sup>331</sup> *Haïti : La production agricole dans l’Artibonite, rudement affectée par les actes de terreur et de criminalité des gangs*.

<sup>332</sup> Robertson, *Haiti at risk of famine as farmers kidnapped, ‘extremely bad’ hunger fuels tumult*; *Crise : Des experts craignent une famine généralisée en Haïti*; *Haiti – Grand’Anse : On the verge of famine*.

<sup>333</sup> *Haïti-Criminalité : Risques de famine dans l’Artibonite, avec les pertes de récoltes dues aux manœuvres des gangs*.

<sup>334</sup> For example, Food for the Poor, an organization that has been operating in Haiti for 34 years, has not received enough donations to meet the 30 percent increase in requests for food since 2020. Celestin, *Insécurité alimentaire : les demandes d’aide ont augmenté*; see also *Haiti – FLASH : The hour is serious, 19,000 Haitians affected by famine, 4.7 million in food insecurity*, HAITI LIBRE (Dec. 13, 2023), <https://www.haitilibre.com/en/news-38357-haiti-flash-the-hour-is-serious-19-000-haitians-affected-by-famine-47-million-in-food-insecurity.html> (according to an Integrated Food Security Phase Classification report, only seven percent of the population that was analyzed had received emergency food assistance through a ration or cash transfer); Khorsandi, ‘*Haiti can’t wait’ : People on the brink as hunger levels rise, warns food security report* (according to WFP’s Country Director for Haiti, Jean-Martin Bauer, WFP needs US \$125 million over the next six months to tackle food shortages in Haiti but donors were not stepping up); cf. *Haiti: Acute Food Insecurity Projection Update for March – June 2023* (reporting that increases in humanitarian support in recent months have marginally alleviated food access for some of the most vulnerable populations).

<sup>335</sup> See *Haiti – Agriculture : \$50M de la Banque Mondiale pour améliorer les systèmes de production alimentaire* (describing lack of rainfall and watershed degradation as negatively impacting Haiti’s agricultural sector).

<sup>336</sup> See Sandra C. Wisner, *Starved for Justice: International Complicity in Systematic Violations of the Right to Food in Haiti*, HRLR ONLINE (May 10, 2022), <https://hrlr.law.columbia.edu/hrlr-online/starved-for-justice-international-complicity-in-systematic-violations-of-the-right-to-food-in-haiti/>.

<sup>337</sup> See Claudy Junior Pierre, *L’insécurité fait fuir les médecins haïtiens, selon le secrétaire général de l’Association médicale haïtienne*, LE NOUVELLISTE (Feb. 23, 2023), <https://www.lenouvelliste.com/article/240914/linsecurite-fait-fuir-les-medecins-haitiens-selon-le-secretaire-general-de-lassociation-medicale-haitienne> (according to Dr. Jean Ardouin Louis-Charles, secretary general of the Haitian Medical Association, kidnappers appear to target health professional); *Haiti : Le directeur du Laboratoire national de santé publique, Dr. Jacques Bony, kidnappé, blessé par balle et relâché*, ALTERPRESSE (Apr. 6, 2023), <https://www.alterpresse.org/spip.php?article29204> (according to the Haitian Medical Association, between January and March, at least ten doctors were kidnapped in comparison with the total of twenty doctors kidnapped in 2022). Representing only a handful of cases, *see e.g.*, Juhakenson Blaise, *Kidnapers target doctors in Haiti*, HAITIAN TIMES (Feb. 23, 2023), <https://haitiantimes.com/2023/02/23/kidnapers-target-doctors-in-haiti/> (reporting that among the kidnapping victims are the Director of Communication at the Ministry of Public Health and Population and a doctor from St. Damien Hospital); *Criminalité : Sept individus armés tués dans des échanges de tirs avec la Police nationale d’Haïti*, ALTERPRESSE (Feb. 15, 2023), <https://www.alterpresse.org/spip.php?article29058> (reporting that the Haitian Group for the Study of Kaposi’s Sarcoma and Opportunistic Infections suspended operations beginning on February 15 to demand the release of two kidnapped employees); Claudy Junior Pierre, *Blessé puis libéré, le Dr Jacques Bony et d’autres médecins allongent la liste des victimes de kidnapping*, LE NOUVELLISTE (Apr. 6, 2023), <https://lenouvelliste.com/article/241681/blesse-puis-libere-le-dr-jacques-bony-et-dautres-medecins-allongent-la-liste-des-victimes-de-kidnapping> (reporting that the director of the National Public Health Laboratory Dr. Jacques Bony was kidnapped on April 2 and subsequently released on April 5 due to his extensive injuries).

<sup>338</sup> OCHA, *Haiti : Humanitarian note 1* (Apr. 23, 2023), <https://reliefweb.int/report/haiti/haiti-humanitarian-note-series-new-paradigm-issue-2-impact-violence-access-health-care-23-april-2023> (reporting that approximately 48 percent of hospitals in the Port-au-Prince metropolitan area are located in territories controlled or influenced by gangs and that due to attacks on patients, staff, and infrastructure, several health facilities have been forced to close); *see, e.g.*, *Haïti-Criminalité : Suite à l’assassinat d’un patient par des hommes armés, Msf forcé de suspendre ses activités à l’hôpital Raoul Pierre Louis de Carrefour*, ALTERPRESSE (Jan. 27, 2023), <https://www.alterpresse.org/spip.php?article29003> (reporting that armed men executed a patient in the emergency room of the Raoul Pierre Louis public hospital on January 26 along with other cases of attacks); *L’hôpital périphérique de Dzoumogné attaqué par des délinquants en plein après-midi*, MAYOTTE 1 (May 12, 2023), <https://la1ere.francetvinfo.fr/mayotte/l-hopital-peripherique-de-dzoumogne-attaque-par-des-delinquants-en-plein-apres-midi-1394910.html> (reporting that on May 12, approximately 15 hooded individuals with machetes attacked the Dzoumogné hospital); OCHA, *Haiti : Humanitarian Note* at 2 (reporting that surgeons, doctors, and nurses of the Higgins Brothers Surgicenter for Hope in Fonds Parisien were the targets of several shootings and robberies, in addition to kidnappings).

<sup>339</sup> MSF suspended operations in its facilities in Carrefour and Cité Soleil in January and March, respectively. *Haïti-Criminalité : L’organisation Médecins sans frontières suspend temporairement ses activités à Cité Soleil*, ALTERPRESSE (Mar. 8, 2023), <https://www.alterpresse.org/spip.php?article29111> (reporting that the Cité Soleil location was closed due to MSF’s inability to guarantee the safety of staff and patients due to the violent gang clashes occurring just outside the hospital doors); *‘War scene’: MSF temporarily shuts hospital in Haiti’s capital*, AL JAZEERA (Mar. 9, 2023), <https://www.aljazeera.com/news/2023/3/9/war-scene-msf-temporarily-shutters-hospital-in-haitis-capital> (according to the head of the Cité Soleil facility, the situation just meters outside the hospital was as a “war zone”); OCHA, *Haiti : Humanitarian note* at 2; *Haïti-Criminalité : Suite à l’assassinat d’un patient par des hommes armés, Msf forcé de suspendre ses activités à l’hôpital Raoul Pierre Louis de Carrefour*; *see also* Joseph, *Doctors group in Haiti appeals for respect after threatening incidents* (reporting on other attacks in, around, and on MSF healthcare facilities); *Doctors Without Borders Considers Suspending Haiti Operations Amid Gang Violence*, DEMOCRACY NOW! (Mar. 7, 2023), [https://www.democracynow.org/2023/3/7/headlines/doctors\\_without\\_borders\\_considers\\_suspending\\_haiti\\_operations\\_amid\\_gang\\_violence](https://www.democracynow.org/2023/3/7/headlines/doctors_without_borders_considers_suspending_haiti_operations_amid_gang_violence) (reporting that MSF is considering a suspension of its entire Haiti operation following a series of shootouts and other violent incidents in its facilities).

<sup>340</sup> *See Environ 48 % des hôpitaux de la zone métropolitaine de Port-au-Prince situés dans les zones sous influence ou contrôle des gangs*, ENQUET ACTION (May 19, 2023), <https://www.enquetaction.com/articles/environ-48-des-hopitaux-de-la-zone-metropolitaine-de-port-au-prince-situes-dans-les-zones-sous-influence-ou-contrrole-des-gangs-1> (according to OCHA, numerous health facilities

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have been forced to suspend their services due to attacks on staff, patients, and facilities); *see, e.g.*, OCHA, [Haiti : Humanitarian note](#) at 2 (reporting that the Albert Schweitzer hospital, which serves over 700,000 people in the Artibonite Valley and the Central Plateau, suspended operations in February for the first time in 67 years due to gang violence); Claudy Junior Pierre, *Insécurité, les hôpitaux déplorent le départ des professionnels de santé*, LE NOUVELLISTE (Mar. 30, 2023), <https://lenouvelliste.com/article/241569/insecurite-les-hopitaux-deplorent-le-depart-des-professionnels-de-sante> (reporting that the Development of Health Activities in Haiti group was forced to close half of their approximately twenty facilities in Haiti in March due to the gang violence); *Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care*, PARTNERS IN HEALTH (Mar. 24, 2023), <https://www.pih.org/article/chaos-haiti-escalates-gang-violence-fuel-shortages-threaten-access-health-care> (reporting that in late March, *Zanmi Lasante*'s regional director was forced to relocate staff, temporarily suspend services for safety, and triage patients to different facilities; despite this, care continues for the most acute cases).

<sup>341</sup> See Charles, *'Intolerable risks': Haiti's escalating violence, including sexual attacks, shuts hospital* (reporting that, in addition to the devastating impacts that closures will have on gunshot and sexual violence victims, impacts will be felt in regards to the treatment of cholera as MSF was among the front-line responders); *Violent clashes force temporary closures of MSF hospital in Cité Soleil*, MSF (Mar. 9, 2023), <https://www.msf.org/haiti-violent-clashes-force-temporary-closure-msf-hospital-cit%C3%A9-soleil> (“We realize that closing the hospital will have a serious impact on the people of Cité Soleil, but our teams cannot work until security conditions are guaranteed.”); Taylor, *'Warfare is encroaching': aid groups may have to cut back services in Haiti as violence grows* (according to a representative of Italian non-governmental organization Avsi Foundation, should MSF limit or withdraw its operations in Haiti, the result would “be a catastrophe”).

