



Human Rights and Rule of Law in Haiti: Key Recent Developments

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Haiti faces an increasingly challenging human rights, security and rule of law context. In the five months since the operationalization of the United Nations Integrated Office in Haiti (BINUH) in October 2019, the population has been threatened by acts of repression and private violence committed with apparent impunity.¹ Threats to the independence and functioning of the justice system are undermining the impartial application and consistent enforcement of laws.

Civil liberties have been under risk from acts of violence and repression against protesters by the Haitian National Police (HNP). Amnesty International issued an advisory report on verified evidence of excessive use of force by the HNP against civilians in October 2019,² and the Committee to Protect Journalists and Reporters Without Borders issued a November 2019 open letter to the Minister of Justice and Public Security to express concern about increasing, targeted violence against journalists and impunity.³ More broadly, a deteriorating economic situation and political gridlock continues to have far reaching consequences on human rights, across economic, social, cultural, civil, and political dimensions.⁴

Since January 13, 2020, President Jovenel Moïse has ruled Haiti by decree as a result of the postponement of parliamentary elections scheduled for October 2019, due to failures to achieve a ratified government and budget since March 2019. As of January 13, 2020, one-third of the seats in the Senate, all seats in the lower chamber of Deputies, and all locally elected posts have expired.⁵ To date, no significant progress has been made towards accountability for corruption in the misappropriation of US\$1.7 billion in PetroCaribe Funds first reported by the Haitian Senate in 2016 and 2017 reports, later followed by 2019 reports by Haiti's Court of Auditors.

Following this month's UN Security Council's review of BINUH and as UN member states and stakeholders monitor the situation in Haiti in the coming months, continued attention to the rule of law, accountability and the State's respect for human rights is essential.

Effective engagement by the UN and its member states must also confront the legitimacy deficit of the UN in Haiti, which is marked by the organization's failure to respect its own legal and human rights obligations in responding to the UN-introduced cholera epidemic and multiple cases of peacekeeper sexual exploitation and abuse (SEA).

Corruption & failures of accountability

Civil society spanning across sectors have mobilized throughout the country against corruption over the past eighteen months, stemming from reports from Haiti's Senate (2016, 2017) and Superior Court of Auditors and Administrative Disputes (CSCCA, 2019) implicating 15 former ministers and senior state officials in the misuse of over \$1.7 billion between 2008 and 2016 from a Venezuelan oil loan fund provided to Haiti to support national development ("PetroCaribe").⁶ The 2019 CSCCA report



further implicated President Moïse in corruption, prompting persistent and widespread calls for his resignation.⁷

Mass mobilizations between August and December 2019 prompted a near total lock down of the country (“peyi lok”). While popular protests have decreased in early 2020, the underlying reasons for the mobilization remain unaddressed.

- None of the ministers or state officials implicated in PetroCaribe wrongdoing have been held accountable to date.⁸
- Despite Haiti’s CSCCA finding evidence that suggests President Moïse’s direct implication in the misuse of PetroCaribe funds,⁹ in December 2019, Haitian Foreign Minister Edmond Bocchit issued blanket denials of the Moïse Administration’s connections to PetroCaribe corruption.¹⁰ President Moïse has also rejected the findings against him.¹¹
- In February 2020, President Moïse issued a presidential decree outlining changes to the rules for government procurement, essentially allowing the Executive to circumvent regular procurement processes for contracts concerning electricity and those touching on the “stability and development” of the country, as determined by the Council of Ministers.¹² These changes have been severely criticized by local media as further enabling corruption and undermining norms of good governance.¹³

Challenges to the effectiveness and independence of the justice system

Threats to the security and independence of the judiciary risk further undermining the fairness, accountability, and equality that are fundamental to functional rule of law.

- Civil society has raised concerns about the Moïse Administration’s pressure on the justice system in cases that involve the Administration’s political priorities.¹⁴ By contrast, judicial processes in Haiti addressing the November 2018 massacre of 71 civilians in La Saline remain blocked following the request for recusal of the presiding judge in August 2019.¹⁵
- Haitian courts were closed for almost two months during October and November 2019 due to political insecurity.¹⁶
- On September 30 and December 31, the Prosecutor’s office at the Court of First Instance in Port-au-Prince was robbed of material evidence linked to arrests.¹⁷ Ongoing insecurity prevented hearings before the Port-au-Prince courts in January 2020.¹⁸

Violence against protestors

- The Haiti-based National Human Rights Defense Network (RNDDH) documented at least 35 deaths during protests from September 17 to October 17, with nine at the hands of police, and more than 200 people injured.¹⁹
- The *Bureau des Avocats Internationaux’s* (BAI) legal observation and human rights defense program, which monitors and provides legal assistance to protestors, assisted 21 people who had been arrested during protests in September 2019. On October 4 and 9, 2019, BAI lawyers



monitoring protests also directly observed eight instances of police abuse against protesters, resulting in severe injuries and even death.²⁰

- An October 31 report from Amnesty International verified that law enforcement had been unlawfully using live ammunition during protests, including from semi-automatic rifles and combat weapons, and excessive use of tear gas, water cannons, and rubber bullets.²¹
- On November 1, the UN's Office of the High Commissioner for Human Rights, stated that the U.N. had verified at least 42 killings and 86 injuries since September 15 from the escalating violence, including 19 killings by Haitian security forces.²²

Violence against the press

- On November 14, the Committee to Protect Journalists (CPJ) and Reporters Without Borders (RSF) wrote to the Haitian government to express their concern about increasing threats and violence against the press in Haiti and the failure of government officials to adequately respond.²³
- At least four journalists were shot after covering corruptions issues between June and October 2019.²⁴ On January 18, 2020, Radio Mega reported that two people were arrested for the murder of one assassinated journalist, Nehemie Joseph, and that one suspect confessed to being hired by a Senator.²⁵ The next day, a group of armed attackers shot into the home of one of the BAI lawyers, Job Gene, representing Mr. Joseph's widow.²⁶
- On October 17, police from the USGPN (the unit responsible for the President's security) beat Raynald Petit-Frere, a journalist with Radio Signal FM covering the protests.²⁷ The same day, police from the Departmental Unit for the Maintenance of Order (UDMO) beat Jacquelin Francois of Radio Tele Zenith after he reported that the UDMO officers were wearing ski masks while policing protests in contravention of new rules.²⁸

Widespread Insecurity

A. Rising insecurity and politically linked violence

The past five months have been marked by a climate of growing insecurity, including a sharp increase in kidnappings since the start of 2020.²⁹

- Violence has included targeting of women, with several instances of sexual violence and gang rapes reported.³⁰
- Media reports suggest that government officials are directly involved in arming and funding street gangs to carry out state sanctioned violence.³¹
- Local news reports implicated President Moïse's representative in the Department of the North, Pierrot Augustin, in orchestrating violence in Cap Haitien between September 27 and October 24 2019, in which at least 30 homes were burned.³²

B. Impunity



- Survivors of the November 2018 La Saline massacre, in which over 70 people were killed by armed gangs, report having received no humanitarian assistance from the government³³ and are surviving in dire conditions, without access to shelter, health services, food or education and with continued threats to their security.³⁴ On December 31, 2019 the Inter-American Commission for Human Rights granted precautionary measures to members of the “La Saline Victims’ Committee” in recognition that members of the Committee trying to seek justice were being subjected to threats or acts of violence.³⁵ Two then senior government officials directly implicated in the massacre remain free.³⁶
- Between November 4 and 8 2019, at least 24 people were killed and five more wounded in Port-au-Prince’s Bel-Air neighborhood with the aim of stifling demonstrations in the area, according to a December 17 report by RNDDH. The RNDDH report, along with a subsequent report by BINUH released in February 2020, reveal the consequences of impunity for the La Saline Massacre in enabling ongoing attacks: both investigations identify Jimmy Chérizier, one of the gang leaders responsible for the November 2018 massacre at La Saline, as one of the main perpetrators of the Bel-Air attacks, while also implicating HNP officers and suggesting the implication of senior Moïse Administration officials in the events.³⁷

Deteriorating social and economic rights landscape

The current situation continues to severely undermine social and economic rights against a pre-existing background of vulnerability affecting 60% of the population.³⁸

- There has been a 60% depreciation in the national currency over the past two years and inflation reached 20% in November 2019.³⁹ On December 12, the Economic Commission for Latin America and the Caribbean (ECLAC) noted that Haiti’s economy recorded negative growth of -0.7 per cent in 2019. According to ECLAC, this is the first of year negative growth since the 2010 earthquake.⁴⁰
- The Food and Agriculture Organization of the United Nations (FAO) warned that the political and macroeconomic crisis is projected to further reduce the already low purchasing power of households in the coming months, and that “[m]ass demonstrations and episodes of violence could persist” as a result.⁴¹
- On November 1 2019, the U.N. High Commissioner for Human Rights expressed concern about the impact the protracted crisis on the population’s access to healthcare, food, education and other needs, noting rural areas have been particularly affected.⁴²
- On December 30, 2019, the UN predicted that 4.6 million Haitians will require emergency humanitarian assistance in 2020.⁴³

Outlook

Haiti remains at a crossroads, with the persistent civic movement laying bare clear demands from the population for an end to corruption, stronger accountability and rule of law, and transformative changes to governance towards a state that respects and fulfills the rights of the people.⁴⁴ Moving forward, it



is essential that all stakeholders are responsive to these clear demands, while ensuring that the Haitian population's fundamental human rights to free expression, life and personal security are respected and protected as they exercise their democratic freedoms to call for a better future.

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