

**Precautionary measures request for Petitioners [REDACTED], [REDACTED], [REDACTED]
and [REDACTED] of La Saline, in the name of their community**

Submitted by:

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PRECAUTIONARY MEASURES REQUEST

I. PRESENTATION OF THE PARTIES TO THE REQUEST

1. The Haitian government is responsible for the grave human rights violations that are the subject of this precautionary measures request. Haiti is a Member State of the Organization of American States (OAS) and ratified the American Convention of Human Rights (ACHR)¹ on 14 September 1977. Haiti accepted the jurisdiction of the Inter-American Court of Human Rights (IACtHR) on 20 March 1998.

2. With the present request, the *Bureau des Avocats Internationaux* (BAI) and the Institute for Justice & Democracy in Haiti (IJDH) respectfully request the Inter-American Commission on Human Rights (“Commission”) to urgently grant precautionary measures, in accordance with Article 25(1) of its Rules of Procedure, which stipulates that the Commission may request that a State adopt precautionary measures to avoid a risk of irreparable harm to a petitioner(s), for the benefit of those who have been forced to flee the La Saline area and are currently facing a risk of irreparable harm.

3. On November 13, 2018, in the days leading up to long-planned nationwide protests, armed gangs carried out a brutal massacre in La Saline, a neighborhood that has long been a center of anti-government organizing and protests.² Assailants killed at least seventy-one (71) people, including women and children, raped at least eleven (11) women, and looted more than one hundred and fifty (150) homes.³ Credible investigations and witness reports indicate state involvement in the orchestration and execution of the massacre.

4. Following the massacre, approximately three hundred (300) people fled La Saline.⁴ They include people who were injured in the massacre, lost family members, and had their homes destroyed. Many are still displaced and living in Wharf Jérémie, one of the poorest neighborhoods

¹ Organization of American States, American Convention on Human Rights, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123 [hereinafter ACHR].

² Michael Weissenstein, *Witnesses: Men in Police Garb Massacred Civilians in Haiti*, ASSOCIATED PRESS (Jan. 16, 2019), <https://apnews.com/d99258d01cce4b84a01e04b4eaff7236>.

³ Press Release, Réseau National Défense des Droits Humains, Massacre d’Etat à La Saline: Révision à la Hausse du Bilan des Personnes Tuées et Violées le 13 Novembre 2018 (Dec. 20, 2018), <http://rnddh.org/content/uploads/2018/12/8-CP-La-Saline-bilan-r%C3%A9vis%C3%A9-20Dec2018.pdf>. While accounts differ as to the exact number killed, the RNDDH investigation presents the most extensive examination of the toll and is therefore cited here.

⁴ *Port-au-Prince Slum Exemplifies Dire Problems of Crisis-Racked Haiti*, AGENCIA EFE (Feb. 22, 2019), <https://www.efe.com/efe/english/life/port-au-prince-slum-exemplifies-dire-problems-of-crisis-racked-haiti/50000263-3905852>.

in Port-au-Prince.⁵ They endure exceedingly dire conditions without access to adequate shelter, food, or protection, and have not received any support from the Haitian government. They are unable to return to La Saline because of ongoing violence that would pose a threat to their lives, security, and livelihoods, and because of continued destruction of their homes and property. They face a serious and urgent threat of irreparable harm.

5. BAI and IJDH submit this request on behalf of four (4) persons. Firstly, [REDACTED], former resident of La Saline, whose home was destroyed during the massacre, who was beaten and raped during the massacre, and who is displaced;⁶ secondly, [REDACTED], former resident of La Saline, who had a family member murdered during the massacre, and who is displaced;⁷ thirdly, [REDACTED], former resident of La Saline, whose home was destroyed during the massacre, who had a family member murdered during the massacre, and who is displaced;⁸ and fourthly, [REDACTED], former resident of La Saline, who had a family member killed during the massacre and who is displaced.⁹ The Petitioners are at urgent risk of serious and irreparable harm due to the dire conditions in which they currently find themselves and to the acute risk of harm they would face if they returned home.

6. We request that precautionary measures be granted on behalf of the Petitioners as well as the entire community, particularly for the families who fled La Saline and who also face an urgent risk of serious and irreparable harm like the Petitioners.

7. The Haitian government's complicity in the La Saline massacre and its ongoing failure to take care of those displaced due to the mass killings constitute violations of several articles of the ACHR, such as: the right to life (Art. 4.1); to personal integrity and humane treatment (Arts. 5.1, 5.2); to personal liberty and security (Art. 7.1); to live in privacy and with dignity (Art. 11); the rights of the family (Art. 17); the rights of the child (Art. 19); to property (Art. 21); to freedom of movement (Art. 22); and to equality before the law (Art. 24). The government's inaction and complicity have created a serious, urgent situation that necessitates the issuance of precautionary measures. The displaced residents will continue to live in fear until the Commission grants precautionary measures calling on the Haitian government to protect victims from irreparable harm

⁵ See Declarations of [REDACTED], [REDACTED] and [REDACTED].

⁶ Declaration of [REDACTED].

⁷ Declaration of [REDACTED].

⁸ Declaration of [REDACTED].

⁹ Declaration of [REDACTED].

and new violations of their rights.

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II. METHODOLOGY

8. For this precautionary measures request, the Petitioners' legal representatives that work with the community of La Saline in Port-au-Prince gathered information concerning the Petitioners' living conditions and the tragic events that are taking place. In its primary mission to defend the inalienable, imprescriptible, and inherent rights of the most disadvantaged, BAI has extensive experience documenting human rights abuses and working with victims to seek accountability for abuses. The Petitioners were interviewed by BAI lawyers about how they were treated while living in the community of La Saline, and the types of threats they faced, either as a

witness or a victim. The lawyers asked each interviewee to ensure that he or she was telling the truth, and explained that their declarations would be used in a request to the Commission.

9. The facts presented in this request are also based on and consistent with several credible investigations into the massacre conducted by the Haitian judicial police, the *Direction Centrale de la Police Judiciaire* (DCPJ), the United Nations, civil society, and the media. Following the massacre, Haitian rights group *Réseau National de Défense des Droits Humains* (RNDDH) interviewed 439 witnesses, victims and community leaders in La Saline and published the results of that investigation in a report dated December 1, 2018 (“RNDDH report”).¹⁰ Moreover, the DCPJ completed a report in May 2019 that captures the results of a months-long investigation (“DCPJ report”).¹¹ Although the report is not public, DCPJ’s findings have been quoted in the media.¹² Most recently, the United Nations Mission for Justice Support in Haiti (MINUJUSTH) released a report following a lengthy investigation into the massacre (“MINUJUSTH report”).¹³ International journalists have also traveled to La Saline and reported on the testimony of victims and witnesses.¹⁴

III. STATEMENT OF FACTS

Haiti’s current political crisis

10. Haiti is in the midst of an escalating political crisis, with tens of thousands taking to the streets to protest President Jovenel MOÏSE’s corruption, economic mismanagement and impunity for human rights abuses.¹⁵ The current wave of protests started in the summer of 2018 in response to a deteriorating economic situation and widespread government mismanagement, including revelations that senior government officials across four (4) administrations embezzled billions of

¹⁰ RÉSEAU NATIONAL DEFENSE DES DROITS HUMAINS, THE EVENTS IN LA SALINE: FROM POWER STRUGGLE BETWEEN ARMED GANGS TO STATE-SANCTIONED MASSACRE (2018) [hereinafter RNDDH REPORT], <http://rnddh.org/content/uploads/2018/12/10-Rap-La-Saline-1Dec2018-Ang1.pdf>.

¹¹ Jacqueline Charles, *Dozens Brutally Killed, Raped in Haiti Massacre, Police Say. ‘Even Young Children Were not Spared’*, MIAMI HERALD (May 15, 2019), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article230380739.html>.

¹² *Id.*

¹³ MINUJUSTH, LA SALINE : JUSTICE POUR LES VICTIMS. L’ETAT A L’OBLIGATION DE PROTEGER TOUS LES CITOYENS (2019) [hereinafter MINUJUSTH REPORT], https://minujusth.unmissions.org/sites/default/files/minujusth_hcdh_rapport_la_saline_1.pdf.

¹⁴ See, e.g., Margaret Prescod, *Sojourner Truth Radio: La Saline, Haiti Speaks Out Against Poverty and State Violence*, KPFK RADIO (Apr. 5, 2019) [hereinafter *La Saline, Haiti Speaks Out*], <https://soundcloud.com/sojournertruthradio/sojourner-truth-radio-april-5>; Weissenstein, *supra* note 2.

¹⁵ Evens Sanon & Danica Coto, *Haitians Seek Basic Necessities in Aftermath of Government Protests*, PBS (Feb. 18, 2019), <https://www.pbs.org/newshour/world/haitians-seek-basic-necessities-in-aftermath-of-government-protests>.

dollars from an oil fund subsidized by Venezuela, commonly called PetroCaribe.¹⁶ Protesters—joined by a broad coalition of political parties, members of Parliament, and civil society—are demanding President MOÏSE’S resignation.¹⁷ They are also seeking to establish a new political regime that can combat corruption and impunity, and address challenges to economic, social and cultural rights by giving the poor and marginalized in Haiti a meaningful voice in governance.¹⁸ Two Prime Ministers have been forced out in the span of nine months in response to the protests.¹⁹

La Saline political background

11. The La Saline neighborhood of Port-au-Prince has been a center of resistance and political organizing for decades.²⁰ It has been a stronghold of support for *Fanmi Lavalas*, the political party of the popular former President Jean-Bertrand ARISTIDE.²¹ On September 11, 1987, La Saline’s St. Jean Bosco church was attacked by assailants, some connected with the government, while the police and army declined to intervene to protect the 1,000 people attending a mass that Father ARISTIDE was celebrating inside.²² Since 2018, *Fanmi Lavalas*, together with other political organizations, have played a lead role in organizing anti-governmental protests.²³ La Saline often serves as a starting point for such protests, which then wind around the capital of Port-au-Prince.²⁴ As a result, the La Saline community is often courted by opposing political parties for its “exceptional ability to either mobilize or thwart street demonstrations.”²⁵

12. The La Saline neighborhood has long suffered from gang violence and is considered a high

¹⁶ Jacqueline Charles, *Haiti Owes Venezuela \$2 Billion – And Much of it was Embezzled, Senate Report Says*, MIAMI HERALD (Nov. 15, 2017), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article184740783.html>.

¹⁷ Hillary Leung, *Haiti: President Says He Won't Resign, Protests Grip Capital*, TIME (Feb.15, 2019), <http://time.com/5530334/haiti-jovenal-moise-protest/>.

¹⁸ Anne Beckett & Aaron Richterman, *You Can't Understand Haiti's Protests Without Understanding History*, WBUR, (Mar. 11, 2019), <https://www.wbur.org/cognoscenti/2019/03/11/haiti-protests-anne-beckett-aaron-richterman>; Brian Concannon, Jr., *If Haiti's Government Does Not Confront Poverty, Corruption, More Unrest Will Follow*, MIAMI HERALD (July 17, 2018), <https://www.miamiherald.com/opinion/op-ed/article215003785.html>.

¹⁹ Jacqueline Charles, *Haiti's Latest Government Falls after Six Months as Lawmakers Fire Prime Minister*, MIAMI HERALD, (Mar. 18, 2019), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article228084084.html>.

²⁰ *La Saline, Haiti Speaks Out*, *supra* note 14; Jeb Sprague, *US-backed Haitian Government Agents Accused of Conducting Massacre*, THE CANARY (Dec. 19, 2018), <https://canada-haiti.ca/content/us-backed-haitian-government-agents-accused-conducting-massacre>; Randall White, *Haiti Government Complicit in La Saline Massacre*, HAITIACTION.NET (Dec. 4, 2018), http://www.haitiaction.net/News/RAW/12_4_18/12_4_18.html.

²¹ *La Saline, Haiti Speaks Out*, *supra* note 14.

²² INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, REPORT ON THE SITUATION IN HAITI ¶ 220 (1988) <http://www.iachr.org/countryrep/Haiti88eng/chap.2e.htm>.

²³ White, *supra* note 20.

²⁴ *Id.*; Sprague, *supra* note 20; *La Saline, Haiti Speaks Out*, *supra* note 14.

²⁵ RNDDH REPORT, *supra* note 10, ¶ 10.

security risk “red zone” by the Haitian police and the United Nations.²⁶ For years, armed gangs have been fighting for control over the sprawling Croix-des-Bossales market near La Saline.²⁷ Control of the market grants gangs the ability to extort businesses and charge fees for working space.²⁸ While the Haitian National Police (HNP) has made some effort to combat violence over the years, La Saline residents live under significant control of gangs and endure resultant intermittent violence.²⁹

13. In the context of Haiti’s escalating political crisis, government actors have been exploiting gangs in La Saline and other poor neighborhoods to gain control. Credible investigations by journalists and rights groups including RNDDH have found that armed gangs within La Saline are financed and supplied with weapons and ammunition by government authorities.³⁰ Gang members have themselves conceded to the National Disarmament Demobilization and Reintegration Commission that they are armed by politicians close to the government and opposition parties.³¹

The events of October 2018

14. On October 13, 2018, in the days leading up to one of the two largest protests of 2018,³² media reports establish that President Jovenel MOÏSE’s wife Martine MOÏSE visited La Saline together with other senior government officials.³³ The MOÏSE delegation reportedly met with local gang leaders and residents and promised to rehabilitate or create schools, as well as a health center in the neighborhood. In exchange, La Saline residents were asked to agree to stop protests from passing through the area and to prevent other anti-government activities from taking place there.³⁴ The community rejected the proposal as “bold and inappropriate.”³⁵

²⁶ *Id.* ¶ 11; see also Nicolas Lemay-Hebert, *Living in the Yellow Zone: The Political Geography of Intervention in Haiti*, 67 POL. GEOGRAPHY 88 (2017) (describing the lack of security protection and isolation in red zones).

²⁷ RNDDH REPORT, *supra* note 10, ¶ 16.

²⁸ *Id.* ¶¶ 16, 18; FONDASYON JE KLERE, SITUATION DE TERREUR A LA SALINE : LA FONDASYON JE KLERE (FJKL) DEPLORE L’INCAPACITE DE L’ETAT A GARANTIR LA SECURITE DES CITOYENS ET DES CITOYENNES, 1 (2018) [hereinafter FJKL REPORT], https://www.fjkl.org.ht/images/doc/FJKL_Rapport_La_Saline.pdf.

²⁹ RNDDH REPORT, *supra* note 10, ¶¶ 11-19.

³⁰ *Id.* ¶¶ 53-59; FJKL REPORT, *supra* note 28; Jacques Eder Lafleur, *Le RNDDH Présente son Bilan de la Situation Chaotique des Droits Humains en Haïti*, LE NOUVELLISTE (May 7, 2019), <https://lenouvelliste.com/article/201332/le-rnddh-presente-son-bilan-de-la-situation-chaotique-des-droits-humains-en-haiti>; Charles, *supra* note 11.

³¹ Danio Darius, *76 Gangs Armés Répertoriés en Haïti par la Commission de Désarmement*, LE NOUVELLISTE (May 6, 2019), <https://lenouvelliste.com/article/201384/76-gangs-armes-repertories-en-haiti-par-la-commission-de-desarmement>.

³² Charles, *supra* note 11.

³³ *La Saline, Haiti Speaks Out*, *supra* note 14; RNDDH REPORT, *supra* note 10, ¶ 25.

³⁴ RNDDH REPORT, *supra* note 10, ¶¶ 25-28.

³⁵ *Id.* ¶ 29.

15. Following the government's efforts to thwart the protests planned for October 17, 2018, political opposition leaders who were organizing the protest held a joint press conference in La Saline on October 15 to rally protesters.³⁶ On October 17, part of the nationwide protests was held in La Saline.³⁷

The events of 13 November 2018 (the massacre)

16. Following the October 17 protests, civil society planned a second nationwide protest for November 18, 2018.³⁸ On November 13, 2018, armed gangs carried out a brutal massacre against residents in La Saline that lasted at least fourteen (14) hours.³⁹ Assailants killed at least seventy-one (71) people, including women and children, raped at least eleven (11) women and looted more than one hundred and fifty (150) homes.⁴⁰ The assailants arrived around four (4) o'clock in the afternoon and went house-to-house with long guns and machetes.⁴¹ Over the course of over one (1) hour, they pulled unarmed civilians into the alleys and executed them with single shots or machete blows that in some cases severed the heads from their bodies.⁴² Women were raped in the presence of their husbands or partners, and sometimes even their children.⁴³ Children were also among those killed and raped. Geralson BELANCE, an infant of only ten (10) months old, was lynched and his remains taken away in a sack by the perpetrators.⁴⁴ Many bodies were burned or thrown on garbage heaps or into sewage canals and fed to pigs.⁴⁵

17. During the massacre, many homes were damaged.⁴⁶ Some homes were set on fire with people inside. An international journalist documented the burnt remains of a pregnant woman in

³⁶ *Id.* ¶ 30.

³⁷ *Id.* ¶ 31; *La Saline, Haiti Speaks Out*, *supra* note 14.

³⁸ See *Haiti – ALERT: Advice to Canadian Travelers in Haiti*, HAITI LIBRE (Nov. 16, 2018), <https://www.haitilibre.com/en/news-26129-haiti-alert-advice-to-canadian-travelers-in-haiti.html> (warning travelers about planned protests); see also Meta Viers, *Haitians Protest Alleged Misuse of Petrocaribe Funds*, MIAMI HERALD (Nov. 18, 2018), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article221878135.html>.

³⁹ MINUJUSTH REPORT, *supra* note 13.

⁴⁰ Press Release, Réseau National Défense des Droits Humains, *supra* note 3; Weissenstein, *supra* note 2.

⁴¹ Declaration of [REDACTED] ¶ 3; Declaration of [REDACTED] ¶ 2.

⁴² Declaration of [REDACTED] ¶ 4; Margaret Prescod, *Special Report: Massacres in Haiti – Pacifica's Margaret Prescod*, THE REAL NEWS NETWORK, (Apr. 14, 2019) [hereinafter Prescod Report Part 1], <https://therealnews.com/stories/special-report-massacres-in-haiti-pacificas-margaret-prescod>; Weissenstein, *supra* note 2.

⁴³ Charles, *supra* note 11.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ See Declaration of [REDACTED] ¶ 4.

one of the houses.⁴⁷

18. The massacre was committed opposite the La Saline police station, while police officers were present inside.⁴⁸ During the attack, officers shut the doors to the station and remained unresponsive as people were killed and stores and homes were looted and burned to the ground.⁴⁹ In fact, the MINUJUSTH report noted that two (2) police sub-stations (La Saline and St. Joseph Portal), the *Corps d'intervention et de maintien d'ordre* (CIMO) headquarters, and the *unité de la police Brigade d'opération et d'intervention départementale* (BOID), were all located less than one (1) kilometer from the affected area. At five (5) o'clock that afternoon, at least five (5) of the HNP's intervention units were aware of the situation but decided not to intervene given the limited resources available.⁵⁰

19. Petitioners include those whose family members were killed and injured in the massacre, as well as those who were directly injured, and whose homes were destroyed. Petitioner ██████ saw her twenty-nine (29) year old son murdered just opposite the La Saline high school; he was hit by projectiles in his stomach.⁵¹ The bandits threw his body in the garbage.⁵² Petitioner ██████ saw her son murdered by projectiles and then his body chopped up with a machete.⁵³ They put his body in a bag and threw it, along with other corpses, in front of the Lemaire store.⁵⁴ The next day she saw a photo of her son's body through the photos that were circulating on WhatsApp.⁵⁵ The bandits took Petitioner ██████ eighteen (18) year old son, confined him and killed him; his body was thrown to the pigs.⁵⁶ Petitioner ██████ learned of his son's death five (5) days after the massacre by watching a video on WhatsApp that showed pigs eating his son's body.⁵⁷ The bandits also vandalized and then destroyed Petitioner ██████'s home.⁵⁸ Five (5) of the bandits entered Petitioner ██████'s home and beat

⁴⁷ Margaret Prescod, *Special Report: Massacres in Haiti – Pacifica's Margaret Prescod*, THE REAL NEWS NETWORK (Apr. 14, 2019) [hereinafter Prescod Report Part 2], <https://therealnews.com/stories/special-report-haitian-resistance-is-rising-us-complicity-in-atrocities-2-2>.

⁴⁸ Declaration of ██████ ¶ 7.

⁴⁹ *Id.*; Declaration of ██████.

⁵⁰ MINUJUSTH REPORT, *supra* note 13.

⁵¹ Declaration of ██████ ¶ 4.

⁵² *Id.*

⁵³ Declaration of ██████ ¶ 2.

⁵⁴ *Id.* ¶ 3.

⁵⁵ *Id.*

⁵⁶ Declaration of ██████ ¶ 6.

⁵⁷ *Id.*

⁵⁸ *Id.* ¶ 7.

her and her two (2) children, aged two (2) and nine (9) years old, and raped her while pointing their weapons at her head.⁵⁹ The women who were with the bandits took everything that Petitioner [REDACTED] owned in the house, including twenty-five thousand *gourdes* (25,000.00) borrowed from the *Office National d'Assurance*.⁶⁰ The bandits also demolished the doors of Petitioner [REDACTED]'s home and then the walls. After pillaging everything, they burned her home.⁶¹

20. Following the massacre, approximately 300 people fled La Saline.⁶² Petitioner [REDACTED] fled La Saline with several children; in order to escape, she dressed them in uniform as if they were about to go to school.⁶³ Many victims, including Petitioner [REDACTED], Petitioner [REDACTED], Petitioner [REDACTED], and Petitioner [REDACTED] are still displaced. They live in Wharf Jérémie, in the commune of Cité Soleil, in dehumanizing and economically untenable situations, without anywhere else to go.⁶⁴

Implication of the Haitian government in the massacre

21. Investigations by journalists and RNDDH found that the massacre was perpetrated by gangs operating with the support and involvement of the government.⁶⁵ Witnesses directly observed the arrival of the perpetrators in La Saline in police vehicles.⁶⁶ Some of the assailants wore official HNP uniforms.⁶⁷ Moreover, an official Haitian police investigation traced a Galil automatic rifle used by a gang in the assault to Haiti's National Palace.⁶⁸

22. DCPJ, RNDDH and witnesses have also implicated government officials in orchestrating the massacre. The DCPJ report recommended the arrest of 70 people in connection with the

⁵⁹ Declaration of [REDACTED] ¶ 5.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² AGENCIA EFE, *supra* note 4.

⁶³ Declaration of [REDACTED] ¶ 8.

⁶⁴ *See id.*; Declaration of [REDACTED] ¶ 6; Declaration of [REDACTED] ¶ 10.

⁶⁵ RNDDH REPORT, *supra* note 10, ¶ 74; *see also* Weissenstein, *supra* note 2; White, *supra* note 20; Margaret Prescod, *Sojourner Truth Radio: April 9, 2019 - Reflections On Haiti, Chicano Poetry By Ron Baca*, SOJOURNER TRUTH RADIO (Apr. 9, 2019) [hereinafter Prescod, *Reflections on Haiti*], <https://soundcloud.com/sojournertruthradio/sojourner-truth-radio-april-9>.

⁶⁶ *UN Investigating Brutal November Massacre in Haiti*, VOA NEWS, (Jan. 14, 2019), <https://www.voanews.com/a/head-un-investigating-brutal-november-massacre-in-haiti-/4742755.html>; Weissenstein, *supra* note 2.

⁶⁷ Declaration of [REDACTED] ¶ 3; Declaration of [REDACTED] ¶ 4; Declaration of [REDACTED] ¶ 5; VOA NEWS, *supra* note 66; White, *supra* note 20.

⁶⁸ Roberson Alphonse, *Un Fusil d'Assaut Galil Doté au Palais National Retrouvé en Possession d'un Gang Indexé dans le Massacre de La Saline...*, LE NOUVELLISTE (May 9, 2019), <https://lenouvelliste.com/article/201573/un-fusil-dassaut-galil-dote-au-palais-national-retrouve-en-possession-dun-gang-indexe-dans-le-massacre-de-la-saline>.

massacre,⁶⁹ including two senior government officials who are accused of supporting two gang leaders in the planning of the massacre.⁷⁰ RNDDH implicated the same government officials in having participated in the planning of the massacre, including by furnishing gang leaders with weapons and police uniforms.⁷¹ MINUJUSTH reported that one of these officials, along with three (3) HNP officers, were present at the massacre; the official reportedly stated “you killed too many people, that was not your mission” before parting.⁷² A delegation of lawyers, activists and a journalist who investigated the deadly attacks in La Saline also concluded that “the attacks were perpetrated by police and gangs associated with Haiti’s government, and were done to punish neighborhood residents-many of whom identify as supporters of the *Fanmi Lavalas* party-for playing a leading role in a series of demonstrations opposing government corruption, mismanagement and brutality.”⁷³

23. La Saline residents believe the attack was organized to retaliate against the neighborhood’s involvement in the anti-government protests that had been planned for November 18, 2018, thereby suppressing the opposition movement and consolidating power for President MOÏSE.⁷⁴ Indeed, many survivors believe that the massacre was a pointed attempt to use torture, killings and fear to dampen mass protests, using the attacks on the people of La Saline as an example to protesters who are demanding PetroCaribe accountability and that the President step down.⁷⁵ Petitioners [REDACTED] and [REDACTED] believe they were targeted, and remain a target, because they are members of the *Fanmi Lavalas* party and visibly participate in anti-government demonstrations. Petitioner [REDACTED] also speaks out on the radio and television.⁷⁶

The Haitian government’s disregard for the victims of the massacre

24. Government authorities did not respond to La Saline in the aftermath of the massacre. The government remained mum as news of the massacre spread across the country and images and

⁶⁹ See Charles, *supra* note 11. The list corresponds closely with the individuals identified in the RNDDH report released in December 2018. See: RNDDH REPORT, *supra* note 10.

⁷⁰ Charles, *supra* note 11; *Haiti: Deux Hauts Responsables de l’État dans le Collimateur de la Justice*, VANT BEF INFO (May 8, 2019), <https://www.vantbefinfo.com/haiti-deux-hauts-responsables-de-letat-dans-le-collimateur-de-la-justice/>.

⁷¹ RNDDH REPORT, *supra* note 10 ¶¶ 53-55.

⁷² MINUJUSTH REPORT, *supra* note 13.

⁷³ Press Release, Human Rights Delegation Condemns Political Massacres Tied to Haiti’s Government (May 8, 2019), <http://www.ijdh.org/wp-content/uploads/2019/05/DelegationPressReleaseFinal5-08-2.pdf>.

⁷⁴ RNDDH REPORT, *supra* note 10 ¶ 76; *see also id.*

⁷⁵ Declaration of [REDACTED] ¶ 9; Declaration of [REDACTED] ¶ 10; *La Saline, Haiti Speaks Out*, *supra* note 14.

⁷⁶ Declaration of [REDACTED] ¶¶ 9, 11; Declaration of [REDACTED] ¶ 10.

videos of pigs feeding on corpses lying in trash dumps circulated over social media.⁷⁷ Bodies were only retrieved from the area days after the massacre, when Father Richard FRECHETTE, a Catholic Priest and medical doctor with the St Luke Foundation for Haiti, was able to negotiate a *laissez-passer* with gang leaders.⁷⁸

25. Despite the scale and horror of the atrocities, President MOÏSE has not spoken out about the massacre, condemned the massacre, or paid visits to the survivors.⁷⁹ Instead, the government has vehemently rejected concerns expressed by foreign government officials, and has categorically denied the existence of human rights violations in Haiti.⁸⁰

26. The government has also failed to protect and assist those who fled from La Saline following the massacre. The government has not provided or facilitated humanitarian aid, and has done nothing for the safe return, resettlement, and reintegration of those who are displaced. As a result, victims who lost their homes, life savings, livelihoods, and breadwinners in the massacre are experiencing physical and economic insecurity, homelessness, and a lack of access to drinking water, food, and health services.⁸¹ They rarely eat.⁸² Many sleep on concrete floors and pieces of cardboard they can find.⁸³ Petitioner [REDACTED] leads a precarious life, sleeping under the stars.⁸⁴ Mosquitoes bite everyone.⁸⁵ The dust and the wind from the sea upset them day and night, and when it rains it is a nightmare for them.⁸⁶

⁷⁷ RNDDH REPORT, *supra* note 10, ¶¶ 75-76; Press Release, Bureau des Avocats Internationaux, BAI Call for Independent Investigation in La Saline Massacre (Dec. 6, 2018), <https://www.ijdh.org/2019/01/projects/bai-call-for-independent-investigation-in-la-saline-massacre-2/>.

⁷⁸ See Charles, *supra* note 11.

⁷⁹ Declaration of [REDACTED] ¶ 9; Press Release, BAI, *supra* note 77; Weissenstein, *supra* note 2.

⁸⁰ The Haitian embassy in Washington, D.C. “categorically” denied that there had been any human rights violations, claiming publicly that the accusations were “both baseless and meritless.” See Press Release, Embassy of the Republic of Haiti, Allegations of Human Rights Violations by Congress of the United States, (Mar. 28, 2019), <https://www.haiti.org/allegations-of-human-rights-violations-by-congress-of-the-united-states/>. This statement was made in response to a letter from a bipartisan group of 104 U.S. House of Representatives members calling on U.S. Secretary of State Mike Pompeo to support thorough and independent investigations into the extrajudicial killings that have taken place during the current crisis in Haiti, including the massacre at La Saline. See Letter from Members of Congress to Mike Pompeo, Sec’y of State, U.S. Dep’t of State (Mar. 20, 2019), <http://www.ijdh.org/wp-content/uploads/2019/03/LevinLee-Haiti-ltr-03-2019-1.pdf>; Jacqueline Charles & Harold Isaac, *U.S. Congresswoman Maxine Waters, Actor Danny Glover Make Impromptu Visit to Haiti*, MIAMI HERALD, (Apr. 24, 2019), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article229644999.html>.

⁸¹ Declaration of [REDACTED] ¶ 6; Declaration of [REDACTED] ¶ 10; Declaration of [REDACTED] ¶ 8; FJKL REPORT, *supra* note 28.

⁸² Declaration of [REDACTED] ¶ 10.

⁸³ Prescod Report Part 2, *supra* note 47.

⁸⁴ Declaration of [REDACTED] ¶ 6.

⁸⁵ Declaration of [REDACTED] ¶ 8.

⁸⁶ *Id.*

27. The displaced are also unable to return to La Saline because the government has failed to restore their authority there. Since the massacre, La Saline has suffered regular deadly attacks by gangs with further homes being set on fire,⁸⁷ causing daily insecurity for residents.⁸⁸ The HNP has largely abandoned the area,⁸⁹ and many residents have been forced to stay hidden at home, fearing for their lives. Persons admitted to hospitals and other health centers in the area have been subjected to acts of aggression by gang members.⁹⁰ In May 2019, Father FRECHETTE reported that the St Luke Foundation was burying approximately 150 people per month since the massacre, mostly residents of La Saline.⁹¹ Due to the violence, the Ministry of Public Health closed the nearby Isaie Jeanty Maternity Hospital, located in another gang-controlled area of the Cité Soleil neighborhood, affecting approximately 500 employees and leaving patients in need of maternal care without access to services.⁹² In March 2019, gangs destroyed the Tokyo elementary school where the children of La Saline were educated.⁹³

Haitian government's refusal to take action against the perpetrators of the massacre

28. President MOÏSE has also failed to act in response to compelling evidence implicating senior officials in his administration in the planning of the massacre. The DCPJ report named two senior officials: Joseph Pierre Richard DUPLAN, President MOÏSE's representative for the West Department that includes La Saline, and Fednel MONCHERY, the Director General of the Ministry of the Interior.⁹⁴ President MOÏSE personally appointed DUPLAN to his position and

⁸⁷ Declaration of [REDACTED] ¶ 6; Roberson Alphonse, *Maxine Waters: «Les Massacres Sont Intolérables, Inconcevables et Doivent Cesser»*, LE NOUVELLISTE (Apr. 24, 2019), <https://lenouvelliste.com/article/200951/maxine-waters-les-massacres-sont-intolerables-inconcevables-et-doivent-cesser>; Charles & Isaac, *supra* note 80; Prescod, *Reflections on Haiti*, *supra* note 65; Prescod Report Part 1, *supra* note 42.

⁸⁸ MINUJUSTH REPORT, *supra* note 13.

⁸⁹ Declaration of [REDACTED] ¶ 10; Roberson Geffrard, *La Saline Toujours sous le Contrôle des Gangs Armés, la Police Tente de Renforcer sa Présence*, LE NOUVELLISTE (May 19, 2019), <https://lenouvelliste.com/article/199402/la-saline-toujours-sous-le-contrôle-des-gangs-armés-la-police-tente-de-renforcer-sa-présence>; MINUJUSTH REPORT, *supra* note 13.

⁹⁰ RESEAU NATIONAL DEFENSE DES DROITS HUMAINS, SITUATION CHAOTIQUE DES DROITS HUMAINS EN HAÏTI ET BANDITISME D'ÉTAT : LE RNDDH DENONCE L'INERTIE DES AUTORITES ET LA PROTECTION DES GANGS ARMES ¶¶ 30-33 (2019), <http://rnddh.org/content/uploads/2019/05/3-Rap-Situation-des-DH-3Mai192.pdf>.

⁹¹ Charles, *supra* note 11.

⁹² *Haiti - Health : Closure of the Maternity Isaie Jeanty Because of Insecurity*, HAITILIBRE (May 10, 2019), <https://www.haitilibre.com/en/news-27689-haiti-health-closure-of-the-maternity-isaie-jeanty-because-of-insecurity.html>; *Haiti – Security : Violence Ignites Cité Soleil, the Inhabitants Remain Cloistered at Home*, HAITILIBRE (Apr. 16, 2019), <https://www.haitilibre.com/en/news-27475-haiti-security-violence-ignites-cite-soleil-the-inhabitants-remain-cloistered-at-home.html>.

⁹³ MINUJUSTH REPORT, *supra* note 13.

⁹⁴ See Charles, *supra* note 11 (citing DCPJ report); VANT BÈF INFO, *supra* note 70.

has the power to unilaterally remove him, but he has not taken any action or made any statement in response to DUPLAN's implication in the massacre. In addition, the Government Prosecutor at the Court of First Instance of Port-au-Prince, Paul Eronce VILLARD, ("Prosecutor") has publicly stated that no legal action can be taken against government officials, relying on a misinterpretation of Article 90 of the Haitian Criminal Code.

29. Article 90 of the Haitian Criminal Code reads: "There shall be punished with removal, any officer of the police, any officer of the prosecution, any judge who shall have provoked, given or signed a judgment, an ordonnance or a warrant, tending to the personal prosecution or accusation of a high functionary, without authorization of the Chief of State, of a member of the Legislative Body, against the dispositions of the Constitution, or who, outside of the case of flagrant *delit* or public clamor, shall have, without the said authorization, or against the said dispositions, given or signed the order or warrant to seize or arrest one or more high functionaries or members of the Legislative Body."⁹⁵ In the current state of Haitian law, there is no framework law that defines the status of high functionary of the state, but the Prosecutor has taken the liberty of elevating MONCHERY and DUPLAN to this rank. The Constitutional Court of the Republic held that in the absence of a formal text designating which state official carries the title of a high functionary of the state, officials of the National Police working in the judicial police cannot avail themselves of that status. The fact that a police commissioner replaced the Director General of the National Police does not make that person a high functionary of the state."⁹⁶ Therefore, the Prosecutor is trying to silence justice on behalf of government authorities involved in the massacre by improperly referring to Article 90 of the Haitian Criminal Code to undermine the progress of the investigation of the La Saline massacre case and by declaring that Haitian laws do not allow him to pursue action against these criminals without the authorization of the President. The Prosecutor incorrectly claims that he is only entitled to indict, but not to pursue cases. The Prosecutor's position tramples on the principle of separation of the prosecution and the instruction proclaimed by the Code of Criminal Instruction, a principle reinforced by a judgment of the Constitutional Court.⁹⁷

⁹⁵ Code Pénal art. 90, <https://www.dloc.com/AA00000823/00001/115x>.

⁹⁶ MENAN PIERRE-LOUIS & PATRICK PIERRE-LOUIS, CODE PENAL, PROMULGE LE 11 AOÛT 1835 : MIS A JOUR ET ANNOTE 44 (2007).

⁹⁷ *Id.* at 49 (citing the Cour de Cassation's March 29, 1949 holding that, the requirement to inform being fulfilled, the examining magistrate has the right to unilaterally take any measures effectuating the good and prompt administration of justice).

30. Under strong pressure from civil society,⁹⁸ some state institutions have made efforts to advance investigations. But the process has lacked transparency, and eight (8) months after the atrocities, has yet to result in criminal accountability for predators. The *Inspection Générale de la Police Nationale d'Haïti* (IGPNH) commenced an investigation due to the implication of police officers in the massacre,⁹⁹ but it concluded in January with the suspension of two officers and no criminal accountability.¹⁰⁰ The case is before the “*cabinet d’instruction*” but there is strong evidence that Haitian courts are unable or unwilling to pursue prosecution. For example, in December, 2018, 33 victims filed complaints before the Port-au-Prince court of first instance against alleged assailants, including state authorities,¹⁰¹ but to date there is no indication of progress on the cases. The Prosecutor announced in May that only eleven (11) arrests had been made,¹⁰² and all are alleged gang members.¹⁰³ Two (2) months later, the Prosecutor announced that sixteen (16) arrests had been made in total.¹⁰⁴ Further, there has been no follow up to a report¹⁰⁵ published on the massacre by the *Office de la Protection du Citoyen* (OPC) on January 14, 2019, which strongly critiqued the state’s failure to take preventative action in La Saline and subsequent passive response to the massacre, urged the finalization of investigations so that a ruling could be made within a reasonable time, and urged the police and judicial authorities to neutralize gang

⁹⁸ Great efforts have been made on the part of victims, civil society, lawyers, journalists, and U.S. congressional members, to compel the Haitian government to identify and prosecute those responsible for the heinous crimes committed in La Saline and provide support to victims. E.g. A declaration signed by a diverse group of civil society groups calling for an independent investigation and protection and remedies for victims has gone unanswered. See *Dwa Pou Moun Viv Pa Konn Kanpe! Deklarasyon La Salin* (Dec. 27, 2018), <https://www.ijdh.org/2019/01/projects/deklarasyon-la-saline-dwa-pou-moun-viv-pa-konn-kanpe/>; Letter from Members of Congress to Mike Pompeo, *supra* note 80; Charles & Isaac, *supra* note 80.

⁹⁹ OFFICE DE LA PROTECTION DU CITOYEN, RAPPORT SUR LES ÉVÉNEMENTS DE LA SALINE DU 13 NOVEMBRE 2018 (2019) https://www.clio-haiti.org/IMG/pdf/rapport_situation_de_la_saline_pc_corrige_final.pdf.

¹⁰⁰ Weissenstein, *supra* note 2.

¹⁰¹ MINUJUSTH REPORT, *supra* note 13.

¹⁰² *Massacre of La Saline: DCPJ Investigation Implicates 2 High Officials*, ICIHAITI.COM (May 9, 2019), <https://www.icihaiti.com/en/news-27679-icihaiti-massacre-of-la-saline-dcpj-investigation-implicates-2-high-officials-of-the-state.html>. It is unclear how these numbers correspond with the DCPJ list and whether further arrests have been made since the DCPJ list release. See Godson Lubrun, *Massacre La Saline : La DCPJ Exige du Parquet de Port-au-Prince l’Arrestation de Plusieurs Hauts Responsables de l’Etat*, HPN (May 8, 2019), <http://www.hpnhaiti.com/nouvelles/index.php/politique/36-space/5506-massacre-la-saline-la-dcpj-exige-du-parquet-de-port-au-prince-l-arrestation-de-plusieurs-hauts-responsables-de-l-etat>.

¹⁰³ MINUJUSTH REPORT, *supra* note 13.

¹⁰⁴ Ricardo Lambert, *La Saline, Carrefour-Feuille: les Résultats du Parquet de Port-au-Prince se font Attendre*, LE NOUVELLISTE (July 19, 2019), <https://lenouvelliste.com/article/204771/la-saline-carrefour-feuille-les-resultats-du-parquet-de-port-au-prince-se-font-attendre>.

¹⁰⁵ OFFICE DE LA PROTECTION DU CITOYEN, *supra* note 99.

members who continued to violate the rights, especially the public freedoms, of others to protest.¹⁰⁶ As such, eight (8) months since the massacre in La Saline, the Haitian state's response remains wholly ineffective and unacceptable.

31. In the meantime, on May 7, 2019, civil society responded to a plan to assassinate RNDDH Executive Director Pierre ESPERANCE, in retaliation for RNDDH's report on the La Saline massacre.¹⁰⁷

IV. PRECAUTIONARY MEASURES FOR THE PETITIONERS ARE NECESSARY TO PREVENT NEW ATTACKS AND OTHER HUMAN RIGHTS VIOLATIONS

32. Precautionary measures are required to protect La Saline residents who fled after the massacre from imminent harm. Victims displaced because of the massacre are confronting a serious and urgent situation presenting a risk of irreparable harm as a result of the Haitian government's past and ongoing violations of its ACHR obligations. Petitioner [REDACTED], Petitioner [REDACTED], Petitioner [REDACTED], and Petitioner [REDACTED], amongst others who fled La Saline, are experiencing physical and economic insecurity, homelessness, a lack of access to food, water, and health services, and a significant ongoing threat of violence. Precautionary measures are equally necessary to prevent these individuals from suffering irreparable harm should they return home to La Saline, which remains acutely insecure and under attack by gang members as a result of government inaction. In light of the government's implication and inadequate response to the La Saline massacre, there are very few measures that the Petitioners alone can take to mitigate the serious, imminent and irreparable harm they face and ensure the safety and security of themselves and their families.

a. The La Saline Massacre constituted a grave violation of the right to life, liberty, and security of the person, to humane treatment, and to equality before the law

33. The La Saline Massacre constituted a grave violation of the Haitian government's international obligations to respect, protect and ensure the right to life, liberty, and security of the

¹⁰⁶ OFFICE DE LA PROTECTION DU CITOYEN, LA SITUATION DES DROITS HUMAINS EN HAÏTI AU SEUIL DE L'ANNEE 2019 : ENTRE REALISATIONS ET DEFIS (2019).

¹⁰⁷ Israël Jeune, *Des Organisations des Droits Humains et de la Société Civile Dénoncent un «Plan d'Assassinat» Contre Pierre Espérance*, LE NOUVELLISTE (May 7, 2019), <https://lenouvelliste.com/article/201468/des-organisations-des-droits-humains-et-de-la-societe-civile-denoncent-un-plan-dassassinat-contre-pierre-esperance>.

person and humane treatment. Article 4 of the ACHR provides that “every person has the right to have his life respected” and that “no one shall be arbitrarily deprived of his life”, while Article 5 provides that “every person has the right to have his physical, mental, and moral integrity respected” and Article 7 guarantees the right to personal liberty and security. Article 3 of the *Convention of Belem do Para*, to which Haiti is a party, also guarantees the right of women to be free from gender-based violence, including rape and other forms of sexual violence, in both public and private spheres.¹⁰⁸ Finally, Article 24 guarantees equal protection before the law. As a State Party, the Haitian government has a responsibility to not only respect these rights but ensure their free and full exercise within their jurisdiction, without any discrimination, including by adopting measures to prevent and protect individuals under its jurisdiction from violations of their rights by both state agents and private actors.¹⁰⁹

34. As set out above, credible investigations suggest that the mass killings and extreme physical and sexual violence perpetrated during the La Saline massacre were carried out with the support and involvement of government forces, and that Haitian government officials orchestrated the massacre in response to the neighborhoods involvement in anti-government protests. The Haitian government has failed to adequately respond in any way to these serious allegations, including the DCPJ’s direct implication of senior government officials.

35. Witness testimony and investigations by human rights groups also demonstrate that the state violated its obligations to take measures to protect the residents of La Saline both in the lead up to and during the massacre. As discussed above (paragraph 18), police officers were present in La Saline during the massacre but remained unresponsive as residents were murdered and raped, and stores and homes were looted and burned to the ground.¹¹⁰

36. The La Saline massacre constituted a grave violation of individuals’ right to equal protection of the law. The Haitian government violated its obligation to respect, protect, and ensure the free and full exercise of all rights and freedoms, without discrimination of any kind, including for reasons of political opinion. Article 24 provides that “All persons are equal before the law.

¹⁰⁸ Organization of American States, Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women “Convention of Belem do Para”, June 9, 1994, O.A.S.T.S. No. A-61, <http://www.oas.org/juridico/english/treaties/a-61.html>.

¹⁰⁹ ACHR, *supra* note 1, art. 1; Jessica Lenahan (Gonzalez) v. United States of America, Case 12.626, Inter-Am. Comm’n H.R., Report No. 80/11, <https://media.law.miami.edu/human-rights-clinic/pdf/2011/USPU12626EN.pdf>, ¶¶ 117-119 (2011); Manuel Cepeda Vargas v. Colombia, Case 12.531, Inter-Am. Ct. H.R., ¶ 197 (May 26, 2010) http://www.corteidh.or.cr/docs/casos/articulos/seriec_213_ing.pdf.

¹¹⁰ Declaration of [REDACTED] ¶ 10; Declaration of [REDACTED] ¶ 7.

Consequently, they are entitled, without discrimination, to equal protection of the law.” Article 1(1) of the ACHR provides that “The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of ...political or other opinion...” As described above (paragraph 23), La Saline residents and survivors of the massacre, including Petitioners [REDACTED] and [REDACTED], believe the attack was organized to retaliate against the neighborhood’s involvement in the anti-government protests and against their support for the opposition party *Fanmi Lavalas*.¹¹¹

b. The Haitian government’s failure to adequately respond to the massacre constitutes an ongoing violation of the right to life, liberty, and security of the person, and to humane treatment

37. The Haitian government’s obligation to guarantee ACHR rights includes an obligation to effectively and impartially investigate violations of those rights.¹¹² In the case of extrajudicial executions and other grave human rights violations, the IACtHR has held that the state has an obligation to initiate an immediate, impartial and effective investigation, using all available legal means to determine the truth and pursue the perpetrators of the crimes, especially if state agents might have been involved.¹¹³ Failure to adequately investigate and prosecute massacres itself implicates violations of Articles 4(1), Article 5 and Article 7 of the ACHR.

38. As set out above (paragraphs 24-31), despite the horror of the La Saline massacre and the credible allegations of the involvement of state agents, the Haitian government’s response has been opaque and inadequate. The government has failed to formally condemn the massacre, to conduct effective investigations to determine the alleged perpetrators, including senior government officials, and to combat insecurity in La Saline. The government’s response has resulted in impunity for the perpetrators and has emboldened gang members to commit further violence, exacerbating victims’ already dire situations. Deadly gang activity has increased in La Saline since the massacre, and there is a stark lack of police presence in the area.¹¹⁴ This has contributed to generating conditions of insecurity in La Saline, perpetuating victims’ inability to return home.

¹¹¹ Declaration of [REDACTED] ¶ 9; Declaration of [REDACTED] ¶ 11.

¹¹² ACHR, *supra* note 1, art. 1(1); Vargas v. Colombia, *supra* note 109, ¶ 116.

¹¹³ Pueblo Bello Massacre v. Colombia, Inter-Am.Ct. H.R. (ser. C) No. 159 ¶ 143 (Jan. 31, 2006), www.corteidh.or.cr/docs/casos/articulos/seriec_140_ing.pdf.

¹¹⁴ Press Release, BAI, *supra* note 77.

Further, gang violence is spreading across Port-au-Prince in the face of government inaction, creating serious imminent risks of further violations of the right to life, liberty and security of the person and humane treatment of those displaced.

c. The destruction of homes and property and forced displacement of La Saline residents constitute an ongoing violation of their rights to freedom of movement, property, and adequate housing

39. Article 22 of the ACHR provides that State parties must respect and guarantee the right to freedom of movement and residence to all people under their jurisdiction, which includes the prohibition of arbitrary displacement.¹¹⁵ The IACtHR has also recognized an obligation on State parties to facilitate the safe return of displaced communities, within the framework of the Article 22.¹¹⁶ Article 21, meanwhile, protects the right to personal property, and prohibits arbitrary interference with property. Read in combination with the *Charte de l'Organisation des Etats Américains*, which sets forth states' obligation to eliminate extreme poverty by providing « adequate housing for all sectors of the population,»¹¹⁷ the ACHR implicitly provides for the right to adequate housing.¹¹⁸ The Haitian Constitution also recognizes the inalienable right of citizens to adequate housing.¹¹⁹

40. Here again, the Haitian government is violating its obligations under the ACHR and its own Constitution. The La Saline massacre involved widespread destruction of houses, personal property and means of subsistence. Many residents were also forced to flee against their will and without alternative housing, leaving them displaced and homeless. The Haitian government has failed and continues to fail to take steps to guarantee the security for residents to move freely and reside in La Saline, provide assistance in relocation or reconstruction of homes, or accountability for the destruction of homes and property. These failures, and the residents' consequent

¹¹⁵ Press Release, Inter-American Commission on Human Rights (IACHR), IACHR Has Concluded its Visit to Honduras and Presents its Preliminary Observations (Aug. 3, 2018), https://www.oas.org/en/iachr/media_center/PReleases/2018/171.asp.

¹¹⁶ Case of the Afro-Descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia, Inter-Am. Ct. H.R., ¶324 (Nov. 20, 2013), http://www.corteidh.or.cr/docs/casos/articulos/seriec_270_ing.pdf.

¹¹⁷ Charter of the Organization of American States art. 34(k), Feb. 27, 1967, http://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-41_charter_OAS.pdf.

¹¹⁸ THE CENTRE ON HOUSING RIGHTS AND EVICTIONS, ENFORCING HOUSING RIGHTS IN THE AMERICAS: PURSUING HOUSING RIGHTS CLAIMS WITHIN THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS 26 (2002)(discussing Haydee A. de Marin v. Nicaragua), <http://www.javier-leon-diaz.com/property/americas%20COHRE.pdf>.

¹¹⁹ Constitution de la Republique d'Haiti, Mar. 10, 1987. Article 22 expressly provides every citizen with the right « to decent housing, education, food, and social security. »

displacement, represent serious and ongoing human rights violations of the ACHR. Furthermore, these violations have exacerbated the extreme poverty and vulnerability of the residents of La Saline and interfere with other fundamental rights such as the rights of the family (Art. 17), the rights of the child (Art. 19), and the right to live in privacy and with dignity (Art. 11). These violations will continue until the Haitian Government complies with its obligations to ensure residents can return to their places of origin safely, voluntarily, and with dignity, or until they are voluntarily resettled in another part of the country.¹²⁰

d. The Haitian government's failure to provide rehousing and humanitarian assistance to those displaced violates the right to physical integrity, freedom of movement, health, and rights of the child

41. Not only is the Haitian government obliged to prevent residents from having to flee their homes, it also has a duty to protect and assist those who have fled, provide and facilitate humanitarian aid, and facilitate the safe return, resettlement, and reintegration of those who are displaced.¹²¹ The IACtHR has recognized that State parties have obligations to ensure humanitarian assistance and safe return to persons under their jurisdiction who are forcibly displaced, under the framework of Article 5 right to personal integrity, and the Article 22 right to freedom of movement.¹²² Failure to provide adequate housing, food and health care to the displaced constitutes a violation of this right, as does failure to adequately assist those who choose to return including by taking measures to protect from renewed threats to personal security. The Commission has previously ordered precautionary measures to protect the fundamental socio-economic rights and personal integrity of displaced persons. In Resolution 43/18 PM 44/18 *Families of the Maya Q'eqchi' community La Cumbre Sa'kuxhá*, the Commission ordered Guatemala to “adopt the necessary measures to protect the rights to life and personal integrity of the indigenous families of the Queqchi Maya Community through “culturally appropriate measures aimed at improving, among other aspects, housing, sanitary, health, food and access to drinking water, especially for children [and] women” and to “adopt culturally appropriate protection measures to protect the life and personal integrity of families and prevent acts of violence by third parties...”.

42. Moreover, State parties to the ACHR have committed themselves to the full realization of

¹²⁰ Press Release, IACHR, *supra* note 115.

¹²¹ *Operation Genesis v. Colombia*, *supra* note 116 ¶¶ 315, 323-324.

¹²² *Id.*

their citizens' social and economic rights.¹²³ The right to adequate housing, to live in a healthy environment and to have access to core public services are social and economic rights. Read together with Article 11 of the Declaration, which specifies that "every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources,"¹²⁴ the ACHR implicitly provides for a right to health and adequate standard of living. In addition to their international obligation under the Convention, Haiti's own Constitution "recognizes the right of every citizen to decent housing, education, food and social security" (Art. 22), while Article 23 obliges the government "to ensure for all citizens in all territorial divisions appropriate means to ensure protection, maintenance and restoration of their health by establishing hospitals, health centers and dispensaries." Finally, under the ACHR, children have a particular "right to the measures of protection required by his condition as a minor on the part of his family, society, and the state" (Art. 19).

43. The Haitian government is violating these rights through its ongoing failure to provide humanitarian assistance to those displaced as a result of the La Saline massacre. As detailed in paragraph 26, the government's unresponsiveness to the humanitarian emergency facing those displaced has left victims homeless and destitute, deprived of means of subsistence.

44. These inhumane living conditions, and the serious and imminent risk they pose to Petitioners' lives, health, and personal security and integrity are only likely to worsen. Victims' economic situation is deteriorating from day to day.¹²⁵ Victims' livelihoods were destroyed in the massacre; life savings were stolen, homes were demolished, and means to work were taken away.¹²⁶ Petitioner ██████████'s son, who was killed in the massacre, supported her financially.¹²⁷ As a result, for some of them, their financial resources are depleted.¹²⁸ They now remain at the mercy of generous people.¹²⁹

45. This living situation entails particular threats to the safety, health and education of displaced children, creating further violations of the Article 17 rights of children. One pregnant

¹²³ ACHR, *supra* note 1, art. 26.

¹²⁴ American Declaration of the Rights and Duties of Man art. 11.

¹²⁵ Declaration of ██████████ ¶ 6.

¹²⁶ Declaration of ██████████ ¶ 5; Declaration of ██████████ ¶ 10.

¹²⁷ Declaration of ██████████ ¶¶ 1, 8.

¹²⁸ Declaration of ██████████ ¶ 6.

¹²⁹ *Id.*

woman was forced to give birth under these conditions.¹³⁰ Displaced families cannot take care of their children, who can no longer attend school.¹³¹

e. Petitioners face a serious, imminent risk of irreparable harm as a result of the Haitian government's continuing violations of the ACHR

46. The government's violation of the rights of its citizens has created an untenable and urgent situation for the hundreds of victims of the La Saline massacre who were forced to flee their homes due to the violence. Victims face imminent and irreparable harms, including serious risk of death, physical injury, illness, and malnutrition. Displaced victims are living in inhumane, life-threatening circumstances, deprived of their most basic humanitarian needs to shelter, health, clean water, sanitation, food, education and healthcare. Given the Government's total failure to provide any assistance to displaced residents of La Saline to date, these untenable conditions are likely to persist and deteriorate further until and unless the Commission issues precautionary measures requiring the Haitian government to protect their rights.

47. Moreover, despite having fled the violence, victims' physical security remains at risk;¹³² they believe they are targets not only because their community is opposed to the present government, but because they are active supporters of the political party *Fanmi Lavalas*.¹³³ Further, as explained above (paragraph 27), gang violence is increasing in poor neighborhoods of Port-au-Prince, including in the Cité Soleil area around Wharf Jérémie where many displaced residents are living. This continuing risk of violence creates a further acute risk to the lives and personal security of Petitioners in the areas where they are displaced.

48. Victims additionally face an acute risk of irreparable harm in returning to La Saline. Petitioners [REDACTED] and [REDACTED], amongst other victims, want to return home with their families but if they did, they would face an acute risk of injury or death and would be unable to access basic health services. The government's failure to formally condemn the brutal massacre and to provide security in La Saline has served to reinforce and encourage violence in the area.¹³⁴

49. Moreover, should they return, Petitioners [REDACTED] and [REDACTED] and their

¹³⁰ Prescod Report Part 2, *supra* note 47.

¹³¹ Declaration of [REDACTED] ¶ 6.

¹³² Michelson Césaire, *La Place d'Italie, un Refuge des Déplacés de La Saline*, LE NOUVELLISTE (Mar. 29, 2019), <https://www.lenouvelliste.com/article/199489/la-place-ditalie-un-refuge-des-deplaces-de-la-saline>.

¹³³ Declaration of [REDACTED] ¶ 11; Declaration of [REDACTED]; Press Release, Human Rights Delegation, *supra* note 73.

¹³⁴ FJKL REPORT, *supra* note 28.

families would continue to be deprived of their fundamental rights to food, adequate housing, and education. Petitioner [REDACTED], amongst others, would be unable to return to work in order to provide for her family. Schools do not function, churches have been closed, merchants are unable to perform daily activities. Cultural activities have ceased, homes have been destroyed, and residents' freedom of movement remains compromised.¹³⁵

50. Petitioners are facing serious and imminent threats to rights which, by their very nature, are not susceptible to repair, restoration or adequate compensation. Further, Petitioners are unable to adequately protect their rights through recourse to domestic avenues. Despite the high national profile of the La Saline massacre in Haiti, the state has been completely unresponsive to victims over the past seven (7) months, and those displaced have almost no access to government services or protection. The HNP is unable or unwilling to stem the gang violence that continues in La Saline and is spreading to other neighborhoods, while the government has shown itself unwilling to condemn and transparently investigate the massacre, or hold state agents responsible accountable. There are conflicting accounts as to arrests made, and potential court processes are slow, opaque and unreliable. Precautionary measures are thus needed to protect the displaced community of La Saline from further harm and provide them with support to begin rebuilding their lives.

V. PRECAUTIONARY MEASURES

51. Precautionary measures for members of the La Saline community are required to avoid irreparable harm. In this request, although some of the Petitioners have been named, the exact number of persons in need of precautionary measures is not known. The Petitioners, however, form a distinct class in that they all fled La Saline on November 13, 2018, or soon thereafter, and have nowhere else they can relocate to. The Commission has previously granted precautionary measures on behalf of whole communities to protect its members who are in danger of suffering irreparable harm, and it is respectfully requested to do so here as well.¹³⁶ Therefore, we respectfully request the Commission to order the Haitian government:

- To implement immediate and effective measures of security in victims' location of

¹³⁵ Declaration of [REDACTED] ¶ 9; *see also id.*

¹³⁶ *See* Case of Persons of Haitian Origin and Dominicans of Haitian Descent v. Dominican Republic, Granting of Precautionary Measures, Inter-Am. Comm'n H. R., (Nov. 22, 1999); Case of La Granja, Ituango Municipality v. Colombia, Granting of Precautionary Measures, Inter-Am. Comm'n H. R., (Sept. 5, 2001); Case of National Association of Peasant and Indigenous Women v. Colombia, Granting of Precautionary Measures, Inter-Am. Comm'n H. R., (Mar. 2, 2001).

displacement, including adequate police presence, to ensure their physical integrity, especially to women and children;

- To implement immediate and effective measures in victims' location of displacement to protect their rights to life and personal integrity, through appropriate measures aimed at improving, among other aspects, housing, sanitary, health, food and access to drinking water, especially for women and children;
- To ensure that persons who fled La Saline, including Petitioners [REDACTED] and [REDACTED], are immediately relocated to areas that meet the minimum health and safety standards and that are not far from the La Saline area;
- To implement appropriate protection measures to protect the life and personal integrity of families in La Saline and prevent acts of violence by third parties;
- To ensure that the owners of homes that were destroyed, those who were raped, and those whose family members were killed or injured during the massacre at La Saline have full access to courts to enforce their rights under Haitian and international law;
- To implement necessary measures to protect former residents of La Saline from possible acts of violence by state agents or third parties;
- To adopt necessary measures to pursue dialogue and consultations with those who fled La Saline, in order to find a lasting solution for those who fled;
- To publish a report setting out the measures taken in order to study the facts that led to this precautionary measure request and to prevent their repetition;
- To designate a lead agency for the implementation of the precautionary measures and recommendations, including the responsibility to educate government actors at the local and national levels on the precautionary measures.

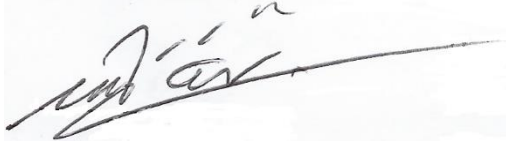
VI. CONCLUSION

52. Pursuant to this report, we request that the Commission urgently adopt provisional measures not only to protect our clients and the displaced La Saline community but also to ensure the effective exercise of their rights.

Port-au-Prince, 9 August 2019

Signed by:

M^e Mario JOSEPH, pour le BAI

A handwritten signature in dark ink, appearing to read 'M. Joseph', with a long horizontal stroke extending to the right.

Sandra Wisner, Esq., pour l'IJDH

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Beatrice Lindstrom, Esq., pour l'IJDH

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Sienna Merope, Esq., pour l'IJDH

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