<sup>342</sup> See *Surrounded By Instability, Care Continues at PIH Hospital in Haiti*, PARTNERS IN HEALTH (Mar. 30, 2023), <https://www.pih.org/article/surrounded-instability-care-continues-pih-hospital-haiti> (reporting that despite being surrounded by violence, health professionals have adjusted to kidnappings, fuel shortages and general safety concerns to continue providing care); Charles, *As Caribbean leaders meet to discuss Haiti, gang violence has new victim: a rural hospital* (reporting that the Albert Schweitzer hospital stated it would still accept life-threatening emergencies, despite considerable risk to its staff); Cristiano Antonio, *Haiti, MSF: "People Trapped By Violence In Need Of Medical Assistance,"* EMERGENCY LIVE (May 16, 2023), <https://www.emergency-live.com/news/haiti-msf-people-trapped-by-violence-in-need-of-medical-assistance/> (reporting that MSF staff continue operating mobile clinics to treat patients in areas impacted by urban violence in Port-au-Prince despite extremely high levels of violence); *see, e.g.*, OCHA, [Haiti : Humanitarian note](#) at 2 (reporting that some hospitals are asking patients to pay or provide fuel, and in early April, it was reported that hospitals in Artibonite were conducting childbirths by cellphone light); Pierre, *L'insécurité fait fuir les médecins haïtiens, selon le secrétaire général de l'Association médicale haïtienne* (reporting that some doctors use camouflage techniques just to go to their offices).

<sup>343</sup> See Blaise, *Kidnapers target doctors in Haiti; Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care* (according to regional director Dr. Ralph Blondel Charles, *Zanmi Lasante* staff's “mental health is highly affected” by the heightened danger and “[w]hen they have to go an entire month or more without being able to return home to visit their families, it is hard and it takes a toll”); Janetsky & Pesce, *In heart of Haiti's gang war, one hospital stands its ground* (according to Jean Baptiste, medical director at one of the last medical facilities open in Cité Soleil, the sentiment at the hospital is that despite doctors' worry, they continue working and keep facing off the risks).

<sup>344</sup> See Joseph, *Doctors group in Haiti appeals for respect after threatening incidents; Haiti: Humanitarian Response Plan 2023 At a Glance* at 7; Joseph, *Doctors group in Haiti appeals for respect after threatening incidents; Doctors Without Borders Considers Suspending Haiti Operations Amid Gang Violence*.

<sup>345</sup> *See, e.g.*, *Haiti | HUEH – Poursuite de la grève des médecins-résidents pour obtenir des meilleures conditions de travail*, REZO NODWES (Jan. 22, 2023), <https://reznodwes.com/?p=302193> (reporting that resident doctors earn less than US \$3 a day); *Grève à l'HUEH: les médecins résidents s'opposent à l'ouverture d'une cellule d'urgence*, LE NOUVELLISTE (Feb. 23, 2023), <https://www.lenouvelliste.com/article/240859/ greve-a-lhueh-les-medecins-residents-sopposent-a-louverture-dune-cellule-durgence> (reporting that frequent power outages mean hospitals are often operating with less than four hours of electricity a day).

<sup>346</sup> Francklyn B Geffrard, *Haiti/Santé : L'Hôpital général toujours paralysé par la grève des médecins résidents ...*, RHINEWS (Feb. 19, 2023), <https://www.rhinews.com/actualites/haiti-sante-lhopital-general-toujours-paralyse-par-la-greve-des-medecins-residents/>; *Haiti – News : Zapping...*, HAITI LIBRE (Apr. 28, 2023), <https://www.haitilibre.com/en/news-39412-haiti-news-zapping.html#:~:text=HUEH%20%3A%20End%20of%20the%20resident,in%20particular%20on%20salary%20increases>; Claudy Junior Pierre, *Grève maintenue à Justinien, timide reprise des activités à l'hôpital général*, LE NOUVELLISTE (May 9, 2023), <https://lenouvelliste.com/article/242204/greve-maintenue-a-justinien-timide-reprise-des-activites-a-lhopital-general> (reporting that activities resumed “timidly” in early May).

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<sup>347</sup> *Grève des médecins résidents à l'Hôpital universitaire Justinien du Cap-Haïtien*, LE NATIONAL (Apr. 6, 2023), [https://www.lenational.org/post\\_article.php?pol=3393](https://www.lenational.org/post_article.php?pol=3393); Gérard Maxineau, *L'Hôpital universitaire Justinien déserté*, LE NOUVELLISTE (May 27, 2023), <https://lenouvelliste.com/article/158576/lhopital-universitaire-justinien-deserte> (reporting that residents at the Justinian University Hospital were still striking as of May 27).

<sup>348</sup> See *supra* notes 255-59.

<sup>349</sup> See BAI et al., [Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti](#) at 35; Janetsky & Pesce, *In heart of Haiti's gang war, one hospital stands its ground* (reporting that many pregnant women fear what gangs will do to them whilst traveling and therefore delay going to a hospital and that in one case, a woman was found delivering a baby on the street because she was unable to find transportation due to gang lockdowns; she lost the baby); HOPE, Haiti Cholera and Insecurity Response – Situation Report #8 at 2 (May 18, 2023), <https://reliefweb.int/report/haiti/haiti-cholera-and-insecurity-response-situation-report-8-may-18-2023> (reporting that 46 percent of women do not have access to a health facility for childbirth).

<sup>350</sup> Janetsky & Pesce, *In heart of Haiti's gang war, one hospital stands its ground*.

<sup>351</sup> See Janetsky & Pesce, *In heart of Haiti's gang war, one hospital stands its ground*; *Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care* (reporting that Zanmi Lasante staff sometimes sleep at the clinics to avoid the dangerous commute and report hearing gunshots all night); OCHA, [Haiti : Humanitarian note](#) at 1 (reporting that 25 percent of Haitians take more than an hour, by regular transport – primarily by motorbike or on foot – to reach a health facility; that number increases to 44 percent in rural areas).

<sup>352</sup> See *Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care* (reporting that with long delays for essential medicines and supplies and many transport routes inaccessible due to security concerns, some staff have been forced to purchase supplies from local sources in much smaller amounts); OCHA, *Haiti Aperçu des Besoins Humanitaires 2023 7* (Mar. 2023), <https://reliefweb.int/report/haiti/haiti-aperçu-des-besoins-humanitaires-2023-mars-2023-fren> (according to a WHO report, 73 percent of the 22 largest health facilities reported being unable to function normally due in part to road blockages); IFRC, *Haiti | Earthquake and Cholera Outbreak - Emergency Appeal No MDRHT018 - Operation update #5* at 13 (May 31, 2023), <https://reliefweb.int/report/haiti/haiti-earthquake-and-cholera-outbreak-emergency-appeal-no-mdrht018-operation-update-5> (reporting that closures to ports are a significant barrier to importing medical supplies, thus impeding service provision).

<sup>353</sup> See OCHA, *Haiti: Humanitarian and cholera Situation Report # 7 – as of 17 January 2023* (Jan. 21, 2023), <https://haiti.un.org/sites/default/files/2023-01/20230120%20-%20Sitrep%20%237%20-%20Cholera%20%26%20Humanitarian%20situation.pdf> (because of the high cost of fuel, some hospitals have been forced to cover transportation costs for patients, eating away at their already meager funds); OCHA, [Haiti : Humanitarian note](#) at 2 (reporting that there has been an explosion in operational costs due to higher fuel prices, which has forced some hospitals to limit their services to emergency care, ask patients to pay for fuel, and perform certain surgeries by cellphone light).

<sup>354</sup> See *Grève à l'HUEH: les médecins résidents s'opposent à l'ouverture d'une cellule d'urgence*.

<sup>355</sup> Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*; OCHA, [Haïti Aperçu des Besoins Humanitaires 2023](#) at 7 (“Fuel supply difficulties have forced [medical] facilities to ration their electricity consumption, even leading to the temporary closure of services. In December, 45% of the 22 facilities reported fuel problems.”); *Grève à l'HUEH: les médecins résidents s'opposent à l'ouverture d'une cellule d'urgence*.

<sup>356</sup> See World Health Organization, *Multi-Country Outbreak of Cholera, External Situation Report # 3* at 14 (Jun. 1, 2023), <https://reliefweb.int/report/malawi/multi-country-outbreak-cholera-external-situation-report-3-published-1-june-2023> (reporting that, after a decrease in new cases starting in January, since May 1 there has been a renewed upsurge); *Haïti : hausse de plus de 50% des cas de choléra en un mois, selon l'ONU* (reporting an almost 60 percent increase in cholera cases between December and January and the risk of continued spread both in Haiti and to the Dominican Republic); Ferri, *The misery and politics of Haiti's cholera epidemic* (observers remain concerned that the epidemic will spiral out of control due to the insecurity crisis); UNICEF, *Haiti Humanitarian Situation Report No. 2: March – April 2023 2* (May 18, 2023), <https://reliefweb.int/report/haiti/unicef-haiti-humanitarian-situation-report-no-2-march-april-2023> (reports that there are concerns of an uptick in infections to come during the cyclone season).

<sup>357</sup> [UNSG April BINUH Report](#) at ¶¶ 35, 63 (reporting that a total of 850,067 individuals had received one dose of the cholera vaccine, including either 3,297 or 3,733 detainees (report offers both numbers) in three major prisons); PAHO, *Cholera Outbreak in Hispaniola - Situation Report #13* at 1 (Feb. 6, 2023), <https://reliefweb.int/report/haiti/cholera-outbreak-hispaniola-13-6-february-2023>.

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<sup>358</sup> *Haiti – Cholera : Daily Bulletin #206*, HAITI LIBRE (Jun. 13, 2023), <https://www.haitilibre.com/en/news-39768-haiti-cholera-daily-bulletin-206.html>.

<sup>359</sup> *Haiti: Factsheet*, EUROPEAN COMMISSION; PAHO, Cholera epidemic in Haiti and the Dominican Republic 2 (Apr. 7, 2023), <https://www.paho.org/en/file/126268/download?token=tU31PzAp> (reporting that surveillance of cholera cases has been impacted by a lack of access to affected areas).

<sup>360</sup> *Haiti*, CENTERS FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/cholera/haiti/index.html> (last visited Jun. 14, 2023).

<sup>361</sup> See Ferri, *The misery and politics of Haiti's cholera epidemic; Haiti: political instability, gang violence and disease*, INTERNATIONAL RESCUE COMMITTEE (Apr. 13, 2023), <https://www.rescue.org/en/article/haiti-political-instability-gang-violence-and-disease> (reporting that climate shocks, damaged infrastructure, and a breakdown in public services reducing access to water and sanitation have increased the likelihood of cholera outbreaks); *Haiti: Humanitarian Response Plan 2023 At a Glance* at 4, 7; BINUH, *The Population of Cité Soleil in the Grip of Gang Violence* at ¶ 71 (reporting that gang restrictions on drinking water have exacerbated the cholera crisis); *Cholera – Haiti*, WORLD HEALTH ORGANIZATION (Dec. 13, 2022), <https://www.who.int/emergencies/disease-outbreak-news/item/2022-DON427> (reporting that lack of access to healthcare has heightened the population's vulnerability to the ongoing outbreak); see *supra* notes 307-17.

