



## **Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2021**

Since IJDH's last Human Rights and Rule of Law in Haiti update in June 2021,<sup>1</sup> the government has continued to dismantle the country's accountability systems, which has fueled unprecedented violence by gangs,<sup>2</sup> many with government connections, as well as a continued deterioration of the social and economic conditions in the country. The government's failure to pay for delivered fuel and the gangs' control of key infrastructure has led to an acute fuel shortage<sup>3</sup> and serious disruptions to healthcare,<sup>4</sup> communications,<sup>5</sup> education,<sup>6</sup> food security,<sup>7</sup> and even access to drinking water.<sup>8</sup> This has driven a growing number of Haitians to emigrate,<sup>9</sup> even as racist immigration policies and a regional economic downturn have resulted in forced repatriations.<sup>10</sup> These challenges further intersect with what has been a significant deterioration of the social and economic landscape more generally. In addition, a powerful earthquake in August led to serious loss of life and destruction in the southwest of the country,<sup>11</sup> and the COVID-19 pandemic has put further pressure on crumbling infrastructure, with cases on the rise and hospitals overwhelmed.<sup>12</sup>

Weaknesses in and foreign interference with Haiti's democracy are at the root of many of these challenges and have been exacerbating the situation even as they impede solutions. The July 7 assassination of President Jovenel Moïse deepened a governance crisis that had grown during ten years of rule by Moïse's political party, *Parti Haïtien Tèt Kale (PHTK)* (during which no elections were held on time or deemed fair),<sup>13</sup> as a result of which no constitutional means of addressing the presidential vacancy remain.<sup>14</sup> Dr. Ariel Henry, a long-standing PHTK government official whom Moïse had appointed but had not yet invested in the prime minister's office, took over *de facto* authority,<sup>15</sup> despite there being no constitutional authority for his rule.<sup>16</sup> Civil society considers Henry's government merely another iteration of the PHTK,<sup>17</sup> which has a history of collaborating with gangs and engaging in politicized violence.<sup>18</sup> In spite of the challenging human rights situation, Haitians have continued to advocate for their rights, including by staging nation-wide public protests to demand respect for the rule of law and democracy.<sup>19</sup> Of particular note is an effort launched in January by the Commission to Search for a Haitian Solution to the Crisis to implement a participatory and transparent transition towards a stable democracy in Haiti.<sup>20</sup> On August 30, the Commission published an Accord proposing a concrete path for the transition while putting in place the conditions necessary for participatory and credible democratic elections,<sup>21</sup> conditions for which civil society, governance experts, and long-term observers widely agree do not exist in the present moment.<sup>22</sup>

This update will cover (a) Haiti's security situation; (b) state-sanctioned and -perpetrated violence and corruption; (c) judicial dysfunction contributing to high levels of impunity; (d) issues affecting marginalized groups; (e) the deterioration of the social and economic landscape; and (f) difficulties faced by Haitian emigrants during the reporting period, with a particular focus on the international drivers behind Haiti's current crisis.

### **Violations of right to life and security of the person**

Since the last IJDH human rights update, the security situation in Haiti has further deteriorated. President Moïse's assassination is emblematic of the challenges Haitians face, and demonstrates how completely the PHTK has dismantled Haiti's security and accountability mechanisms:<sup>23</sup> insecurity now reaches

everywhere even as accountability is scarce. Armed gangs have taken over nearly half of Port-au-Prince<sup>24</sup> and approximately 60 per cent of the entire country,<sup>25</sup> and instances of mass violence and kidnappings have continued to increase.<sup>26</sup> This has had dire consequences for civilians, who risk their lives if they leave home<sup>27</sup> and many of whom have been displaced as a result of the violence.<sup>28</sup> Haiti's national police have been unable or unwilling to confront the gangs – at best, they are outgunned and outnumbered;<sup>29</sup> at worst, they are complicit.<sup>30</sup> As a further consequence of the PHTK's corruption and attack on accountability mechanisms, police are severely under-resourced and under-paid; even specialized police units intended to combat gang violence are too afraid to go into gang-controlled neighborhoods because the gangs are so much better equipped.<sup>31</sup> The violence and general insecurity have also had a profound impact on other sectors, including access to healthcare<sup>32</sup> and basic necessities like food and water,<sup>33</sup> as well as the functioning of the justice sector.<sup>34</sup> Haitians continue to advocate for greater attention to the security situation<sup>35</sup> while forcefully opposing foreign intervention.<sup>36</sup>

#### *Pervasive insecurity driven by gang violence*

- Somewhere between 90 and 162 gangs are reported to operate in Haiti, most of them in and around Port-au-Prince.<sup>37</sup> The primary actors are the *G-9 an Fanmi* gang alliance (**G9**)<sup>38</sup> and the *400 Mawozo*.<sup>39</sup> Jimmy Chérizier, a former police officer-turned-leader of the G9, in particular wields increasingly more power, styling himself as a political leader.<sup>40</sup> His continuing freedom in spite of a 2018 arrest warrant is a particularly salient illustration of the government's inability or unwillingness to address Haiti's insecurity.<sup>41</sup>
- According to the *Réseau National de Défense de Droits Humain/National Human Rights Defense Network (RNDDH)*, armed gangs are responsible for the death or disappearance of at least 600 people since 2018.<sup>42</sup> The United Nations Integrated Office in Haiti (**BINUH**) reported an increase of criminal gang activities from the period of May to August 2021, with 549 intentional homicides (an increase of 5 percent from the previous reporting period).<sup>43</sup> In a particularly egregious display of mass violence, gang members killed nineteen people in Port-au-Prince over June 29-30, with at least two of the murders deemed targeted assassinations.<sup>44</sup>
- Gang violence has displaced thousands,<sup>45</sup> increasing vulnerability to food insecurity and barriers to accessing basic services.<sup>46</sup> The situation is exacerbated by landlords' refusal to rent homes to those fleeing gang violence out of fear of inviting gang activity to their neighborhoods.<sup>47</sup> Altogether violence has internally displaced about 19,000 people,<sup>48</sup> particularly in the areas of Cité-Soleil, Bel-Air, and Martissant, since June – including as discussed in IJDH's last update;<sup>49</sup> many of those displaced have not yet been able to return to their homes.<sup>50</sup> According to *Médecins Sans Frontières/Doctors without Borders (MSF)*, informal displacement sites in Port-au-Prince, of which there are about eight, are overcrowded and unsanitary, creating health, security, sexual violence, and other risks for displaced persons in violation of their human rights.<sup>51</sup>
- The government of Haiti has been unwilling and unable to effectively confront gang violence,<sup>52</sup> despite nation-wide demonstrations calling on the government to address the catastrophic insecurity.<sup>53</sup> The Haitian National Police (**PNH**) is underpaid and under-resourced,<sup>54</sup> and itself sometimes a target of gang violence: for example, between June 1 and 6, gangs attacked six police stations in and around Port-au-Prince, killing four officers.<sup>55</sup>
- Human rights and media reports document collusion between the PHTK governments and gang leaders,<sup>56</sup> with politicians “sponsor[ing] gangs to control territory, secure economic monopolies and deliver voters during elections.”<sup>57</sup> Police are also accused of complicity with gangs.<sup>58</sup>
- In addition to mass violence, civilians – particularly business owners – live in fear of looting, extortion, and the destruction of their property by gangs.<sup>59</sup> One business owner described how G9 leader Chérizier threatened to ransack her company and block key transportation routes if she did not pay him \$500,000 every month.<sup>60</sup>

### *Kidnapping epidemic*

- Gangs have turned increasingly to kidnapping: Haiti now has the highest per capita kidnapping rate in the world<sup>61</sup> and the highest rate in Haiti's history.<sup>62</sup> The *Centre d'analyse et de recherche en droits de l'homme*/Center for Analysis and Research in Human Rights (**CARDH**) reported 803 kidnappings from January to October 2021,<sup>63</sup> compared to 796 for the entire year of 2020.<sup>64</sup> Kidnappings are a daily occurrence;<sup>65</sup> CARDH reported at least 221 kidnappings between July and September 2021, an increase of 300%.<sup>66</sup> The real numbers are likely even higher because Haitians' fear of gang reprisals prevents them from reporting abductions.<sup>67</sup>
- Kidnapping has become a lucrative source of income for gangs, who often demand huge sums of money in exchange for releasing their victims:<sup>68</sup> anywhere from \$300,000<sup>69</sup> to over \$1 million<sup>70</sup> for a single person.
- Kidnappers have turned more frequently to group kidnappings,<sup>71</sup> with a recent focus on religious figures: on September 26, a Baptist deacon was murdered and his wife kidnapped by gang members;<sup>72</sup> on October 9, six people, including a Protestant pastor, were kidnapped;<sup>73</sup> on October 3, gang members dressed as members of the PNH kidnapped three individuals in broad daylight, including Pastor Jean Mary Ferrer Michel.<sup>74</sup> On November 30, a former deputy mayor of Croix-des-Bouquets and his son were kidnapped, also by gang members dressed as PNH agents.<sup>75</sup> From November 22 to 29 alone, at least 20 people were kidnapped.<sup>76</sup>
- The uncontrolled kidnappings have resulted in protests about the government's inaction,<sup>77</sup> with human rights observers denouncing the PHTK as complicit<sup>78</sup> and criticizing the PNH's failure to respond adequately.<sup>79</sup>
- The vast majority of people kidnapped are Haitian.<sup>80</sup> However, according to CARDH, at least 54 of the 803 people kidnapped from January through October 2021 were foreigners<sup>81</sup> and particular attention has focused on the October 16, 2021 kidnapping of 16 American and one Canadian missionaries (including several children) by *400 Mawozo*.<sup>82</sup> Most reporting has failed to mention the Haitian driver likewise believed kidnapped with the group.<sup>83</sup>

### *Violence and threats against human rights defenders, including journalists*

- In a hearing before the UN Special Rapporteur on human rights defenders, journalists and representatives from several Haitian human rights organizations, including IJDH partner *Bureau des Avocats Internationaux (BAI)*,<sup>84</sup> noted ongoing threats to human rights defenders.<sup>85</sup> They especially emphasized threats from actors close to the government and gangs, many of whom have ties to local authorities, making reporting difficult.<sup>86</sup>
- Human rights defenders also noted that the lack of security provided to judicial actors by the government has made it extremely difficult and dangerous to seek justice for human rights abuses,<sup>87</sup> and expressed frustration at the UN's, and particularly BINUH's, indifference with respect to current abuses.<sup>88</sup>
- Freedom of press has become a source of particular concern.<sup>89</sup> According to the president of the Association of Independent Media (**AIM**) in Haiti, human rights abuses against journalists have reached a new level of severity.<sup>90</sup> Journalists in Haiti continue to face death threats and other harm for their reporting.<sup>91</sup> Journalists have been killed, forced into exile, or driven to avoid sensitive stories or to otherwise self-censor.<sup>92</sup>
- Specific examples of harms abound. On June 29, armed individuals assassinated<sup>93</sup> journalists and activists Diego Charles<sup>94</sup> and Antoinette Duclair.<sup>95</sup> On September 23, television reporter Marie Frantzie Siméon was kidnapped in Martissant;<sup>96</sup> on November 25, photojournalist Jhony Spenser François was kidnapped in Port-au-Prince;<sup>97</sup> on November 27, former radio broadcaster Alexander Galvez was kidnapped in Croix-des-Bouquets.<sup>98</sup>

- Anticorruption and democracy activist Emmanuela Douyon experienced threats against her safety in the wake of the Moïse assassination grounded in the baseless allegations that human rights criticisms of the assassinated president enabled his demise. Similarly, feminist leader and anticorruption activist Pascale Solages has faced threats against her life and security. Solages' family and members of her feminist organization, *Nègès Mawon*, have likewise received threats and were forced to leave their homes; one of her colleagues had to flee Haiti with her baby. Both Douyon and Solages are remaining in the United States due to the severity of these threats and corresponding concerns for their safety. Solages brought evidence of the threats she and others received to the police, but they have not taken meaningful actions to protect her and her family in yet another example of the government's failures to protect citizens and human rights defenders from threats and violence. The combination of such harms and government failures (if not complicity) severely impede human rights protections and advancement in Haiti.

### **Institutionalized violence and corruption**

Our previous update detailed the increasingly authoritarian nature of Moïse's administration.<sup>99</sup> Government corruption at the highest level and state-sanctioned and -perpetrated violence have remained mainstays under Henry's de facto government.<sup>100</sup> The government uses the police – and, often, gangs<sup>101</sup> – as weapons to suppress dissent and consolidate power.<sup>102</sup> Police brutality is commonplace, which has dire consequences for civilians, who are victimized by the very people tasked with their protection.<sup>103</sup>

- Police continued to use excessive force against civilians. For example, over September 21 and 22, officers shot indiscriminately into a crowd of people gathered for the taping of a music video and killed at least eleven civilians.<sup>104</sup> Civilians protested the initial attack, leading to further police brutality: agents used firearms and tear gas, with CARDH reporting two killed (both children) and others injured.<sup>105</sup> On September 30, PNH agents dispersed a peaceful protest against foreign imperialism with tear gas.<sup>106</sup>
- Impunity persists for the PetroCaribe corruption scandal,<sup>107</sup> in which officials under multiple Haitian governments embezzled over \$2 billion from Venezuela's PetroCaribe project, which was intended to bolster social spending.<sup>108</sup> In fact, on June 24, the presiding judge, Ramoncite Accimé, suspended the investigation, claiming that decisions by Parliament and the Superior Court of Auditors blocked further investigation;<sup>109</sup> lawyers for the plaintiffs denounced the suspensions as a decision made out of personal motivation.<sup>110</sup>
- One rampant element of institutionalized corruption is collaboration with gangs, which are now "completely embedded in [Haiti's] political, business and security sectors."<sup>111</sup> Politicians and business elites, who themselves hold significant political power,<sup>112</sup> have been accused of colluding with gangs.<sup>113</sup> For example, the newly-appointed chief of PNH, Frantz Elbé, had ties in the 2000s to now-deceased gang leader Jean Elie "Ti Elie" Muller.<sup>114</sup> Liszt Quitel, the Interior Minister of the transitional government, has been accused of complicity in the kidnapping of Pastor Jean-Mary Ferrer Michel on October 3, 2021 by gang members.<sup>115</sup> The newly-appointed Minister of Justice, Berto Dorcé, served jail time after being convicted of involvement in drug trafficking in 1997, and has himself represented prominent drug traffickers in court.<sup>116</sup> Police agents are also accused of supporting gangs' criminal activities.<sup>117</sup>
- Several high-ranking government officials have also been accused of human rights violations and violent crimes, including Léon Charles<sup>118</sup> – who was appointed as chief of the PNH by Moïse and resigned from his post in October in connection with criticism over his handling of the security crisis<sup>119</sup> – and his successor, Elbé.<sup>120</sup> Josue Pierre-Louis, the Henry-appointed secretary general of the Council of Ministers, was credibly accused of rape in 2012 while serving as the president of the Electoral Council.<sup>121</sup>

- As discussed below, there are serious concerns regarding the complicity of both Charles and Prime Minister Henry in the Moïse assassination.<sup>122</sup>

### **Lack of access to justice and chronic impunity**

As more extensively captured in the Universal Periodic Review (UPR) submission prepared by BAI, IJDH, *Chans Alternativ/Alternative Chance*, and RNDDH, the PHTK has dismantled Haiti's judiciary almost to the point of non-function: the judiciary lacks independence and fundamentally fails to provide justice, accountability, and due process of law to Haitians.<sup>123</sup> Persistent impunity for serious human rights violations and violent crimes enables further harms and undermines public trust in government institutions;<sup>124</sup> the prominent role of G9's Chérizier in Haiti's current insecurity in spite of a long-standing warrant for his arrest is just one salient illustration. Evidentiary theft, corruption, and other failures of the Moïse assassination investigation<sup>125</sup> are another. The PHTK's erosion of the judiciary has given rise to violations of the rights to equal protection under the law and effective and timely remedies;<sup>126</sup> particularly noteworthy are Haiti's deadly prison conditions<sup>127</sup> and high rates of extended pretrial detention.<sup>128</sup>

- Judicial action regarding investigations into human rights abuses is rare, and perpetrators, particularly government officials, operate with impunity.<sup>129</sup> In a 2018 report, Haiti's Office for the Protection of Citizens (OPC) cited "laxity and nonchalance on the part of the magistrates, added to the phenomenon of an institutionalized system of corruption, not to mention the lack of a real mechanism of control and judicial oversight."<sup>130</sup> BINUH echoed this view in June 2021, when it reported that the Haitian government has shown a "chronic lack of commitment to effectively addressing underlying and structural human rights violations."<sup>131</sup>
- As further documented in the UPR submission, no progress has been made in bringing accountability to a number of critical human rights investigations.<sup>132</sup> For example, investigations into human rights abuses, including the La Saline<sup>133</sup> massacre and the deaths of Monferrier Dorval,<sup>134</sup> the former president of the Port-au-Prince Bar Association, and LGBTQ+ activist Charlot Jeudy,<sup>135</sup> remain stalled. More than a decade of inaction in Haitian courts and persistent impunity for human rights violations committed by the Jean-Claude Duvalier regime<sup>136</sup> prompted the filing of a petition before the Inter-American Commission on Human Rights requesting "the recognition of responsibility and the sanctioning of the Haitian State for the human rights violations committed under Duvalier's regime, and in particular against the victims who decided to press charges."<sup>137</sup> Notably, Haiti remains noncompliant with past judgments of the Inter-American Court of Human Rights.<sup>138</sup>
- The investigation into the assassination of former president Moïse illustrate the degree of judicial dysfunction and corruption by the Haitian government.<sup>139</sup> On September 14, Prime Minister Henry dismissed the chief prosecutor in the case after he accused Henry of complicity in the assassination and requested his indictment.<sup>140</sup> Despite allegations of Henry's involvement, as well as that of Léon Charles, former head of the PNH, neither has been formally questioned by the investigating judge.<sup>141</sup> Since then, observers have expressed concern that Henry struck a deal with the investigating judge, Judge Garry Orélien, and on November 28, RNDDH called for Judge Orélien's withdrawal from the case, citing a lack of independence and credibility.<sup>142</sup>
- Evidence tampering and theft are serious problems impeding the judiciary's functioning. Judge Orélien's offices were burgled on October 27, along with the office of the chief clerk and the registry of the investigating cabinet.<sup>143</sup> On October 19, the investigation into Dorval's assassination was disrupted by the theft of a safe from the Court of First Instance of Port-au-Prince that housed files pertaining to his and other cases.<sup>144</sup>
- Threats to judicial actors further affect the judiciary's function and independence. Judge Rénord Régis resigned from his role in the Dorval investigation in September due to continuous threats to

his security.<sup>145</sup> He further noted the “general conditions which characterize the functioning of the judicial institution” as a cause of his resignation.<sup>146</sup> In October, the PNH made the controversial decision to recall officers tasked with the security of two prominent judges.<sup>147</sup> The Professional Association of Magistrates and the Association of Haitian Justices of the Peace condemned this decision and expressed their concern that the judges would meet the same fate as Dorval.<sup>148</sup>

- The Haitian government has continued deprioritization of judicial function. The judiciary remains chronically under-resourced, with facilities lacking in security, necessities such as electricity and toilets, and basic equipment required for proper function, including computers, printers, and photocopiers.<sup>149</sup>
- In 2018, OPC recognized that “conditions of detention are alarming and do not respect the UN minimum rules for the treatment of detainees...[with] cruel, inhuman and degrading treatment, leading in some prisoners to blindness, paralysis and psychiatric or psychic disorders,”<sup>150</sup> which BINUH’s June 2021 report corroborated.<sup>151</sup> As of reporting, prison conditions remain deplorable, with inadequate nutrition and medical care leading to high mortality rates.<sup>152</sup> The RNDDH November 2021 report on prison conditions in Haiti found cell overcrowding, spread of contagious diseases, chronic malnourishment, and inadequate access to clean drinking water, amounting to violations of the rights to life, health and physical integrity and mental health.<sup>153</sup> Allegations of abuse by correction officers are prevalent<sup>154</sup> and detainees lack effective avenues to file complaints or challenge poor conditions.<sup>155</sup>

### **Failure to protect vulnerable individuals, especially women and girls**

Groups with intersecting identities that place them at the margins of society have been especially at risk of human rights violations and often have diminished recourse. As further described below and analyzed in detail in the UPR submission prepared by BAI, IJDH, and *Komisyon Fanm Viktim pou Viktim/The Commission of Women Victims for Women (KOFAVIV)*, women and girls continue to be marginalized with respect to their ability to enjoy economic, social, and cultural rights on an equal basis with males.<sup>156</sup> They are especially vulnerable to general insecurity<sup>157</sup> and other stressors like the earthquake and COVID-19 pandemic, with incidences of gender-based violence (GBV), including sexual exploitation and abuse, consistently high.<sup>158</sup> People with disabilities likewise face special targeting and were disproportionately impacted by the earthquake.<sup>159</sup> Discrimination against marginalized groups, including LGBTQIA+<sup>160</sup> and HIV- and AIDS-positive individuals,<sup>161</sup> is rampant.

#### *Women and girls*

- GBV directed at women and girls remains prevalent in Haiti, with a 2018 survey reporting that one in eight women between the ages of fifteen and 49 experience GBV in their lifetimes.<sup>162</sup> The UN reported numerous instances of sexual abuse and GBV against women and girls by gang members, including cases of rape and sexual slavery during the violence in June 2021,<sup>163</sup> and women reported increased vulnerability to GBV following the August earthquake.<sup>164</sup>
- Moreover, the real numbers are almost certainly far higher, as GBV remains chronically under-reported due to lack of access to and distrust of the judicial system, fear of reprisals, and stigma.<sup>165</sup> The general insecurity in the country and the COVID-19 pandemic are also affecting the availability of support services for victims of GBV.<sup>166</sup> Even when medical care is sought, it is often lacking, with medical facilities operating at limited capacity due to insecurity and insufficient infrastructure.<sup>167</sup>
- Internal displacement has been felt particularly acutely by women and girls – 60 percent of the more than 4 million Haitians in need of emergency assistance in 2021 are women and girls.<sup>168</sup> Following the August earthquake, 21 per cent more women than men were left without housing in Grande ‘Anse and 76 per cent in Nippes.<sup>169</sup> Women and girls were likewise disproportionately affected by the lack of access to water,<sup>170</sup> food,<sup>171</sup> and healthcare.<sup>172</sup> Displacement has also resulted in an

increase of GBV and sexual abuse in shelters and foster homes,<sup>173</sup> including the abusive practice of “sex for shelter.”<sup>174</sup>

- The loss of income opportunities resulting from displacement<sup>175</sup> exacerbated the existing income disparity between women and men, which increases their vulnerability to physical and economic abuse.<sup>176</sup>
- While men remain the primary kidnapping victims, at least 100 women and children have been abducted thus far in 2021, exceeding the total for 2020.<sup>177</sup>
- The UN reported in July that pregnant women and newborns are at increased risk of death, in part due to fuel shortages.<sup>178</sup>
- Despite recent efforts by the Commission to Search for a Haitian Solution to the Crisis<sup>179</sup> to include women, particularly in leadership positions, the government continues to exclude women from important dialogues regarding the government transition and earthquake response.<sup>180</sup>
- The practice of sending children, known as “restavèks,” to live with families as domestic workers persists, exposing them to economic and sexual abuse and resulting in grave violations of their rights to education, health, and food, with human rights organizations likening the custom to modern slavery.<sup>181</sup> There are concerns that the restavèk practice could grow as access to education becomes even more limited following the August earthquake and increase in insecurity.<sup>182</sup> Notably, this practice affects boys as well, although around 70 percent of restavèk children are girls.<sup>183</sup>
- As discussed in our last update, despite a positive judgment from a Jacmel court in March 2021 ordering child support for a victim of sexual abuse and exploitation (SEA) by a UN Peacekeeper,<sup>184</sup> a report by the UN’s Office of Internal Oversight Services in April revealed the systemic lack of accountability for acts of SEA.<sup>185</sup> As of reporting, criminal and civil accountability for UN Peacekeepers remains “largely unachieved.”<sup>186</sup>
- Despite the challenging circumstances, feminist civil society continues to fight for women’s rights in Haiti. On November 25, 2021 (International Day for the Elimination of Violence Against Women and Girls), feminist organizations *Marijàn*, *Nègès Mawon*, and *Kay Fanm* called attention to the complete lack of justice and redress for women and girls who are victims of systemic and collective violence in Haiti.<sup>187</sup>

### *People with disabilities*

- On June 17, armed men burned down Camp Lapiste, refuge to hundreds of people with disabilities who were displaced after the 2010 earthquake.<sup>188</sup> One person was killed and three others wounded,<sup>189</sup> with multiple families being separated in the attack.<sup>190</sup>
- Women and girls with disabilities are among those most affected by the August earthquake.<sup>191</sup> According to Humanity & Inclusion’s Emergency, WASH, Food and Shelter Manager, many women and girls with disabilities “are living outdoors or in informal displacement sites with little to no access to decent shelters, sanitation facilities and hygiene items. They are also at higher risk of sexual violence.”<sup>192</sup>
- A video produced in June by Off-The-Grid Missions, an organization that works closely with the deaf community in Haiti, detailed abuse and discrimination suffered by deaf women, who are disproportionately killed and denied access to basic services and employment.<sup>193</sup>

### **Collapse of economic and social rights**

Political instability and the government’s chronic lack of spending on social services, itself a product of decades of unproductive and often harmful international aid practices,<sup>194</sup> has continued to impede Haitians’ enjoyment of their economic and social rights and resulted in continued negative economic growth.<sup>195</sup> This has contributed to Haiti’s high levels of food insecurity, with more than half the nation subsisting on less than U.S. \$2 per day.<sup>196</sup> Access to education, food, and healthcare has also deteriorated. These issues were exacerbated by the August earthquake, which left thousands without

homes and access to basic services,<sup>197</sup> and the petroleum shortage, which has crippled the country for months.<sup>198</sup>

### *Economy in decline*

- Haiti, already the poorest country in the Caribbean<sup>199</sup> due to entrenched debt and racist foreign policies,<sup>200</sup> is in the midst of an economic and financial crisis that economists anticipate will lead to four years of negative growth.<sup>201</sup>
- In the past year, the Haitian gourde has depreciated over 50 percent and inflation remains extremely high, limiting Haitians' purchasing power.<sup>202</sup> This has profound impacts on Haitians' access to imported goods, particularly fuel and food.<sup>203</sup>
- Compounding the problem are gangs, whose seizure and obstruction of major transportation channels and gas distribution terminals and extortion of businesses further weakens Haiti's economy by controlling the flow of goods through the country.<sup>204</sup>

### *Petroleum scarcity*

- The government's failure to pay for fuel shipments, along with the increase of international fuel prices, created persistent problems with petroleum supplies in the country, which escalated into an acute shortage in September as gangs took control of critical transportation routes and oil terminals.<sup>205</sup> The Varreux oil terminal, which holds 70 per cent of Haiti's fuel, was blocked by armed gangs occupying the area and completely inaccessible from October 24<sup>206</sup> until November 13, when the G9 gang alliance allowed trucks access.<sup>207</sup> The truce came nearly three weeks after G9 leader Chérizier said he would lift the blockade in exchange for Prime Minister Henry's resignation.<sup>208</sup> After initially refusing to negotiate with Chérizier,<sup>209</sup> Henry allegedly spent 40 million gourdes on the truce with the G9 gang alliance to facilitate the reopening.<sup>210</sup>
- Despite this limited respite, the fuel shortage has continued;<sup>211</sup> by November 23 the Varreux oil terminal and the Thor terminal in Carrefour were virtually empty of fuel,<sup>212</sup> and it is unclear whether the gangs will allow the Varreux terminal to remain open.<sup>213</sup>
- Gangs have also been hijacking oil trucks and kidnapping drivers,<sup>214</sup> leading to nation-wide protests against the government's lack of response to the scarcity of petroleum products and the insecurity.<sup>215</sup> For example, on October 16, an oil transporter was kidnapped in Martissant after delivering a shipment of petroleum products<sup>216</sup> – one of many such kidnappings without government intervention.<sup>217</sup> Corruption has been an issue in this context as well: on October 18, authorities arrested twelve people, including one city official, for the illegal sale of gasoline<sup>218</sup> – black market activity that further exacerbates the shortage.
- Haiti's unreliable electric grid means that the country effectively runs on fuel-powered generators, and the fuel shortage has therefore impacted critical services and infrastructure, including banks, public transportation, hospitals, and cell phone towers,<sup>219</sup> and frustrated people's access to basic human rights, including health, water, and food.<sup>220</sup> On November 8, the National Directorate of Drinking Water and Sanitation announced possible interruptions in clean water supply affecting the municipalities of Delmas, Tabarre and Cité-Soleil.<sup>221</sup>

### *Vulnerability to natural disasters, environmental challenges, and humanitarian response*

- On August 14, 2021, a 7.2 magnitude earthquake struck Haiti<sup>222</sup> with devastating impact.<sup>223</sup> Around 2,200 people were killed, over 12,000 injured,<sup>224</sup> and hundreds remain missing.<sup>225</sup> An additional 30,250 families were left homeless as a result of the earthquake.<sup>226</sup> The Haitian General Directorate of Civil Protection and the International Organization for Migration (**IOM**) reported on September 20 that an estimated 38,777 people remain displaced across 89 displacement locations.<sup>227</sup>



- In addition to homelessness and internal displacement, the earthquake had serious public health consequences, with people lacking access to clean water and healthcare.<sup>228</sup> Humanitarian organizations, including UNICEF, have expressed concern that lack of access to clean water and issues with water hygiene and sanitation brought about by the earthquake could result in a resurgence of cholera<sup>229</sup> if steps are not taken to improve the situation.<sup>230</sup> Access to food, key services and infrastructure also suffered.<sup>231</sup> About 980,000 people are experiencing acute food insecurity as a result of the earthquake,<sup>232</sup> and the food security situation in the south is expected to further deteriorate.<sup>233</sup> People affected by the earthquake are also in dire need of agricultural assistance, which has further fueled the food crisis in the south.<sup>234</sup>
- The effects of the earthquake were exacerbated by Tropical Depression Grace on August 16<sup>235</sup> and consequent landslides,<sup>236</sup> both of which also complicated rescue efforts.
- The humanitarian response was largely inadequate: aid has been slow to arrive, with some small communities such as Boucan Noël left without clean water, food, or aid for over a week.<sup>237</sup> Over a month after the earthquake, half of those affected still had not received aid;<sup>238</sup> as of September 23, 2021, certain areas in the south had yet to receive food assistance, and according to the UN only 55% of all those targeted for food assistance had received some, largely as a result of issues with logistics and access to communities.<sup>239</sup>
- A humanitarian responder observed that humanitarian support and coordination thereof remains inadequate as of reporting, with “shelter kits” often amounting to little more than tarps – a betrayal of promises by the humanitarian response community to do better after the woefully inadequate responses to Haiti’s 2010 earthquake.<sup>240</sup> Notably, in spite of public discourse regarding “lessons learned” about ensuring coordination of international and local efforts, the Departmental Emergency Operations Centre (COUD) – Haiti’s entity for coordinating humanitarian relief with UN support – has struggled to perform this function and, at the time of writing, was essentially no longer holding regular coordination meetings.
- Gangs in Martissant further delayed assistance and increased costs by blocking aid delivery along gang-controlled roads connecting Port-au-Prince to the south, which necessitated the use of costly barges and helicopters.<sup>241</sup>
- At the November 1 UN Climate Change Conference, environmental activist and developmental engineer of Écovert-Haiti Anel Dorlean emphasized Haiti’s vulnerability to climate change and the degradation of critical biospheres.<sup>242</sup> He noted exploitative international conduct as a driver of Haiti’s environmental vulnerability, including to natural disasters.<sup>243</sup>

#### *Access to food*

- As of September 2021, approximately 4.3 million Haitians are food insecure.<sup>244</sup> That number is expected to persist at least through February 2022.<sup>245</sup>
- As described above, the August earthquake increased vulnerability to food insecurity,<sup>246</sup> and the fuel shortage has further exacerbated the problem by driving up food prices.<sup>247</sup>
- Haitian civil society continues to push for accountability for the foreign and domestic actors – including the PHTK – who are responsible for making Haiti one of the world’s most food insecure countries,<sup>248</sup> for example, by enacting policies that weaken Haiti’s agricultural capacity and contribute to the exploitation and expropriation of farmers’ land.<sup>249</sup>

#### *Access to education*

- Children have struggled to access education due to the general insecurity and presence of gangs in Haiti.<sup>250</sup> According to UNICEF, “at least seven schools in the capital of Port-au-Prince have been forced to pay unidentified gangs [an amount of money equivalent to approximately three students’ annual tuition fees] in exchange for security in the past two months and . . . additional institutions have been threatened.”<sup>251</sup>

- Schools have also been the locations of gang violence. For example, on October 30, 2021, a student and a security guard were injured during a shooting in the courtyard of the Saint-Louis de Bourdon Congregational College in Port-au-Prince.<sup>252</sup> Kidnappings of students and educators have increased in the past weeks: on November 19, four schoolchildren were kidnapped on their way to school; on November 25, Quisqueya University’s director of communications was kidnapped in Canapé-Vert; on November 30, two educators were kidnapped in Port-au-Prince.<sup>253</sup> UNICEF regional director Jean Gough noted that “in gang-controlled areas, principals and teachers are under constant threat: either they agree to pay or they risk being attacked at night.”<sup>254</sup> She also emphasized the dire consequences of dropping out, noting that “every child left out of the classroom is a potential recruit for the gangs.”<sup>255</sup>
- Access to education has also been impacted by the August earthquake, which destroyed schools across the south.<sup>256</sup> Over 230,000 children are at risk of dropping out of school in areas affected by the earthquake.<sup>257</sup> Educators are concerned that the effects of the earthquake will deepen existing inequality in education, as poor families are forced to choose between rebuilding their destroyed houses and paying for private school (which accounts for 80 percent of Haiti’s education system).<sup>258</sup>

#### *Access to healthcare*

- As noted above, continued violence in Port-au-Prince has made access to hospitals and medical care difficult, with insecurity putting patients and staff at risk of injury or death<sup>259</sup> and forcing several medical centers to close.<sup>260</sup> The MSF hospital in Martissant, which had operated there for fifteen years, closed permanently on August 2 as a result of the insecurity.<sup>261</sup> Ambulances have been unable to operate due to gang roadblocks.<sup>262</sup>
- The fuel shortage has further forced hospitals to dramatically reduce their capacity and contemplate closure as generators run out of fuel.<sup>263</sup> On November 10, MSF reported that “nearly all public and private health facilities in Port-au-Prince have stopped or limited admissions to only acute cases, or closed their doors due to [the fuel shortage].”<sup>264</sup> Hospital operations have also been affected, including use of lighting, sterilization mechanisms, laboratory operations, and critical machinery.<sup>265</sup> Hospital staff have been unable to get to work, with the fuel shortage affecting the availability of public transportation and making taxis prohibitively expensive.<sup>266</sup> The National Ambulance Center has been operating at reduced capacity, with concerns that it may have to cease operations entirely.<sup>267</sup>
- The number of COVID-19 cases continues to rise in Haiti.<sup>268</sup> As of December 1, 2021, the Ministry of Public Health reported 25,265 cases of COVID-19 and 738 deaths.<sup>269</sup>
- Hospitals continue to be at or close to capacity for COVID-19 patients.<sup>270</sup> The fuel shortage has also reduced hospitals’ capacity to obtain oxygen critical for treating COVID-19.<sup>271</sup>
- The government’s COVID response has been slow and inadequate, and as of November 12 only 0.3 percent of the population had been vaccinated.<sup>272</sup> Health experts in Haiti blame its low vaccination rate on misinformation, distrust of vaccinations in general, and damage to health facilities caused by the August earthquake.<sup>273</sup> In a dramatic illustration of government and institutional dysfunction, Haiti had to return doses of the Moderna vaccine it received from the United States as part of the COVAX vaccine-sharing program to avoid wasting them,<sup>274</sup> with only 135,256 doses out of 500,000 administered.<sup>275</sup>

#### **Emigration pressures**

- Insecurity and political instability have led to an increase in migration out of Haiti.<sup>276</sup> Most emigrants who are intercepted by border or immigration authorities are being deported back,<sup>277</sup> with the IOM reporting 10,831 migrants returned to Haiti between September 19 and October 19.<sup>278</sup>
- Despite extending the Temporary Protected Status designation in May 2021 to Haitians already in the United States,<sup>279</sup> the Biden Administration has been deporting Haitians en masse, with five to

eight deportation flights daily since September.<sup>280</sup> In Del Rio, U.S. Customs and Border Protection agents on horseback were observed chasing Haitian migrants.<sup>281</sup> Human rights organizations have condemned the United States' response as "the latest example of racially discriminatory, abusive, and illegal US border policies that are returning people to harm and humanitarian disaster."<sup>282</sup>

- UN agencies have called for protective measures and a "comprehensive regional approach" to the situation of Haitian migrants.<sup>283</sup> Those who have asylum claims are likely to face persecution upon return.<sup>284</sup> Returnees from gang-controlled areas are coming back to catastrophic insecurity, while those from the south are returning to homes destroyed by the earthquake. Many returnees spent all their money to make the dangerous journey through Central America and are left with nothing, or even debts, increasing their vulnerability.<sup>285</sup> Others fled Haiti over ten years ago, returning to a very different country than the one they left, without any social or familial network.<sup>286</sup> In a country where many adult men and women have anywhere from five to fifteen people who rely on their income for survival, the economic hardship imposed on 10,000-plus returnees – and consequent loss of remittances – will impoverish tens of thousands more.<sup>287</sup> UNICEF reported in September 2021 that two-thirds of returnees are women and children, who are already especially vulnerable to economic and social hardship.<sup>288</sup>
- Haitians deported due to criminal convictions, many of whom have chronic health conditions, are particularly at risk due to limited medical supplies and medicine in Haiti.<sup>289</sup> Haiti often withholds medical files of deportees coming from the United States, further violating their right to health.<sup>290</sup>
- Dominicans of Haitian descent continue to face unique problems, including arrests, deportations, and ultimatums for "irregular" migrants.<sup>291</sup>
- Meanwhile, the Dominican government tightened its border with Haiti, deploying 12,000 troops to the border on November 1 "to protect the national territory from the prevailing social, political, and economic instability in Haiti."<sup>292</sup> The government also indefinitely suspended its special visa program for Haitian students, which is estimated to impact approximately 70,000 Haitian students.<sup>293</sup>
- In November the Dominican Republic deported 153 pregnant Haitian women, which the UN condemned as posing a grave danger to their physical integrity and lives and violating international standards on the expulsion of migrants.<sup>294</sup> The Dominican Republic also deported nine nursing mothers and 128 children.<sup>295</sup> Some of the women complained of physical and sexual abuse by Dominican migration officials.<sup>296</sup>

### **Role of the international community**

The international community, which backed Moïse's authoritarian rule,<sup>297</sup> has shown overwhelming support for Henry's government<sup>298</sup> and continues to call for elections<sup>299</sup> despite concerns from civil society and experts that free and fair elections are impossible in the current context.<sup>300</sup> U.S. special envoy to Haiti Daniel Foote resigned on September 22 over what he described as a "deeply flawed approach to Haiti," pointing especially to "international puppeteering" and U.S. support for Henry, even as it has ignored civil society-proposed solutions to Haiti's challenges.<sup>301</sup> In a briefing before the House Foreign Affairs Committee (**HFAC**), Foote further called attention to Henry as the heir of the PHTK party, which he faulted for driving many of Haiti's current challenges, and which he emphasized could not stay in power without U.S. support.<sup>302</sup> Like the U.S., the UN has also largely ignored Haitian civil society alternatives to the PHTK. For example, UN Special Representative in Haiti Helen La Lime has not met with the Commission to Search for a Haitian Solution to the Crisis, in spite of its notable efforts to put together a participatory and constructive solution. Some have called for some form of military intervention to address security concerns, although most Haitians strongly oppose any such measure.<sup>303</sup> BINUH, in the meantime, is re-examining its mandate. On October 15, 2021, the UN Security Council voted to renew it, but only for nine months – a compromise between Chinese-led calls to reduce or end its mandate entirely and U.S.-led calls for a more robust 12-month renewal.<sup>304</sup>

Foreign assistance remains focused on immediate stability, ignoring the root causes of the crisis and civil society's pleas to prioritize long-term development goals.<sup>305</sup> As noted above, humanitarian assistance has suffered from some of the same failings as those widely decried post-Haiti's 2010 earthquake;<sup>306</sup> it was also more limited in scale and has left many Haitians with no aid of any kind. Meanwhile, the UN continues to deny responsibility for the UN Peacekeeper-introduced cholera outbreak that devastated Haiti for almost a decade,<sup>307</sup> and has failed to provide meaningful redress to victims<sup>308</sup> or successfully implement programs aimed at eliminating cholera.<sup>309</sup> The UN has also broadly failed to facilitate accountability for incidences of SEA by UN Peacekeepers in Haiti.<sup>310</sup>

IJDH continues to reiterate its recommendations from prior updates. Namely, the international community, including the UN, should accept responsibility for violations of Haitians' human rights and take steps to ensure redress for victims, in line with its human rights obligations.<sup>311</sup> Haiti's history of foreign intervention with disastrous consequences and the consistent lack of accountability for international actors has led to Haitians' distrust of international involvement.<sup>312</sup> As detailed in a joint statement by civil society in July, to build back trust and better support the rule of law and realization of human rights in Haiti, the international community should support Haitian-led solutions and "not overstep their role by declaring who has authority in Haiti."<sup>313</sup> It should center the perspectives of civil society, including by placing emphasis on ensuring conditions for free and fair elections,<sup>314</sup> and withdraw its backing of authoritarian and corrupt administrations.<sup>315</sup>

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<sup>1</sup> Institute for Justice and Democracy in Haiti (IJDH), Human Rights and Rule of Law in Haiti: Key Recent Developments November 2020 through May 2021 (2021), <http://www.ijdh.org/wp-content/uploads/2021/06/June-2021-Human-Rights-Update-IJDH.pdf>. See also IJDH, Human Rights and Rule of Law in Haiti: Key Recent Developments February 2020 (2020), [http://www.ijdh.org/wp-content/uploads/2020/02/Update-on-Human-Rights-and-Rule-of-Law-Situation\\_Feb-19-2020.pdf](http://www.ijdh.org/wp-content/uploads/2020/02/Update-on-Human-Rights-and-Rule-of-Law-Situation_Feb-19-2020.pdf); IJDH, Human Rights and Rule of Law in Haiti: Key Recent Developments March to October 2020 (2020), [http://www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation\\_Mar-Oct-2020-FINAL.pdf](http://www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf); IJDH, Haiti at a Crossroads: An Analysis of the Drivers Behind Haiti's Political Crisis (May 2019), <http://www.ijdh.org/wp-content/uploads/2019/05/IJDH-Report-Haiti-at-a-Crossroads-May-2019.pdf>.

<sup>2</sup> See Centre d'analyse et de recherche en droits de l'homme, The population is dying!!! The civil and political society is fighting for power post-Jovenel Moïse, the government clings to it (Oct. 26, 2021), <https://cardh.org/archives/2906>; Catherine Porter & Natalie Kitroeff, 'It's Terror': In Haiti, Gangs Gain Power as Security Vacuum Grows, The New York Times (Oct. 21, 2021), <https://www.nytimes.com/2021/10/21/world/americas/haiti-gangs-kidnapping.html>; Maria Caspani & Brad Brooks, Kidnapping in Haiti shines spotlight on gangs, risk experts say, Reuters (Oct. 18, 2021), <https://www.reuters.com/world/americas/kidnapping-haiti-shines-spotlight-gangs-risk-experts-say-2021-10-19/>; United Nations Security Council (UNSC), United Nations Integrated Office in Haiti: Report of the Secretary General (Sept. 27, 2021), ¶ 16, [https://binuh.unmissions.org/sites/default/files/s\\_2021\\_828\\_e.pdf](https://binuh.unmissions.org/sites/default/files/s_2021_828_e.pdf).

<sup>3</sup> See Roberson Alphonse, Incapacité grandissante d'approvisionnement en produits pétroliers, Le Nouvelliste (Sept. 8, 2021), <https://lenouvelliste.com/article/231522/incapacite-grandissante-dapprovisionnement-en-produits-petroliers>.

<sup>4</sup> Jacqueline Charles, