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## CONDITIONS IN HAITI

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TAB	DOCUMENT	PAGE
A.	<p>U.S. Department of State, Human Rights and Labor, <i>Country Reports on Human Rights Practices for Haiti, 2020</i>, available at: <a href="https://www.state.gov/wp-content/uploads/2021/03/HAITI-2020-HUMAN-RIGHTS-REPORT.pdf">https://www.state.gov/wp-content/uploads/2021/03/HAITI-2020-HUMAN-RIGHTS-REPORT.pdf</a></p> <ul style="list-style-type: none"><li>• “Significant human rights issues included: reports of unlawful and <b>arbitrary killings by gangs allegedly supported and protected by unnamed officials; excessive use of force by police; harsh and life-threatening prison conditions; arbitrary and prolonged pretrial detention; a judiciary subject to corruption and outside influence;</b> physical attacks on journalists; <b>widespread corruption and impunity;</b> lack of investigation of and accountability for violence against women; and the worst forms of child labor.” (p. 1)</li><li>• “The government rarely took steps to prosecute government and law enforcement officials accused of committing abuses. There were credible reports that <b>officials engaged in corrupt practices, and civil society groups alleged widespread impunity.</b>” (p. 2)</li><li>• “<b>Insufficient steps were taken to apprehend or prosecute gang members, including at least one former police officer,</b> accused of orchestrating killings, rapes, and destruction of property.” (p. 2)</li><li>• “<b>There were numerous reports of arbitrary and unlawful killings perpetrated by armed gangs allegedly supported and protected by members of the government.</b>” (p. 2)</li><li>• “There were <b>960 reported homicides between January and the end of September [2020]</b>, according to the UN Integrated Office in Haiti (BINUH)...In June the Eyes Wide Open Foundation reported <b>there were more than 150 active gangs in the country; it alleged active government support for the gangs.</b>” (p. 2)</li><li>• “While the law prohibits such practices, several reports from nongovernmental organizations (NGOs) alleged <b>that [the Haitian National Police (HNP)] officers beat or otherwise abused detainees and suspects.</b> Detainees were subject to <b>cruel, inhuman, and degrading treatment in overcrowded, poorly maintained, and unsanitary prisons and makeshift detention centers.</b>” (p. 3)</li></ul>	1 – 29

- “Impunity was a significant problem in the security forces.” (p. 4)
- **“Prisons and detention centers throughout the country were life threatening** due to being overcrowded, poorly maintained, and unsanitary, and providing insufficient nutrition. BINUH reported that **prisons and detention centers had an occupancy rate of 345 percent.**” (p. 4)
- “Many **prison facilities lacked adequate basic services** such as plumbing, sanitation, waste disposal, electricity, ventilation, and lighting.” (p. 4)
- “Outside the capital, due to lack of prison space and oversight, **authorities sometimes did not separate juveniles from adult prisoners or separate convicted prisoners from pretrial detainees,** as the law requires.” (p. 5)
- “Approximately 1,000 inmates within the penitentiary system were acutely malnourished.” (p. 5)
- **“International and local observers also reported a lack of basic hygiene, poor health care, and waterborne illnesses** within the prison system. The NGO Health through Walls reported that **unsanitary conditions and overcrowding led to high rates of tuberculosis and other communicable diseases.**” (p. 6)
- “The law prohibits arbitrary arrest and detention, but it **does not provide for the right of any person to challenge in court the lawfulness of his or her arrest or detention.**” (p. 6)
- “Independent reporting confirmed instances in which, **contrary to law, police without warrants or with improperly prepared warrants apprehended persons not actively committing crimes.** Authorities **frequently detained individuals on unspecified charges.**” (p. 7)
- “In some cases **detainees spent years in detention without appearing before a judge.** According to the RNDDH, **pretrial detainees constituted 78 percent of the prison population in October,** up from 72 percent at the same time in 2019.” (p. 7)
- “Human rights organizations alleged **politicians routinely influenced judicial decisions and used the justice system to target political opponents.** Detainees reported credible cases of **extortion, false charges, illegal detention, physical violence by**