<sup>362</sup> Charles, *Gang-related violence in Haiti has reached levels not seen in decades. U.N. chief says* (according to the UN, “[a]mid the ongoing cholera outbreak, the lack of fuel has further undermined access to health services owing to restrictions on movement and to the impact of fluctuations in the supply of water and electricity on the functioning of medical facilities”).

<sup>363</sup> See *5 ways UNICEF is supporting Haiti's children* (“[C]holera and malnutrition create a double burden that the national health system is unable to respond to due to critical human resource shortages and lack of supplies.”).

<sup>364</sup> *Haiti: Armed violence against schools increases nine-fold in one year* (reporting that 30 schools closed due to gang violence in just the first six days of February); see, e.g., Geffrard, *L'UNNOH alarmée par l'indifférence des autorités face à la dégradation du climat sécuritaire du pays...* (reporting that insecurity has caused several schools to close following the broad daylight kidnappings of school children accompanied by their parents and at the entrance to schools by gangs); Murdith Joseph, *In parts of Haiti, schools stay shuttered, too risky for thousands*, HAITIAN TIMES (Jan. 23, 2023), <https://haitiantimes.com/2023/01/23/in-parts-of-haiti-schools-stay-shuttered-too-risky-for-thousands/> (reporting that Haiti's largest school for the deaf and blind-deaf has been closed for months due to the violence in Croix-des-Bouquets, with its 30 residents –including nuns, staff members, and deaf children trapped inside, and those living nearby unable to commute for fear of being killed or injured); Juhakenson Blaise, *Unicef gives Haitian police 30 motorcycles to protect schoolchildren*, HAITIAN TIMES (Apr. 14, 2023), <https://haitiantimes.com/2023/04/14/unicef-gives-haitian-police-30-motorcycles-to-protect-schoolchildren/> (reporting that the *Collège Canado-Haïtien* suspended activities after it was attacked by armed individuals on January 26); Onz Chéry, *Haitian gangs target students and teachers, forcing some schools to close*, HAITIAN TIMES (Mar. 8, 2023), <https://haitiantimes.com/2023/03/08/haitian-gangs-target-students-and-teachers-forcing-some-schools-to-close/> (reporting that many schools in Port-au-Prince announced their closure until further notice on March 6 after a student was shot dead, two teachers were wounded by gunshots, and at least three teachers were kidnapped).

<sup>365</sup> *UNSG January BINUH Report* at ¶ 55.

<sup>366</sup> Valéry Daudier, *Pour l'inclusion de l'éducation à l'ordre du jour de G7*, LE NOUVELLISTE (Apr. 4, 2023), <https://lenouvelliste.com/article/241634/pour-linclusion-de-leducation-a-lordre-du-jour-du-g7>; see also, Charles, *In Haiti, schools increasingly being targeted for looting, kidnapping, violence by gangs* (according to UNICEF, in January, children lost on average one and a half days of school per week due to gang violence); Francklyn B Geffrard, *Haiti : la violence armée contre les écoles multipliée par neuf en un an, selon l'UNICEF...*, RHINEWS (Feb. 9, 2023), <https://www.rhinews.com/actualites/haiti-la-violence-armee-contre-les-ecoles-multipliee-par-neuf-en-un-an-selon-lunicef/>.

<sup>367</sup> *Haiti: UNICEF reports nine-fold increase in violence targeting schools*, UN NEWS (Feb. 9, 2023), <https://news.un.org/en/story/2023/02/1133352>; Charles, *In Haiti, schools increasingly being targeted for looting, kidnapping, violence by gangs*; Geffrard, *Haiti : la violence armée contre les écoles multipliée par neuf en un an, selon l'UNICEF...*

<sup>368</sup> Press Release, OHCHR, *Haiti – gang violence; Haiti: UN flags violence as 531 die in gang wars in 2023 so far*, WION (Mar. 21, 2023), <https://www.wionews.com/world/haiti-un-flags-violence-as-531-die-in-gang-wars-in-2023-so-far-574337>; Francklyn B Geffrard, *Guerre des gangs en Haïti : plus de 530 morts et 160.000 personnes déplacées, selon l'ONU...*, RHINEWS (Mar 21, 2023), <https://www.rhinews.com/actualites/guerre-des-gangs-en-haiti-plus-de-530-morts-et-160-000-personnes-deplacees-selon-lonu/>.

<sup>369</sup> Charles, *In Haiti, schools increasingly being targeted for looting, kidnapping, violence by gangs* (this includes one school that was burnt down, one student killed, and at least two staff members that were

kidnapped); *5 ways UNICEF is supporting Haiti's children*; *Criminalité : Neuf fois plus de violence armée contre les écoles en douze mois, en Haïti, condamne l'Unicef*, ALTERPRESSE (Feb. 9, 2023), <https://www.alterpresse.org/spip.php?article29040>.

<sup>370</sup> Press Release, OHCHR, *Haiti – gang violence*; see, e.g., Joseph, *In parts of Haiti, schools stay shuttered, too risky for thousands* (reporting that gunshots are heard day and night at the Institute Montfort campus in Croix-des-Bouquets, the stress of which has resulted in some staff developing diabetes); Chéry, *Haitian gangs target students and teachers, forcing some schools to close* (reporting that after a student was shot dead, two teachers were wounded by gunshots, and at least three teachers kidnapped, many schools in Port-au-Prince announced on March 6 they would close until further notice); *Criminalité : Après la mort par balle d'un de ses étudiants, l'École normale supérieure dénonce un prolongement de la terreur instituée en Haïti*, ALTERPRESSE (Mar. 22, 2023), <https://www.alterpresse.org/spip.php?article29155> (reporting that a third-year student at the École Normale Supérieure of the State University of Haiti was shot and killed by a stray bullet outside the literature department on March 21, causing the school to shut the following day in protest of the killing); *Haïti - FLASH : Une école attaquée, un élève de 10 ans blessé mortellement par balle*, HAITI LIBRE (Feb. 10, 2023), <https://www.haitilibre.com/article-38815-haiti-flash-une-ecole-attaquee-un-eleve-de-10-ans-blesse-mortellement-par-balle.html> (reporting that a 10-year old student was fatally injured after being shot while inside a classroom at school in Liancourt in February); *Haïti-Éducation : Attaque contre des lycées à Port-au-Prince, malgré un renforcement des patrouilles policières*, ALTERPRESSE (Mar. 14, 2023), <https://www.alterpresse.org/spip.php?article29126> (reporting that several individuals were attacked outside of Marie Jeanne and Cent Cinquante high schools on March 13, despite increased police patrolling); *Crise : Le Rectorat de l'Ueh interpelle les autorités sur les actions criminelles des gangs en Haïti*, ALTERPRESSE (Mar. 21, 2023), <https://www.alterpresse.org/spip.php?article29150> (reporting on a March 18 attack by armed gangs on the Faculty of Agronomy and Veterinary Medicine at the State University of Haiti that resulted in the university's rector calling on Haitian authorities to do more to protect citizens).

<sup>371</sup> See, e.g., Jonasson Odigène, *Mort par balle de l'étudiant Tchadensky Jean Baptiste et attaques diverses contre l'Université*, LE NOUVELLISTE (Mar. 22, 2023), <https://lenouvelliste.com/article/241416/mort-par-balle-de-letudiant-tchadensky-jean-baptiste-et-attaques-diverses-contre-luniversite> (reporting on numerous cases of students and staff being kidnapped and held for ransom); *Haïti-Criminalité : L'Unitech exige la libération de deux personnes kidnappées devant ses locaux*, ALTERPRESSE (Mar. 27, 2023), <https://www.alterpresse.org/spip.php?article29168> (reporting that two people were kidnapped in front of the University of Technology of Haiti on March 26 during a graduation ceremony); Rachel Opota, « *Mon chemin de l'école est parsemé d'embûches* », UNICEF (Feb. 10, 2023), <https://www.unicef.org/haiti/recits/%C2%AB-mon-chemin-de-l%C3%A9cole-est-parseme%C3%A9-demb%C3%BBches%C2%BB> (reporting on the kidnapping of several minor students).

<sup>372</sup> *Haïti: Factsheet*, EUROPEAN COMMISSION; *Haïti: UNICEF reports nine-fold increase in violence targeting schools*; Charles, *In Haiti, schools increasingly being targeted for looting, kidnapping, violence by gangs* (according to Bruno Maes, UNICEF Representative in Haiti, “in certain urban areas of the country, armed groups consider looting schools as a lucrative alternative to other forms of extortion and crime”); *Haitian Schools Have Become A Target Of Gangs' Violence: UNICEF*, TELESUR (Feb. 10, 2023), <https://www.telesurenglish.net/news/Haitian-Schools-Have-Become-A-Target-Of-Gangs-Violence-UNICEF-20230210-0007.html#:~:text=Gangs%20also%20stole%20food%20supplies,used%20by%20children%20to%20eat.&text=In%20addition%2C%20they%20looted%20school,and%20staff%20from%20possible%20attacks> (reporting that gangs will steal food supplies – rice, dough, and corn – and school supplies – desks, laptops, solar panels, photocopiers, and blackboards).

<sup>373</sup> See e.g., Joseph, *In parts of Haiti, schools stay shuttered, too risky for thousands* (reporting that gangs have taken over Notre Dame du Rosaire, a school managed by the Sisters of Marie Reine Immaculée, forcing the nuns who live on campus to flee); Press Release, UN, *As Haiti Slides into Violence, Its People 'Cannot Wait Any Longer' for Assistance, Foreign Minister Tells Security Council* (reporting that gangs use schools as their operational bases); *UNSG April BINUH Report* at ¶ 61 (reporting that at least eleven schools in Port-au-Prince are used by gangs as bases to launch attacks from, with some schools being occupied since 2021).

<sup>374</sup> Chéry, *Police: Haitian Episcopal church a front for gangs, government paid priest*; see *infra* notes 450-52.

<sup>375</sup> See Press Release, OHCHR, *Haiti – gang violence* (reporting that students and teachers have been hit by stray bullets as gang confrontations and kidnappings of parents and students in the vicinity of schools have surged, forcing many of them to close); *Haïti: UN flags violence as 531 die in gang wars in 2023 so far*; Geffard, *Guerre des gangs en Haïti : plus de 530 morts et 160.000 personnes déplacées, selon l'ONU...*

<sup>376</sup> See *Gang violence drives hundreds from their homes in Haitian capital*, PRENSA LATINA (Mar. 7, 2023), <https://www.laprensa-latina.com/gang-violence-drives-hundreds-from-their-homes-in-haitian-capital/> (reporting that the schools that have remained open sit largely deserted); Joseph, *In parts of Haiti, schools stay shuttered*,

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[too risky for thousands](#) (reporting that, when schools reopened on November 5, many families were too scared to send their children back, a persistent fear that saw only a few students returning in late December); *Escalating Violence is Pushing Haiti to the Brink of Civil War Between Gangs and Civilians*. “Nobody is safe. Nowhere is safe.”, MERCY CORPS (May 1, 2023), <https://www.mercycorps.org/press-room/releases/violence-pushing-haiti-civil-war>.

<sup>377</sup> *Crise : L’Unnoh se mobilise contre la criminalité et les mauvaises conditions de travail des enseignants en Haïti*, ALTERPRESSE (Apr. 14, 2023), <https://www.alterpresse.org/spip.php?article29227>; *Haiti – Education : The Minister Manigat met with about fifty unionist teachers*, HAITI LIBRE (Apr. 21, 2023), <https://www.haitilibre.com/en/news-39356-haiti-education-the-minister-manigat-met-with-about-fifty-unionist-teachers.html>; Franklyn B Geffrard, *L’UNNOH dénonce la confiscation des chèques de nombreux enseignants empêchés de se présenter à leur poste à cause de l’insécurité...*, RHINEWS (Apr. 13, 2023), <https://www.rhinews.com/actualites/lunnoh-denonce-la-confiscation-des-cheques-de-nombreux-enseignants-empêchés-de-se-présenter-a-leur-poste-a-cause-de-linsecurite/>.

<sup>378</sup> Ndiaga Seck, *Children receive school kits in remote rural Haiti*, UNICEF (Mar. 27, 2023), <https://reliefweb.int/report/haiti/children-receive-school-kits-remote-rural-haiti>. This further disrupts access to education for rural children, deepening the rural-urban education divide. See *The World Bank in Haiti* (explaining that rural areas are subject to a “welfare gap,” further driving poverty).

<sup>379</sup> Germina Pierre Louis, *Insécurité : « Les écoles aux abois », Marguerite Clerié invite les autorités à rétablir la paix*, LE NOUVELLISTE (Mar. 8, 2023), <https://lenouvelliste.com/article/241113/insecurite-les-ecoles-aux-abois-marguerite-clerie-invite-les-autorites-a-retablir-la-paix> (reporting that special considerations need to be taken for traumatized children living in areas impacted by insecurity, as trauma effects their ability to concentrate and perform well on examinations); *Gang violence drives hundreds from their homes in Haitian capital* (according to Marguerite Clerié, president of the Professional Association of Private Schools, “[a]ll the children in Haiti live in a war situation... mak[ing] them stress and not very interested in school”).

<sup>380</sup> See Pierre Louis, *Insécurité : « Les écoles aux abois », Marguerite Clerié invite les autorités à rétablir la paix*; see also *Haiti*, GLOBAL PARTNERSHIP, <https://www.globalpartnership.org/where-we-work/haiti> (last visited Jun. 14, 2023) (80 percent of schools in Haiti are run privately and cost approximately US \$80 per year, forcing many families living in poverty to forego an education for their children); BAI et al., [Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti](#) (reporting generally on harms faced by women and girls living in poverty in Haiti).

<sup>381</sup> See Roc Rejy Joseph, *Cap-Haitien students protest against no-show teachers as exams loom*, HAITIAN TIMES (Apr. 19, 2023), <https://haitiantimes.com/2023/04/19/cap-haitien-students-protest-against-no-show-teachers-as-exams-loom/>.

<sup>382</sup> *Crise : Plusieurs syndicats enseignants dressent un sombre tableau du système éducatif en Haïti*, ALTERPRESSE (Jan. 25, 2023), <https://www.alterpresse.org/spip.php?article28997> (reporting that funding for education was reduced from 17 to 11.2 percent of the national budget).

<sup>383</sup> Joseph, *Cap-Haitien students protest against no-show teachers as exams loom*.

<sup>384</sup> Geffrard, *L’UNNOH dénonce la confiscation des chèques de nombreux enseignants empêchés de se présenter à leur poste à cause de l’insécurité...*

<sup>385</sup> *Crise : L’Unnoh se mobilise contre la criminalité et les mauvaises conditions de travail des enseignants en Haïti* (reporting that teachers went on strike between April 17 and April 19); Geffrard, *L’UNNOH dénonce la confiscation des chèques de nombreux enseignants empêchés de se présenter à leur poste à cause de l’insécurité...* (in an open letter to the Minister of National Education, the National Union of Haitian Normaliens lamented the insecurity and called on the government to ensure that teachers’ salaries are paid); Joseph, *Cap-Haitien students protest against no-show teachers as exams loom* (reporting that teachers are seeking a salary increase of 80,000 gourdes, approximately US \$480, to cover inflation, social benefits, and allowances for food expenses).

<sup>386</sup> Daudier, *Pour l’inclusion de l’éducation à l’ordre du jour de G7*; Jordany Junior Verdieu, *Cayes: les élèves dans la rue pour réclamer le retour des professeurs dans les salles de classe*, LE NOUVELLISTE (Apr. 25, 2023), <https://lenouvelliste.com/article/241972/cayes-les-eleves-dans-la-rue-pour-reclamer-le-retour-des-professeurs-dans-les-salles-de-classe> (reporting that students from the Philippe Guerrier high school in Les Cayes demonstrated on April 25 to demand teachers return to their classrooms amidst their strike calling for better work conditions and wages).

<sup>387</sup> See Bhatia, *Haiti’s descent into hell*.

<sup>388</sup> See, e.g., U.S. Department of State, [2022 Country Reports on Human Rights Practices: Haiti](#); *Haiti Travel Advisory*, U.S. DEPARTMENT OF STATE (May 17, 2023), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html> (the United States warns U.S. citizens not to travel to Haiti “due to kidnapping, crime, civil unrest, and poor health care infrastructure”).



<sup>389</sup> See, e.g., Jacqueline Charles, *Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians*, MIAMI HERALD (Mar. 20, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article273122880.html>; University of Miami School of Law Human Rights Clinic et al., *Urgent Call to Stop All U.S. Deportations to Haiti* (Feb. 2023), <https://www.law.miami.edu/assets/files-exp/files-clinic-human-rights/urgent-call-to-stop-all-u.s-deportations-to-haiti-february-202312.pdf>; see also *Response to Russian invasion of Ukraine exposes an international system unfit to deal with global crises*, AMNESTY INTERNATIONAL (Mar. 28, 2023), <https://www.amnesty.org/en/latest/news/2023/03/international-system-unfit-to-deal-with-global-crises-annual-report-2022/> (comparing the United States' immigration response to Ukrainian asylum-seekers – who were largely welcomed with open arms – with its response to Haitian asylum-seekers).

<sup>390</sup> See Michelson Césaire, *Les bénéficiaires du programme Humanitarian Parole du président Biden de plus en plus nombreux à quitter Haïti*, LE NOUVELLISTE (Feb. 13, 2023), <https://www.lenouvelliste.com/article/240717/les-beneficiaires-du-programme-humanitarian-parole-du-president-biden-de-plus-en-plus-nombreux-a-quitter-haiti>; Bhatia, *Haiti's descent into hell*; see also *Temporary Protected Status Designated Country: Haiti*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS), <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti> (last visited Jun. 14, 2023) (the United States redesignated Haiti for Temporary Protected Status in December because conditions make repatriations unsafe).

<sup>391</sup> See Charles, *Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians*.

<sup>392</sup> See, e.g., *Haiti – FLASH : Panama suspends the transport of migrants by bus to the North*, HAITI LIBRE (Feb. 28, 2023), <https://www.haitilibre.com/en/news-38953-haiti-flash-panama-suspends-the-transport-of-migrants-by-bus-to-the-north.html> (reporting that on February 15, 41 people, 16 of whom were Haitian, died after a bus transporting migrants fell into a ravine); *Migration-République Dominicaine : Rapatriement massif de plus de 13 mille Haïtiens, en février 2023 en Haïti, enregistre la plateforme Garr*, ALTERPRESSE (Mar. 15, 2023), <https://www.alterpresse.org/spip.php?article29131> (reporting that on February 20, an accident involving a vehicle transporting migrants in Mexico resulted in the death of 13 Haitians).

<sup>393</sup> See *UNSG April BINUH Report* at ¶ 41; *2023: A Moment of Truth for Global Displacement*, UN HIGH COMMISSIONER FOR REFUGEES, <https://www.unhcr.org/spotlight/2023/01/2023-a-moment-of-truth-for-global-displacement/> (last visited Jun. 14, 2023); UNODC, *Haiti's criminal markets: mapping trends in firearms and drug trafficking* at 3 (the U.S. Coast Guard reported a four-fold increase in interceptions of Haitian migrants at sea in 2022).

<sup>394</sup> *Missing Migrants in the Caribbean Reached a Record High in 2022*, IOM (Jan. 24, 2023), <https://www.iom.int/news/missing-migrants-caribbean-reached-record-high-2022>.

<sup>395</sup> *Missing Migrants in the Caribbean Reached a Record High in 2022*; see also Syra Ortiz-Blanes, *Haitian toddler dies after migrant voyage capsizes on Puerto Rican beach*, MIAMI HERALD (Dec. 23, 2022), <https://www.miamiherald.com/news/local/immigration/article270373592.html> (reporting that a three-year old died after the boat the child was on capsized near Puerto Rico); Fondasyon Je Klere, *Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d'Ariel Henry* at ¶ 80 (reporting that eight babies drowned after their family fled a massacre).

<sup>396</sup> Under-resourced and understaffed police, boarder controls, and coast guards have resulted in an extremely porous border, making migrants easy targets for kidnappings. UNODC, *Haiti's criminal markets: mapping trends in firearms and drug trafficking* at 1; Charles, *U.N. details Haiti's serious challenges with gangs, guns and drugs – and issues a warning*.

<sup>397</sup> *Stop deporting Haitians: Rights experts' appeal to countries in Americas*, UN NEWS (Apr. 28, 2023), <https://news.un.org/en/story/2023/04/1136192>.

<sup>398</sup> *Haitian migration to South America, a growing and worrying phenomenon*, CECI (Mar. 7, 2023), <https://www.ceci.ca/en/news-events/haitian-migration-to-south-america-a-growing-and-worrying-phenomenon> (also reporting extortion by border authorities); *Humanitarian parole : Dans les centre d'émission de passeport, chaque policier est «une agence de voyage»*, INFO THANZIE (Mar. 2023), [https://infothanzie.com/humanitarian-parole-dans-les-centres-demission-de-passeport-chaque-policier-est-une-agence-de-voyage/#.ZBCFHi6A\\_ug.whatsapp](https://infothanzie.com/humanitarian-parole-dans-les-centres-demission-de-passeport-chaque-policier-est-une-agence-de-voyage/#.ZBCFHi6A_ug.whatsapp).

<sup>399</sup> *Stop deporting Haitians: Rights experts' appeal to countries in Americas*.

<sup>400</sup> *Humanitarian parole : Dans les centre d'émission de passeport, chaque policier est «une agence de voyage»*; *Stop deporting Haitians: Rights experts' appeal to countries in Americas*.