**HNP personnel, and judicial officials refusing to comply with basic due process requirements.”** (p. 8)

- “Internal political divisions as well as organizational, funding, and logistical problems often hampered the CSPJ. **Observers stated the CSPJ was ineffective in providing judicial accountability, transparency, and judicial vetting.** The terms of trial judges and investigative judges are renewable by the president, on the recommendation of the CSPJ. As of November the CSPJ had **submitted the names of at least 60 judges for renewal of their terms, but the president had not acted on those submissions. Consequently the judges were unable to carry out their duties.**” (p. 8)
- “Corruption and a lack of judicial oversight severely hampered the judiciary. Human rights organizations reported **several judicial officials, including judges and court clerks, arbitrarily charged fees to begin criminal prosecutions...** There were also persistent accusations that **court deans, who are responsible for assigning cases to judges for investigation and review, at times assigned politically sensitive cases to judges with close ties to the executive and legislative branches.**” (p. 9)
- “**Defendants have the right to confront hostile witnesses, call witnesses, and provide evidence on their own behalf. Judges often denied these rights.** The perception of widespread impunity discouraged some witnesses from testifying at trials.” (p. 9 – 10)
- “**The judicial branch investigated several cases of corruption during the year, but there were no prosecutions.** The constitution mandates that **the Senate (rather than the judicial system) prosecute high-level officials and members of parliament accused of corruption, but the Senate has never done so.** The government’s previous anticorruption strategy expired in 2019, and as of November the government did not have a formal anticorruption strategy.” (p. 15)
- “**Victims of rape and other forms of sexual violence faced major obstacles in seeking legal justice** as well as in accessing protective services...” (p. 16)

**B. Human Rights Watch, World Report 2021, *Haiti – Events of 2020*, available at: <https://www.hrw.org/world-report/2021/country-chapters/haiti>**

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- “Protracted political instability and gang violence in 2020 – often with state ties – contributed to the **Haitian government’s inability**

to meet the basic needs of its people, resolve long-standing human rights problems, and address humanitarian crises.” (p. 30 – 31)

- “Impunity for gang and police violence continued.” (p. 31)
- **“Haiti is facing one of its worst outbreaks of violence since 1986.** The United Nations Integrated Office in Haiti (BINUH) reported **944 intentional homicides, 124 abductions, and 78 cases of sexual and gender-based violence from January through August 31,** with at least 159 people killed as a result of gang violence, including a four-month-old infant. **Alleged complicity between politicians and gangs have contributed to a climate of insecurity.**” (p. 32 – 33)
- **“Police did not intervene on August 31, when gangs killed at least 20 people and set houses afire in the Bel-Air and Delmas neighborhoods of Port-au-Prince, forcing at least 1,221 residents to shelter in public squares and a soccer field.”** (p. 35)
- “Since the 2010 earthquake, **nearly 33,000 people still live in displacement camps and at least 300,000 live in informal settlement without government oversight.** Authorities have not provided assistance to return or resettle them, or to ensure their basic rights in the settlement.” (p. 36)
- “According to international agencies, **some 4.1 million Haitians – more than a third – live with food insecurity,** and 2.1 percent of children suffer severe malnutrition.” (p. 36)
- **“Over a third of the population lacks access to clean water and two-thirds has limited or no sanitation service.”** (p. 37)
- “Haiti’s **prisons remain severely overcrowded,** with many inmates living in inhumane conditions. Overcrowding is **largely attributable to arbitrary arrests and pretrial detentions...**” (p. 37)
- **“Police officers were responsible for three summary executions and 47 injuries resulting from excessive use of force during October 2018 demonstrations...The following month, excessive use of force resulted in 6 deaths and 15 injuries.”** (p. 40)
- **“In the first eight months of 2020, BINUH reported 184 cases of human rights violations and abuses by police,** including indiscriminate use of tear gas.” (p. 40)

- “In October, the UN special representative for Haiti stated that the country is ‘struggling to avert the precipice of instability’ and warned of the risk of contested election outcomes and further violence.” (p. 50)

C. Freedom House, *Freedom in the World 2020 - Haiti*, available at: 52 – 67  
<https://freedomhouse.org/country/haiti/freedom-world/2020>

- “As a result of political instability, street protests and rampant gang violence, the Haitian government struggles to meet the most basic needs of its citizens. The criminal justice system lacks the resources, independence, and integrity to uphold due process and ensure physical security for the population. Antigovernment protests often result in excessive use of force by police.” (p. 53)
- “Legislative and mayoral elections due in October were indefinitely postponed after Parliament failed to pass an elections law, with the legislature’s mandate due to expire in early 2020.” (p. 53)
- “The number of members required to form a political party was reduced from 500 to 20 in 2014, leading to the creation of dozens of new parties. However, the risk of violence continues to impair normal political activity.” (p. 56)
- “Haiti has a poor record of peaceful democratic transfers of power. It remains difficult for the opposition to increase its support or gain power through elections, which are regularly disrupted by violence, marred by accusations of fraud, and postponed.” (p. 56)
- “The constitution includes protections for press freedom, and the media sector is pluralistic, but the work of journalists is constrained by threats and violence, government interference and a lack of financial resources.” (p. 59)
- “The constitution enshrines freedom of assembly, but this right is often violated in practice by police forces that use excessive force to disperse protesters.” (p. 61)
- “Many of the year’s protests were marred by violence; fires, incidents of looting, and road blockades were commonly reported. Government forces also were excessive in their response, with nongovernmental organization (NGO) Amnesty International reporting that police indiscriminately used nonlethal and lethal