<sup>401</sup> See Evan Dyer, *Migrant numbers at jungle crossing point to a record-breaking year for irregular migration in North America*, CBC NEWS (Mar. 19, 2023), <https://www.cbc.ca/news/politics/migrants-panama-darien-gap-haiti-1.6783199>; *USA: At border, humanitarian delegation witnesses an end of Title 42 without chaos and cruelty of new asylum ban*, AMNESTY INTERNATIONAL (May 12, 2023), <https://www.amnesty.org/en/latest/news/2023/05/usa-humanitarian-delegation-end-title-42/>.

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<sup>402</sup> See IOM, Repatriated migrants in Haiti by air and sea in 2022: Profiles and needs 3 (2023), <https://dtm.iom.int/reports/haiti-profiles-haitians-repatriated-haiti-2022-january-december-2022> (from January to December 2022, foreign states repatriated a total of 22,444 Haitian migrants to Haiti); IOM, Migrants' repatriation and reception assistance in Haiti 1 (Feb. 2023), <https://haiti.iom.int/sites/g/files/tmzbd11091/files/documents/2023-03/Migrant%20Returns%20and%20Reception%20Assistance%20in%20Haiti%20-%20February%202023%20%20pdf.pdf> (in January 2023, the United States expelled 926 migrants); [UNSG January BINUH Report](#) at ¶ 45 (in November 2022 alone, 187 migrants, including several unaccompanied children, were repatriated after the U.S. Coast Guard intercepted their boats).

<sup>403</sup> See, e.g., Charles, [Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians; Stop deporting Haitians: Rights experts' appeal to countries in Americas](#); UN High Commissioner for Human Rights Volker Türk concludes his official visit to Haiti, OHCHR (Feb. 10, 2022), <https://www.ohchr.org/en/statements/2023/02/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit-haiti>.

<sup>404</sup> See, e.g., Andrea Shalal & Ted Hesson, *Facing pressure over border crossings, Biden steps up migrant expulsions*, REUTERS (Jan. 5, 2023), <https://www.reuters.com/world/us/biden-lay-out-new-cuba-nicaragua-haiti-migrant-policy-border-speech-2023-01-05/>.

<sup>405</sup> See, e.g., @Jacquiecharles, TWITTER (Mar. 9, 2023, 12:53 PM), <https://twitter.com/Jacquiecharles/status/1633888700831608832>; University of Miami School of Law Human Rights Clinic et al., [Urgent Call to Stop All U.S. Deportations to Haiti](#); Press Release, Robert F. Kennedy Human Rights, Civil society organizations condemn collective expulsions from the Dominican Republic and call for their immediate end (Dec. 9, 2022), <https://rfkhumanrights.org/press/civil-society-organizations-condemn-collective-expulsions-from-the-dominican-republic-and-call-for-their-immediate-end>; see also Amnesty International, [Amnesty International Report 2022/23: The state of the world's human rights](#) at 184 (“The U.S. authorities subjected Haitian asylum seekers to arbitrary detention and discriminatory and humiliating ill-treatment that amounted to race-based torture.”).

<sup>406</sup> Expulsions by the United States pursuant to its illegal and discriminatory Title 42 policy officially ended on May 11 and were replaced by expedited removals under Title 8. The new policies under Title 8 processing, which restrict asylum rights at U.S. land borders, allow the U.S. government to expel Haitians to Mexico rather than Haiti, leaving them extremely vulnerable to abuse and exploitation. They also require asylum seekers to have first sought asylum in one of the countries they have passed through, an unrealistic requirement given asylum's practical unavailability in those countries. *Asylum*, USCIS, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum#:~:text=Effective%20May%2011%2C%202023%2C%20the.rule%20or%20rebut%20the%20presumption> (last visited Jun. 14, 2023); Press Release, Homeland Security, DHS and DOJ Finalize Rule to Incentivize Use of Lawful Immigration Pathways (May 10, 2023), <https://www.dhs.gov/news/2023/05/10/dhs-and-doj-finalize-rule-incentivize-use-lawful-immigration-pathways>. Removal under the new policy also carries with it a five-year bar on re-entry and possible criminal prosecution for those who unlawfully try to enter without using the new procedures – this bar also applies to those seeking to enter by unlawful sea migration. See *Implementation of a Change to the Parole Program for Haitians*, 88 Fed. Reg. 26327 (Apr. 28, 2023), <https://www.federalregister.gov/documents/2023/04/28/2023-09014/implementation-of-a-change-to-the-parole-process-for-haitians>; *Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration*, HOMELAND SECURITY (Apr. 27, 2023), <https://www.dhs.gov/news/2023/04/27/fact-sheet-us-government-announces-sweeping-new-actions-manage-regional-migration#:~:text=In%20a%20historic%20move%2C%20the.and%20lawful%20pathways%20from%20the>.

<sup>407</sup> *Migración asegura en lo que va de enero se han repatriado casi 9,000 extranjeros, mayoría haitianos*, N DIGITAL (Jan. 18, 2023), <https://n.com.do/2023/01/18/migracion-asegura-en-lo-que-va-de-enero-se-han-repatriado-casi-9000-extranjeros-mayoria-haitianos/>; Charles, [Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians](#).

<sup>408</sup> Charles, [Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians](#).

<sup>409</sup> Charles, [Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians](#) (noting that the Dominican government's number is about 30,000 higher); see also Widlore Mérancourt & Amanda Coletta, *Dominican Republic sending children, pregnant migrants back to Haiti*, WASHINGTON POST (Mar. 17, 2023), <https://www.washingtonpost.com/world/2023/03/16/haiti-dominican-republic-migrant-crackdown/> (reporting that Dominican authorities deported over 170,000 Haitians in 2022).

<sup>410</sup> [Stop deporting Haitians: Rights experts' appeal to countries in Americas](#); [Migration-République Dominicaine : Rapatriement massif de plus de 13 mille Haïtiens, en février 2023 en Haïti, enregistre la plateforme Garr](#) (reporting that 13,090 Haitian nationals were expelled from the Dominican Republic in February); [République Dominicaine : plus de 25 mille Haïtiens refoulés durant le mois de mars](#), HAITI 24 (Apr.

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12, 2023), <https://haiti24.net/republique-dominicaine-plus-de-25-mille-haitiens-refoules-durant-le-mois-de-mars/> (reporting that 25,133 Haitian nationals were expelled from the Dominican Republic in March); *Haiti – Dom. Republic : 31,810 illegal Haitians return to Haiti in one month*, HAITI LIBRE (May 23, 2023), <https://www.haitilibre.com/en/news-39602-haiti-dom-republic-31-810-illegal-haitians-return-to-haiti-in-one-month.html> (reporting that Dominican migration services repatriated 15,973 Haitians in April).

<sup>411</sup> Numerous cases have arisen where Black individuals with valid visas have been deported. Other cases of Black Dominicans being deported or mistaken for Haitian migrants and thus abused have also been reported. See, e.g., Charles, *Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians*; Press Release, Robert F. Kennedy Human Rights, [Civil society organizations condemn collective expulsions from the Dominican Republic and call for their immediate end](#); *Stop deporting Haitians: Rights experts' appeal to countries in Americas*; [UNSG January BINUH Report](#) at ¶ 44.

<sup>412</sup> *Migration-République Dominicaine : Rapatriement massif de plus de 13 mille Haïtiens, en février 2023 en Haïti, enregistre la plateforme Garr.*

<sup>413</sup> The Turks and Caicos has imposed immigration policies that specifically target undocumented Haitian migrants by punishing employers that hire them and issuing a six-month visa ban starting in January. Jacqueline Charles, *Turks and Caicos Islands issues warning against Haitians trying to go there*, MIAMI HERALD (Feb. 10, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/article272348028.html>; David Goodhue & Jacqueline Charles, *After a migrant pause, 114 Haitians arrive in the Florida Keys on an overloaded boat*, MIAMI HERALD (Feb. 9, 2023), <https://www.miamiherald.com/news/local/community/florida-keys/article272312628.html>. In Mexico, anti-Black racism has resulted in increased risks of violence and kidnapping. Dianne Solis, *Deadly Matamoros kidnapping has sparked fear among Black migrants, aid workers say*, DALLAS MORNING NEWS (Mar. 10, 2023), <https://www.dallasnews.com/news/2023/03/10/deadly-matamoros-kidnapping-has-sparked-fear-among-black-migrants-aid-workers-say/>; *USA: At border, humanitarian delegation witnesses an end of Title 42 without chaos and cruelty of new asylum ban*. Prime Minister Philip Davis of the Bahamas has announced comprehensive plans to halt Haitian migration which will work to actively pursue, identify, and repatriate Haitian migrants. Jacqueline Charles, *Bahamas announces crackdown on undocumented migrants, saying it's affected by Haiti crisis*, MIAMI HERALD (Feb. 22, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/article272565004.html>.

<sup>414</sup> The parole program permits entry for up to 30,000 Haitian, Cuban, Nicaraguan, and Venezuelan beneficiaries per month. The program allows U.S.-based sponsors with legal status and adequate finances to apply online for Haitians outside of the United States. *Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, USCIS, <https://www.uscis.gov/CHNV> (last visited Jun. 14, 2023). Approximately 18,000 Haitians entered the U.S. through the program between its inception in early January and March; at least 580,000 applications for Haitians – approximately five percent of Haiti's population – are still pending. In comparison, the number of pending applications for Cubans represents approximately one third of the population (380,000) and less than one percent for both Nicaraguans (over 12,000) and Venezuelans (nearly 120,000). Camilo Montoya-Galvez, *1.5 million apply for U.S. migrant sponsorship program with 30,000 monthly cap*, CBS NEWS (May 22, 2023), <https://www.cbsnews.com/news/us-migrant-sponsorship-program-cuba-haiti-nicaragua-venezuela-applications/>.

<sup>415</sup> Alexandra Villarreal, *The US asylum rule replacing Title 42 is strict – here's what we know*, THE GUARDIAN (May 15, 2023), <https://www.theguardian.com/us-news/2023/may/15/explainer-strict-asylum-rules-replacing-title-42>; Camilo Montoya-Galvez, *What is Title 8, and what has changed along the U.S.-Mexico border after Title 42's expiration?*, CBS NEWS (May 15, 2023), <https://www.cbsnews.com/news/what-is-title-8-immigration-law-vs-title-42-border-policy/>; Human Rights First, *Lives at Risk: Barriers and Harms As Biden Asylum Ban Takes Effect*, <https://humanrightsfirst.org/wp-content/uploads/2023/05/Barriers-and-Harms-As-Biden-Asylum-Ban-Takes-Effect31.pdf> (last visited Jun. 14, 2023). The mobile application that the U.S. government is requiring asylum seekers to use is not properly translated into Haitian Creole, further disadvantaging Haitian migrants seeking asylum at the U.S. border. *Respond Crisis Translation in the news: Language violence is threatening asylum seekers at the border*, RESPOND CRISIS TRANSLATION (Jun. 5, 2023), <https://respondcrisistranslation.org/en/newsb/rct-in-the-news-language-violence-is-threatening-asylum-seekers-20230605>.

<sup>416</sup> See Bhatia, *Haiti's descent into hell*.

<sup>417</sup> See Césaire, *Les bénéficiaires du programme Humanitarian Parole du président Biden de plus en plus nombreux à quitter Haïti*; Bhatia, *Haiti's descent into hell* (the author calls the program “a success for the White House,” as “[i]llegal crossings at the border have plummeted” and “[t]he press has fewer opportunities to document horrifying scenes of white supremacist violence” by border agents against immigrants); Chiraayu Gosrani, *Biden's Reported Plans to Detain Haitian Asylum Seekers at Guantanamo Perpetuates History of Anti-Black Racism in U.S. Immigration Policy*, NILC (Feb. 1, 2023), <https://www.nilc.org/2023/02/01/bidens-reported-plans-to-detain-haitian-asylum-seekers-at-guantanamo-perpetuates-history-of-anti-black-racism-in-u-s-immigration-policy/>; Daniel Di Martino, *Biden's Immigration Parole Programs Are Working*, MANHATTAN

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INSTITUTE (May 25, 2023), <https://manhattan.institute/article/bidens-immigration-parole-programs-are-working> (report explaining that the high barrier to entry imposed by the humanitarian parole program “successfully reduces total immigration and shifts the composition of immigrants toward those who can more easily support themselves or rely on their social and family networks rather than on government welfare”). Perceptions of the program among Haitians and immigration advocates has been mixed, with some viewing it as a lifeline and others criticizing its inaccessibility to the majority of Haitians. See, e.g., Edwin Rios, *Biden’s ‘carrot and stick’ approach to deter migrants met with anger*, THE GUARDIAN (Jan. 8, 2023), <https://www.theguardian.com/us-news/2023/jan/08/biden-us-mexico-border-title-42-migrants>; Helen Acevedo, *Is Biden’s new parole program a solution to the migrant crisis?*, WLRN (Jan. 24, 2023), <https://www.wlrn.org/2023-01-24/is-bidens-new-parole-program-a-solution-to-the-migrant-crisis>.

<sup>418</sup> Juhakenson Blaise, *Passport prices double in Haiti as US parole frenzy spreads*, HAITIAN TIMES (Jan. 17, 2023), <https://haitiantimes.com/2023/01/17/passport-prices-double-in-haiti-as-us-parole-frenzy-spreads/>; Bhatia, *Haiti’s descent into hell* (“[T]he price of a passport . . . quintupled and is now the equivalent of \$300 – a sum that is out of reach for the most vulnerable.”); Pascal Fleuristil, *Société : Un passeport en échange de relations sexuelles*, IMAGE 7 HAITI (Mar. 10, 2023), <https://image7haiti.com/societe-un-passeport-en-echange-de-relations-sexuelles/>; see also Jacqueline Charles, *New U.S. parole program for Haitians leads to long passport lines, cops fleeing the country*, MIAMI HERALD (Feb. 13, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272389513.html> (reporting that police officers seeking to apply to the program expect preferential treatment).

<sup>419</sup> The program is being used by police officers, whose security services are desperately needed in Haiti, and students, professionals, and others who, if conditions in Haiti were quasi-normal, would not have to choose between fleeing Haiti’s incredibly dangerous conditions and remaining and contributing to its future. See Bhatia, *Haiti’s descent into hell*; Charles, *New U.S. parole program for Haitians leads to long passport lines, cops fleeing the country* (approximately one third of Haiti’s already grossly under-staffed police force requested passports after the program was announced). Doctors are also fleeing Haiti in large numbers, straining an already-understaffed health sector. Pierre, *L’insécurité fait fuir les médecins haïtiens, selon le secrétaire général de l’Association médicale haïtienne*; Blaise, *Kidnapers target doctors in Haiti*.

<sup>420</sup> [IJDH November 2022 Update](#) at 11-12; [IJDH June 2022 Update](#) at 12.

<sup>421</sup> See Jacqueline Charles, *U.S. defends deportations to Haiti before Inter-American Commission on Human Rights*, MIAMI HERALD (Mar. 10, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272942400.html>.

<sup>422</sup> University of Miami School of Law Human Rights Clinic et al., *Urgent Call to Stop All U.S. Deportations to Haiti* (February 2023 report describing that migrants repatriated to Haiti faced illegal arrest and torture). Upon arriving in Haiti many returnees require immediate humanitarian assistance, however, support is limited. See IOM, *Migrants’ repatriation and reception assistance in Haiti 2* (Apr. 2023), <https://haiti.iom.int/sites/g/files/tmzbd11091/files/documents/2023-05/migrant-returns-and-reception-assistance-in-haiti-april-2023.pdf> (reporting that many returnees – particularly unaccompanied and separated children, as well as pregnant and nursing mothers – arrive in highly vulnerable circumstances possessing limited, if any, resources, but that in April, only six percent of returnees were provided critical assistance by IOM); IOM, *Repatriated migrants in Haiti by air and sea in 2022: Profiles and needs 3 (2023)* at 3 (finding that the three primary concerns of returnees are financial support, employment, and safety and security); OCHA, *Haiti: Humanitarian and cholera Situation Report # 7*. Support for individuals repatriated from the Dominican Republic in particular is declining, even as those repatriated from other countries continue to receive support from IOM. Compare IOM, *Migrants’ repatriation and reception assistance in Haiti* at 1 (in February, 12 percent of individual repatriated by the Dominican Republic received IOM support) with IOM, *Migrants’ repatriation and reception assistance in Haiti 1* (Mar. 2023), [https://haiti.iom.int/sites/g/files/tmzbd11091/files/documents/2023-04/migrant-returns-and-reception-assistance-in-haiti-march-2023-3\\_jk.pdf](https://haiti.iom.int/sites/g/files/tmzbd11091/files/documents/2023-04/migrant-returns-and-reception-assistance-in-haiti-march-2023-3_jk.pdf) (in March, 1.5 percent of returnees received support); see also OCHA, *Haiti: Humanitarian and cholera Situation Report # 7* (reporting that IOM “does not have the necessary resources to assist the most vulnerable at the Dominican border given the ever-increasing frequency and number of repatriations”).

<sup>423</sup> Bhatia, *Haiti’s descent into hell*; Wisner & Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*. One particularly salient example is France’s extortion of the “Independence Debt” from Haiti in 1825, which ultimately cost Haiti US \$21 billion in economic growth, stunted Haiti’s development, and laid the foundations for nearly two centuries of subsequent foreign extraction. There has been tremendous movement around the issue of reparations for people of African descent broadly and for Haiti in particular. Haiti’s claim for restitution for its Independence Debt continues to be cited as one of regional and even global importance, including most recently during the second session of the Permanent Forum on People of African Descent. Haitians are capitalizing on this momentum by continuing to seek global

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solidarity with their claim. See 2023 Symposium: *Haiti: Reparations & Restitution*, UNIVERSITY OF MIAMI SCHOOL OF LAW INTER-AMERICAN LAW REVIEW, <https://inter-american-law-review.law.miami.edu/2023-symposium-haiti-reparations-restitution/> (last visited Jun. 12, 2023) (the University of Miami School of Law held a symposium on Haiti's restitution claim in March); *BAI and IJDH at the Second Session of the UN Permanent Forum on People of African Descent*, IJDH, [http://www.ijdh.org/ijdh\\_events/bai-and-ijdh-at-the-second-session-of-the-un-permanent-forum-on-people-of-african-descent/](http://www.ijdh.org/ijdh_events/bai-and-ijdh-at-the-second-session-of-the-un-permanent-forum-on-people-of-african-descent/) (last visited Jun. 12, 2023) (BAI's Mario Joseph recorded a statement in connection with the second session of the UN Permanent Forum on People of African Descent on the fight for Haiti's democracy and restitution and reparations for all people of African descent); Mario Joseph, Brian Concannon & Irwin Stotzky, *France demanded crippling payments. Now Haiti has a legitimate claim for slavery reparations* / *Opinion*, MIAMI HERALD (Mar. 27, 2023), <https://www.miamiherald.com/opinion/op-ed/article273642735.html>.

<sup>424</sup> Daut, *What's the path forward for Haiti?* ("What Haiti needs, above all, is a definitive rupture from the cycle of forced dependency kept in motion by foreign governments and international institutions."); Wisner & Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*.

<sup>425</sup> See, e.g., Mario Joseph & Beatrice Lindstrom, *What the World Owes Haiti Now*, JUST SECURITY (Jul. 29, 2022), <https://www.justsecurity.org/82115/what-the-world-owes-haiti-now/>; Sandra Wisner & Beatrice Lindstrom, *COVID-19 brings renewed urgency to remedies for cholera in Haiti*, AL JAZEERA (May 22, 2020), <https://www.aljazeera.com/opinions/2020/5/22/covid-19-brings-renewed-urgency-to-remedies-for-cholera-in-haiti>; Wisner, *Starved for Justice: International Complicity in Systematic Violations of the Right to Food in Haiti*.

<sup>426</sup> See Clesca, *Haiti's Rule of Lawlessness*; Johnston, *Who decides who runs Haiti?*.

<sup>427</sup> See Wisner & Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*; Johnston, *Who decides who runs Haiti?*.

<sup>428</sup> See, e.g., *Haiti gathers all the elements to be intervened militarily, according to the UN*, DOMINICAN TODAY (May 18, 2023), <https://dominantoday.com/dr/world/2023/05/18/haiti-gathers-all-the-elements-to-be-intervened-militarily-according-to-the-un/> (reporting that the UN has continued pushing for an armed intervention in Haiti); UNGA, *Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international* at ¶ 8 (the OHCHR appointed an expert on human rights in Haiti); Press Release, UNSC, Security Council Press Statement on Haiti (May 8, 2023), <https://press.un.org/en/2023/sc15277.doc.htm> (the UNSC reiterates its "deep concern over the deteriorating security and humanitarian situation in Haiti").

<sup>429</sup> *Organization of American States Permanent Council*, OAS, <https://www.oas.org/en/council/GT/Haiti/about.asp> (last visited Jun. 14, 2023).

<sup>430</sup> Press Release, OHCHR, *UN Human Rights Chief designates William O'Neill as expert on human rights in Haiti*.

<sup>431</sup> See *infra* notes 454-60.

<sup>432</sup> U.S. Department of State, *The U.S. Strategy to Prevent Conflict and Promote Stability 10-Year Strategic Plan for Haiti* (Mar. 24, 2023), <https://www.state.gov/the-u-s-strategy-to-prevent-conflict-and-promote-stability-10-year-strategic-plan-for-haiti/>.

<sup>433</sup> See Press Release, UN, *Key Political Developments, Sanctions Offer Hope to Haiti's Recovery if Supported by International Community, Special Representative Tells Security Council* (numerous states – including Canada, China, and Mozambique – noted the need for a "Haitian-led" solution during a UNSC briefing in January); *OAS Addresses the Situation in Haiti*, U.S. MISSION TO THE OAS (Feb. 1, 2023), <https://usoas.usmission.gov/oas-addresses-the-situation-in-haiti/> ("[T]he ultimate resolution of the situation in Haiti is one that must be resolved by the people of Haiti themselves.").

<sup>434</sup> See Page, *A Smarter U.S. Assistance Strategy for Haiti* (offering the assessment of former UN Special Representative for Haiti Susan D. Page that "[p]ast efforts by the U.S. government focused on a wide range of activities that individually may have been well intentioned but ultimately failed to improve the security and welfare of Haitians, let alone prove a sound investment of U.S. taxpayer resources").

<sup>435</sup> See Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*; UNICEF, *Haiti 4* (2023), <https://www.unicef.org/media/132191/file/2023-HAC-Haiti.pdf> ("At least US \$23.5 million in additional funding is urgently required to respond to the resurgence of cholera cases."); *Haiti: political instability, gang violence and disease* ("[T]he international response is 50 percent short of its goal.").

<sup>436</sup> Edwidge Danticat, *The Fight for Haiti's Future*, NEW YORKER (Oct. 21, 2022), <https://www.newyorker.com/news/daily-comment/the-fight-for-haitis-future>; Mohor, *O&A: Why Haiti's 'mafia state' needs a homegrown solution*; Sénat, *Crise, le sommet de Jonathan Powell reporté sine die*; Bhatia, *Haiti's descent into hell*; Page, *A Smarter U.S. Assistance Strategy for Haiti*.

<sup>437</sup> See *supra* notes 127, 130-32.

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<sup>438</sup> [Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January](#) (then-UN Special Representative for Haiti Helen La Lime described the accord as a popular “consensus” document whose “adherents are growing every day,” and which enjoys “positive reactions from major political leaders”); [Remarks at a UN Security Council Briefing on Haiti](#) (U.S. representative to the UN Robert Wood praised the accord as the work of “a broad spectrum” of actors and “an opportunity for Haitians to get back to restoring their country’s stability and improving governance).

<sup>439</sup> See Frantz Duval, [Jusqu’où Brian A. Nichols veut-il conduire Haïti avec Ariel Henry ?](#), LE NOUVELLISTE (Mar. 7, 2023), <https://lenouvelliste.com/article/241116/jusquou-brian-a-nichols-veut-il-conduire-haiti-avec-ariel-henry>; Page, [A Smarter U.S. Assistance Strategy for Haiti](#); Wilentz, [Haiti, April 2023: Soon There Will Be No One Left to Kidnap](#); Bhatia, [Haiti’s descent into hell](#) (despite U.S. claims to no longer be choosing winners and losers in Haiti, Haitians like author and political activist Monique Clesca say the United States – “the major power in Haiti” – continues to prop up Henry); Clesca, [Haiti’s Rule of Lawlessness](#).

<sup>440</sup> It is important to understand that Haitians are not asking the United States to remove Henry from power, just to stop propping up his illegitimate rule; the core of the ask is that well-established right to self-determination without foreign interference. Clesca, [Haiti’s Rule of Lawlessness](#); see also Daut, [What’s the path forward for Haiti?](#) (Haitians are protesting to demand Henry’s resignation); Bhatia, [Haiti’s descent into hell](#).

<sup>441</sup> See Press Release, UN, [Key Political Developments, Sanctions Offer Hope to Haiti’s Recovery if Supported by International Community, Special Representative Tells Security Council](#); [UN High Commissioner for Human Rights Volker Türk concludes his official visit to Haiti](#) (UN High Commissioner for Human Rights Volker Türk calls for “the authorities to pursue an inclusive dialogue”); Sénat, [Crise, le sommet de Jonathan Powell reporté sine die](#); Bhatia, [Haiti’s descent into hell](#); see also Page, [A Smarter U.S. Assistance Strategy for Haiti](#) (Page describes BINUH’s “charge against the one inclusive Haitian-led national dialogue” – the “Montana Accord”).

<sup>442</sup> Jacqueline Charles, [Race, discrimination and Haiti dominate discussions in Brazil as top Biden official visits](#), MIAMI HERALD (May 25, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275759421.html> (quoting Assistant Secretary of State for the Bureau of Western Hemisphere Affairs Brian Nichols: “The international community’s obligation to the Haitian people is such that we have to continue acting on security and part of that security cooperation is going to require an international presence”); Eddy Acevedo, [Haiti is a failed state. It needs an international force to bring security, stability | Opinion](#), MIAMI HERALD (May 16, 2023), <https://www.miamiherald.com/opinion/op-ed/article275311531.html>; [Haiti gathers all the elements to be intervened militarily, according to the UN](#); Kelemen, [The UN says an outside force is needed in Haiti, but countries are reluctant to intervene](#); [Violences : L’Oif plaide pour l’envoi rapide d’une force internationale en soutien à la Police nationale d’Haïti](#), ALTERPRESSE (Apr. 28, 2023), <https://www.alterpresse.org/spip.php?article29269> (the International Organization of La Francophonie called for intervention in April); [Haiti ‘dangling over an abyss’, UN human rights chief says](#), AL JAZEERA (May 3, 2023), <https://www.aljazeera.com/news/2023/5/3/haiti-dangling-over-an-abyss-un-human-rights-chief-says> (UN High Commissioner for Human Rights Volker Türk called for intervention to “support Haiti’s institutions”); Edmond Campbell, [Robust int’l force needed to quell ‘tragic’ Haiti situation – Guterres](#), JAMAICA GLEANER (May 16, 2023), <https://jamaica-gleaner.com/article/lead-stories/20230516/robust-intl-force-needed-quell-tragic-haiti-situation-guterres>; Edith M. Lederer, [UN chief: Haiti’s gang violence nears conflict, help needed](#), AP NEWS (Apr. 24, 2023), <https://apnews.com/article/haiti-gangs-violence-rights-crisis-force-57f6850d22458eb5b30e2a82e86e9287>. Despite the continued calls, no country appears willing to lead the mission. Kelemen, [The UN says an outside force is needed in Haiti, but countries are reluctant to intervene](#); Charles, [Race, discrimination and Haiti dominate discussions in Brazil as top Biden official visits](#); [US seeks Brazil help as frustration grows on Haiti force](#), RFI (May 5, 2023), <https://www.rfi.fr/en/international-news/20230505-us-seeks-brazil-help-as-frustration-grows-on-haiti-force>; [Haiti – FLASH : At the G7 Summit, President Lula calls for quick action in the face of the crisis in Haiti](#), HAITI LIBRE (May 22, 2023), <https://www.haitilibre.com/en/news-39590-haiti-flash-at-the-g7-summit-president-lula-calls-for-quick-action-in-the-face-of-the-crisis-in-haiti.html>; [Brazilian president begs G7 leaders to help Haiti now](#), HAITIAN TIMES (May 23, 2023), <https://haitiantimes.com/2023/05/23/brazilian-president-begs-g7-leaders-to-help-haiti-now/>; Dylan Robertson, [MPs advise against military intervention in Haiti, but call for improved sanctions](#), GLOBE AND MAIL (May 4, 2023), <https://www.theglobeandmail.com/canada/article-mps-advise-against-military-intervention-in-haiti-but-call-for/>; Chanel Spence, [Major Focus on Haiti at Meeting of COFCOR](#), JAMAICA INFORMATION SERVICE (May 16, 2023), <https://jis.gov.jm/major-focus-on-haiti-at-meeting-of-cofcor/>; [CARICOM leaders plan further stakeholder engagements in Haiti](#), LOOP NEWS (Mar. 6, 2023), <https://caribbean.loopnews.com/content/caricom-leaders-plan-further-stakeholder-engagement-haiti>; [UN’s Guterres says Haitian violence threatens entire region](#) (Jamaica has expressed willingness to join a broader multi-national force).

<sup>443</sup> Jacqueline Charles, [Haiti’s government to ask for international armed forces to help with humanitarian crisis](#), MIAMI HERALD (Oct. 7, 2022),

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<https://www.miamiherald.com/news/nationworld/world/americas/haiti/article266939521.html>; Brian Ellsworth & Harold Isaac, *Haiti to Seek a Foreign Armed Force to Combat Gangs, Decree Says*, US NEWS (Oct. 7, 2022), <https://www.usnews.com/news/world/articles/2022-10-07/haiti-to-seek-foreign-military-assistance-to-combat-gangs-newspaper>; see also Duval, *Force spécialisée armée pour aider la PNH : accompagnement avec ou sans déploiement ?* (noting also that in May Henry denied ever requesting military intervention, instead claiming to have asked merely for “robust support for . . . law enforcement”).

<sup>444</sup> See, e.g., *Haitians protest against government call for foreign forces*, AL JAZEERA (Oct. 11, 2022), <https://www.aljazeera.com/news/2022/10/11/haiti-thousands-protest-against-calls-for> (reporting that protesters gathering against interference in Haiti’s internal affairs said “[w]e certainly need help to develop our country, but we don’t need boots [on the ground],” and emphasized that the government has “no legitimacy to ask for military assistance”); *Crise : La demande d’intervention militaire en Haïti, en crime et une trahison, estiment plusieurs organisation*, ALTERPRESSE (Oct. 10, 2022), <https://www.alterpresse.org/spip.php?article28696> (the Military Association of Haiti denounced Henry’s call for intervention as “a criminal act and treason”); *Politique : Plusieurs organisations féministes et de femmes s’opposent à la mise en place d’une nouvelle mission de paix des Nations unies en Haïti*, ALTERPRESSE (Jul. 12, 2022), <https://www.alterpresse.org/spip.php?article28458> (Haitian feminist organizations reject intervention and “question the real will of the international community to contribute to resolving the crisis in Haiti”); Eyder Peralta, *Many people living in Haiti are actively resisting international intervention*, NPR (Oct. 27, 2022), <https://www.npr.org/2022/10/27/1132041996/many-people-living-in-haiti-are-actively-resisting-international-intervention>; *Protesters Reject Call for Deployment of Foreign Forces to Haiti*, DEMOCRACY NOW! (Oct. 11, 2022), [https://www.democracynow.org/2022/10/11/headlines/protesters\\_reject\\_call\\_for\\_deployment\\_of\\_foreign\\_forces\\_to\\_haiti](https://www.democracynow.org/2022/10/11/headlines/protesters_reject_call_for_deployment_of_foreign_forces_to_haiti); *Haiti – Politic : The Senate asks the PM to postpone the intervention of a foreign armed force in Haïti*, HAITI LIBRE (Oct. 10, 2022), <https://www.haitilibre.com/en/news-37847-haiti-politic-the-senate-asks-the-pm-to-postpone-the-intervention-of-a-foreign-armed-force-in-haiti.html> (reporting that Haiti’s Senate asked Henry to postpone his request for foreign intervention until Haitians could reach a consensus on a solution to the crisis).

<sup>445</sup> See Mohor, *O&A: Why Haiti’s ‘mafia state’ needs a homegrown solution*; Danticat, *The Fight for Haiti’s Future* (according to AyiboPost editor-in-chief Widlore Mérancourt, “although sending foreign troops to Haiti might halt violence and temporarily restore basic governance, it would only be ‘a Band-Aid, not a long-term solution’” and “wouldn’t address the ‘root causes’ of a ‘social structure’ that cyclically produces gang leaders who lead mass uprisings that largely comprise Haiti’s youth, resulting in government overthrows that lead to the deployment of foreign troops”); Mars, *To Curb Gang Violence in Haiti, Break with Politics as Usual* (the executive director of community peacebuilding organization Lakou Lapè explains that “[c]onfronting gangs with military force will not work without also supporting Haitians seeking to break the cycle of violence and establish true democracy and stability” and that space must be given for “systemic reform by leaders who do not traffic in weapons, arm gangs, or use violence to circumvent democracy”); Clesca, *Haiti’s Rule of Lawlessness*; see also Bhatia, *Haiti’s descent into hell* (Canada explicitly acknowledged that armed intervention is unlikely to create lasting stability for Haiti); Juhakenson Blaise, *CARICOM wants diplomacy over military intervention in Haiti*, HAITIAN TIMES (Feb. 27, 2023), <https://haitiantimes.com/2023/02/27/caricom-prefers-diplomacy-over-military-intervention-in-haiti/> (in February, CARICOM emphasized the need for a Haitian-led solution and called the push for armed intervention “premature”); Tanya Wadhwa, *Haitians protest threat of foreign military intervention in the country*, PEOPLES DISPATCH (Oct. 11, 2022), <https://peoplesdispatch.org/2022/10/11/haitians-protest-threat-of-foreign-military-intervention-in-the-country/> (according to former senator Jean Charles Moïse, “neither Henry nor his ministers have the authority or legitimacy to request a foreign military presence in the country”); *Crise : La demande d’intervention militaire en Haïti, en crime et une trahison, estiment plusieurs organisation*.

<sup>446</sup> See, e.g., Kelemen, *The UN says an outside force is needed in Haiti, but countries are reluctant to intervene*; Jan D. Walter, *Haiti is in turmoil as police riot over officer deaths*, DW (Jan. 28, 2023), <https://www.dw.com/en/haiti-in-turmoil-as-police-riot-over-officer-deaths/a-64546340>.

<sup>447</sup> Daut, *What’s the path forward for Haiti?*.

<sup>448</sup> *Around 70% of Haitians back international force to fight gangs, survey says*, REUTERS (Feb. 3, 2023), <https://www.reuters.com/world/americas/around-70-haitians-back-international-force-fight-gangs-survey-says-2023-02-04/>; see also Daut, *What’s the path forward for Haiti?* (describing Haiti as “stuck between two bad options”); Bhatia, *Haiti’s descent into hell* (describing Haitian support for intervention despite the harms of previous foreign interventions as “a contradiction born of the need for survival and of political powerlessness: Haiti’s citizens have no way of challenging a leader who is not subject to democratic process”).

<sup>449</sup> *Haiti – FLASH : Florida, arms and ammunition supply hub for Haiti*, HAITI LIBRE (May 1, 2023), <https://www.haitilibre.com/en/news-39429-haiti-flash-florida-arms-and-ammunition-supply-hub-for-haiti.html>; UNODC, *Haiti’s criminal markets: mapping trends in firearms and drug trafficking*; *Public Safety in Haiti: Now*

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and Tomorrow, CSIS (Jun. 8, 2023), <https://www.csis.org/events/public-safety-haiti-now-and-tomorrow> (former UN Special Representative for Haiti Susan D. Page says that arms are coming from the United States and that the United States “seem[s] to manage to use the tools to repatriate people back to a country that we warn and advise people not to travel to, so we could use those same tools to stop the flow of goods and weapons if we wanted to;” UN expert on human rights in Haiti William O’Neill expressed confusion as to “why the United States has not done more” to stop the flow of guns to Haiti).

<sup>450</sup> Chéry, *Police: Haitian Episcopal church a front for gangs, government paid priest*; Petersen, *Diocese of Haiti Continues Its Descent into Chaos* (describing a culture of corruption and violence within the church, and impunity for perpetrators).

<sup>451</sup> *Justice : Arrestation, pour trafic d’armes, du révérend père Fritz Désiré de l’Église épiscopale d’Haïti*, ALTERPRESSE (May 10, 2023), <https://www.alterpresse.org/spip.php?article29295>; Chéry, *Police: Haitian Episcopal church a front for gangs, government paid priest*; see *supra* note 153.

<sup>452</sup> See *supra* notes 150-53.

<sup>453</sup> See *Haiti – FLASH : Florida, arms and ammunition supply hub for Haiti; Haiti activists urge U.S. to stop arms trafficking to gangs*.

<sup>454</sup> On April 14, the Dominican Republic announced sanctions against 39 Haitian politicians, businessmen, activists, and gang members for corruption and financing gangs. *Haiti – FLASH : 39 Haitians banned from entering the Dominican Republic (list)*, HAITI LIBRE (Apr. 17, 2023), <https://www.haitilibre.com/en/news-39320-haiti-flash-39-haitians-banned-from-entering-the-dominican-republic-list.html>. G9 gang leader Chérizier remains the only individual sanctioned under the UNSC’s sanctions regime, adopted last October. UNSC, Resolution 2653 (2022), UN Doc. S/RES/2653 (Oct. 21, 2022), [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2653.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2653.pdf).

<sup>455</sup> For example, the Canadian government sanctioned former Ministers Berto Dorcé and Liszt Quitel and businessman and associate of former President Michel Martelly – himself sanctioned by Canada in 2022 – Charles Saint-Rémy, for “gross and systematic human rights violations.” *Sanctions: Grave breach of international peace and security in Haiti*. The U.S. government announced sanctions against former Haitian government officials Romel Bell and Gary Bodeau for corruption and influence-peddling. *Combating Global Corruption and Human Rights Abuses*, U.S. DEPARTMENT OF STATE (Dec. 9, 2022), <https://www.state.gov/combating-global-corruption-and-human-rights-abuses/>; Press Release, U.S. Department of the Treasury, Treasury Sanctions Former President of Haiti’s Chamber of Deputies (Apr. 5, 2023), <https://home.treasury.gov/news/press-releases/jy1389>. On June 2, it joined Canada in sanctioning former PHTK government Prime Minister Laurent Salvador Lamothe, citing his involvement in the PetroCaribe corruption scandal. Press Release, U.S. Department of State, Designation of Laurent Salvador Lamothe – Former Haitian Prime Minister and Minister of Planning and External Cooperation – for Involvement in Significant Corruption (Jun. 2, 2023), <https://www.state.gov/designation-of-laurent-salvador-lamothe-former-haitian-prime-minister-and-minister-of-planning-and-external-cooperation-for-involvement-in-significant-corruption/>.

<sup>456</sup> Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*. For a comprehensive list of foreign sanctions since 2020, see IJDH, Foreign Sanctions Against Haitian Individuals (December 2020 – Present), [https://docs.google.com/document/d/1RG0k34CaID3QmxHt1XW-S\\_C8Aeyj9Vum1qkhtmiopdo/edit](https://docs.google.com/document/d/1RG0k34CaID3QmxHt1XW-S_C8Aeyj9Vum1qkhtmiopdo/edit) (last visited Jun. 14, 2023).

<sup>457</sup> See Dylan Robertson, *Ex-Haiti PM contests Canada’s sanctions, but experts say there is little recourse*, TORONTO STAR (Mar. 9, 2023), <https://www.thestar.com/politics/2023/03/09/ex-haiti-pm-contests-canadas-sanctions-but-experts-say-there-is-little-recourse.html>.

<sup>458</sup> Evan Dyer, *Canada still hasn’t seized a single dollar through its Haiti sanctions*, CBC NEWS (Jan. 25, 2023), <https://www.cbc.ca/news/politics/haiti-canada-sanctions-1.6725547>; @moniclesca, TWITTER (May 10, 2023, 7:56 AM),

[https://twitter.com/moniclesca/status/1656267057946607616?s=51&t=thKHXes\\_CjCKXbJpVhuQfA](https://twitter.com/moniclesca/status/1656267057946607616?s=51&t=thKHXes_CjCKXbJpVhuQfA) (tweet by author and member of the Montana Group Monique Clesca highlighting the hypocrisy of EU ambassador to Haiti Stefano Gatto continuing to dialogue with Henry and two sanctioned individuals: former Prime Minister Jean-Henry Céant and former interim President Jocelerme Privert).

<sup>459</sup> CARDH, *Kidnapping : Bulletin (#11) Janvier, Février Et Mars 2023* at ¶ 11; *Haiti rights group records three-fold rise in kidnappings for early 2023*, REUTERS (Apr. 5, 2023), <https://www.reuters.com/world/americas/haiti-rights-group-records-three-fold-rise-kidnappings-early-2023-2023-04-05/>; see *supra* note 74.

<sup>460</sup> UNGA, *Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international* at ¶ 8.

<sup>461</sup> UNGA, *Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international* at ¶ 10.



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<sup>462</sup> UNGA, [Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international](#) at ¶ 8.

<sup>463</sup> See Press Release, UN, [As Haiti Slides into Violence, Its People 'Cannot Wait Any Longer' for Assistance, Foreign Minister Tells Security Council](#) (reporting that Salvador “cited ongoing efforts towards the implementation of the 21 December agreement” as “a critical milestone for the eventual holding of elections that would hopefully usher in a return to democratic governance”); [Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January](#).

<sup>464</sup> *Leadership*, BINUH, <https://binuh.unmissions.org/en/leadership> (last visited Jun. 14, 2023). La Lime replaced Amb. Susan D. Page in 2018, after Page was removed from her position over Haitian government complaints that she publicly supported accountability for perpetrators of the PetroCaribe corruption scheme and the 2017 Grand Ravine massacre (two incidences of impunity widely cited by the international community as needing to be addressed today). See Kira Paulemon, *International Please Ring Hollow in Haiti*, CEPR (Feb. 26, 2020), <https://cepr.net/international-pleas-ring-hollow-in-haiti/>.

<sup>465</sup> UNSC, Meetings Coverage, *Security Council Extends Mandate of United Nations Integrated Office in Haiti for One Year, Unanimously Adopting Resolution 2645 (2022)* (Jul. 15, 2022), <https://press.un.org/en/2022/sc14973.doc.htm>.