**weapons to disperse crowds, including tear gas, rubber bullets, and live ammunition. By the end of the year, over 80 people were killed and at least 200 were injured as a result of the unrest.”** (p. 61)

- **“Constitutionally protected due process rights are regularly violated in practice. Arbitrary arrest is common, as are extortion attempts by police.”** (p. 63)
- **“A culture of impunity in law enforcement leaves civilians in Haiti with little protection from the illegitimate use of force. Crime statistics are difficult to authenticate, and crimes are underreported.”** (p. 63)
- **“Politicians from the ruling PHTK and opposition groups have also hired gangs to either incite or halt residents’ involvement in protests...”** (p. 64)
- **“...[I]nsecurity prevented free movement, particularly in Port-au-Prince, as roads were blockaded for 10 days in February 2019 and for a nine-week period between September and December.”** (p. 65)
- **“Socioeconomic mobility is obstructed by entrenched poverty, with low national literacy rates and over 50 percent of Haitians living on less than \$2.40 a day. Legal protections against exploitative working conditions in formal employment are weakly enforced, and most workers are informally employed.”** (p. 66)

**D. U.S. Department of State, Bureau of Consular Affairs, *Haiti Travel Advisory – Level 4: Do Not Travel*, April 21, 2021, available at: <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html>** **68 – 70**

- **“Kidnapping is widespread and victims regularly include U.S. citizens...Kidnapping cases often involve ransom negotiations and U.S. citizen victims have been physically harmed during kidnappings.”** (p. 68)
- **“Violent crime, such as armed robbery and carjacking, is common. Travelers are sometimes followed and violently attacked and robbed shortly after leaving the Port-au-Prince international airport.”** (p. 68)

**E. United Nations Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, February 11, 2021, available at:** **71 – 84**

<https://reliefweb.int/sites/reliefweb.int/files/resources/United%20Nations%20Integrated%20Office%20in%20Haiti%20-%20Report%20of%20the%20Secretary-General%20%28S-2021-133%29.pdf>

- “In addition to the fraught political environment, **public concern over the worsening security situation, including the Government’s inability to stem rampant kidnappings and surging levels of criminality, fuelled anti-government protests.**” (p. 72)
- “Some observers questioned the logic of publishing an electoral calendar prior to the conclusion of the ongoing process to draft a new constitution. **Those reservations further called into question the legitimacy of the electoral body itself, already weakened by the Court of Cassation’s failure to administer the oath of office to its members** and the ensuing controversy surrounding their appointment.” (p. 72)
- “As electoral preparations accelerated, **the ability to create a sufficiently conducive political and security environment while addressing logistics and funding constraints would continue to represent a major challenge.**” (p. 73)
- “The **mounting insecurity, driven by a growing wave of kidnappings combined with several ruthless killings, increased public outrage**, as evidenced by a monthly average of 84 demonstrations in the second half of 2020.” (p. 74)
- “**In the past 12 months, kidnappings followed a concerning trend as they increased by 200 percent compared with the previous year** (a total of 234 cases, including 59 women and 37 minors, were reported in 2020 compared with 78 in 2019). **Voluntary homicide followed a similar, albeit less pronounced, trend, increasing by 20 per cent** (1,380 cases reported by the police) in 2020...” (p. 74)
- “The **renewed commitment of the Government to addressing public safety issues had scant impact on the Haitian criminal justice system**, as the period under review saw **continued discontent of judicial actors, limited police development and a growing prison population.**” (p. 76)
- “Meanwhile, **intermittent strikes by key judicial actors continued to negatively affect the functioning of the judiciary** and limit the number of hearings and judicial proceedings held.” (p. 77)

- **“The human rights situation in Haiti continued to be negatively affected by the activity of gangs and the continued failure of State authorities to adequately protect citizens’ rights to life and security. Moreover, conditions of detention, already qualified by the Human Rights Committee as cruel and inhuman treatment, remained alarming.”** (p. 77)
- **“BINUH observed an increase in human rights abuses, mainly related to kidnappings by gangs. Between 1 September 2020 and 31 January 2021, BINUH registered 337 alleged human rights abuses attributed to gang members and unidentified armed men, among them 63 killings (including those of 2 women and 3 boys), 44 injuries (including 4 women), 15 rapes (all women) and 215 kidnappings (including 32 women, 8 boys and 9 girls). That represented a 95.9 per cent increase compared with the previous reporting period.”** (p. 78)
- **“The lack of accountability for human rights violations committed by law enforcement officials also persisted. From 1 September 2020 to 31 January 2021, BINUH documented 81 human rights violations by officers of the Haitian National Police, resulting in 12 people killed (including 1 girl) and 25 injured (including 2 women).”** (p. 78)
- **“Notably, only two of [the 122 investigations into the police] were transmitted to judicial authorities. Finally, the continued lack of action by law enforcement officials and judicial authorities to investigate serious crimes and establish accountability and the lack of public trust in those institutions contributed to practices of so -called popular justice. From 1 September 2020 to 31 January 2021, BINUH documented 20 cases of lynching, none of which had been investigated to date.”** (p. 78)
- **“The worsening economic situation, fluctuations in the value of the Haitian gourde, lower-than-average agricultural output and continuing insecurity combined to undermine progress towards development and exacerbate an already concerning humanitarian situation. According to the 2021 Haiti Humanitarian Needs Overview, to be published in March 2021, 4.4 million people were expected to require humanitarian assistance during the course of the year.”** (p. 81)

F. **Aleaziz, Hamed, *US Officials Are Deporting Haitian Immigrants Despite Knowing They May Face Danger*, BuzzFeed News , March 2, 2021, available at:** 85 – 98

<https://www.buzzfeednews.com/article/hamedaleziz/us-deporting-haitian-immigrants-despite-dangers>

- **“Department of Homeland Security officials acknowledged internally that deported Haitian immigrants ‘may face harm’ upon returning to their home country** due to violent crime and the political instability that has rocked the country in recent months, according to documents obtained by BuzzFeed News.” (p. 86)
- **“The return of a family is a solemn and heartbreaking event. That is especially true when the country of destination suffers instability, violence, lack of economic opportunity, or other challenges,**’ the [DHS] spokeswoman said in a statement.” (p. 89)
- “The report obtained by BuzzFeed News responds to a request from the meeting: **‘Embassy Port au Prince briefed on the deterioration of rule of law in Haiti in recent months, and ongoing gang violence and human rights violations in the country.** In light of these developments, DHS US Citizenship and Immigration Services will reevaluate whether expelled Haitians would face harm upon return to Haiti,’ it begins, before declaring that **‘based on a recent analysis of conditions in Haiti, USCIS believes that Haitians removed to Haiti may face harm upon return to Haiti** as follows.” (p. 90 – 91)

G. Charles, Jacqueline, *Deportation of Haitian death squad leader waiting on Haiti government*, Miami Herald, June 12, 2020, available at: <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article243464196.html> 99 – 104

- **“The judicial system there is more than weak and we were concerned even without including a description of what’s going on there now in some of these vulnerable communities,**” Waters said about the joint letter she and Levine sent to DHS and the State Department expressing concerns that the Haitian government could not protect its citizens from Constant.” (p. 100)
- “Waters said the new developments are only some of the reasons why she doesn’t have **‘any faith that the judicial system would be able to contain’** Constant.” (p. 101)

H. University of Miami, *Haiti Special Report: Miami Law Fighting Deportations of Haitians*, available at: <http://ucomm.miami.edu/archive/communications/haiti/miami-law-fighting-deportations.html> 105 – 106

- “The U.S. was sending immigrants home to a country ill equipped to handle the influx of deportations. Until recently, **they routinely ended up in squalid jails, holding pens, or mental institutions.** Some were **assumed to be gangsters since they had been kicked out of the U.S.** Nearly all have little hope of a bright future and seeing their families again.” (p. 106)

I. **Rousseau, Bobb, *How to fix the 2014 law that turned Haitian political parties into stampeding gangs*, The Haitian Times, October 13, 2020, available at: <https://haitiantimes.com/2020/10/13/how-to-fix-the-2014-law-that-turned-haitian-political-parties-into-stampeding-gangs/>** 107 – 110

- “The role of political parties is not only that of participating in elections, but also that of participating in the civic education of the people — while moving them towards community engagement and political literacy, participation, and militancy.” (p. 108)
- “The political parties are not present in the territorial collectivities a list of their regional directorates to the Ministry of Justice at the time of their request of recognition, as required by Article 17. **They do not have a membership, integration, and civic education plan, although Articles 4 and 6 require that they ensure the political, civic training, and formation** of their members and the population. **They become bands, which only form at the time of elections, where it is almost impossible for them to find candidates to represent them at the local levels.** This situation applies to small or new parties as long as it applies to more popular or older parties.” (p. 108)

J. **BBC, *Haiti police clash with protesters awaiting poll results*, November 23, 2016, available at: <https://www.bbc.com/news/world-latin-america-38076440>** 122 – 124

- “Supporters of Ms. Narcisse and her Fanmi Lavalas party threw rocks and set tyres alight in the capital, Port-au-Prince, on Monday and Tuesday.” (p. 123)

K. **United Nations Security Council, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, March 8, 2013, available at: <https://www.refworld.org/docid/514852212.html>** 125 – 135

- “Continued disagreements between the executive branch and opposition parliamentarians contributed to quasi-paralysis at the political level. Consequently, advances in the strengthening of rule of law institutions, the adoption of key legislation and the

establishment of the Electoral Council mandated to organize longoverdue elections did not materialize.” (p. 125)

- “As that stalemate persisted, **allegations of anti-democratic practices were levelled against the executive branch by a number of opposition parliamentarians political parties** such as Organisation du peuple en lutte, civil society groups such as the National Human Rights Defense Network and representatives of the media such as the Association of Haitian Journalists. These **criticisms cited alleged politicization of State institutions such as the judiciary and the Haitian National Police, in addition to repression of freedom of expression, following a controversial statement issued by the Minister of Justice and Public Security during the carnival celebrations, in which he warned against defamation.**” (p. 126)
- “Since my previous report, **a stand-off among Haitian political leaders, in all branches of the Government, has led to disruptive delays in its basic functioning... Increased instances of civil unrest during the reporting period reflect, at least in part, a loss of patience by the Haitian electorate** with the status quo, in addition to **the mobilization by some political actors of gangs and, at times, the general population to commit acts of violence.**” (p. 139)
- “To reverse the rising trend of major crime in Haiti, I urge the Government to continue to strengthen the country’s rule of law institutions and to deter and prosecute those responsible for violence. **Although the oversight and accountability mechanisms provided for in the Constitution have been established, implementation of their mandate has been impaired in a number of instances by contested appointments and procedural irregularities.**” (p. 139)

L. **United Nations High Commissioner for Human Rights, *Bi-Annual Report on Human Rights in Haiti, January – June 2014, Executive Summary, December 2014, available at:*** 146 – 148

[https://www.ohchr.org/Documents/Countries/HT/ExecutiveSummaryMINUSTAH-OHCHRJanuary\\_june2014\\_en.pdf](https://www.ohchr.org/Documents/Countries/HT/ExecutiveSummaryMINUSTAH-OHCHRJanuary_june2014_en.pdf)

- “**There remain a large number of cases of professional misconduct by the police that are not brought to its attention. In several other cases where police officers are suspected of having participated to criminal offenses, the HRS observed the reluctance of the HNP to immediately cooperate with the**

**judicial authorities**, preferring to rely on the disciplinary investigation conducted by the IGPNH.” (p. 147)

- “**The pre-electoral context contributed to demonstrations and tensions between supporters and opponents of the government.** Many opposition groups, journalists, and human rights defenders have **alleged they were victims of threats and intimidation against their freedom of opinion and expression.** They attribute these acts and threats to State officials and government supporters.” (p. 147)

**M. Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, et al., *Violence Against Children in Haiti – 340 Findings From a National Survey 2012, June 2014, available at:***

<https://www.cdc.gov/violenceprevention/pdf/violence-haiti.pdf>

- “**The findings from the survey indicate that violence against children is a serious problem in Haiti: 1 out of 4 females and 1 out of 5 males in Haiti have experienced at least one incident of sexual abuse prior to the age of 18 years.** In addition, almost two-thirds of both females and males experienced physical violence prior to 18 years by an adult household members or authority figures in the community and approximately one-third experienced emotional violence during childhood (i.e., prior to turning 18) by an adult household member.” (p. 169)

**N. Harvard Law School, International Human Rights Clinic, *Killing With Impunity: State-Sanctioned Massacres in Haiti*, April 21, 2022, available at:** <https://hrp.law.harvard.edu/pub/killing-with-impunity-state-sanctionedmassacres-in-haiti/>

**O. Jones, Katie, *Haiti Massacres Reveal Active Support from Police, Officials*, InsightCrime, May 3, 2021, available at:** <https://insightcrime.org/news/gang-led-massacres-relied-support-police-state-officials-haiti/>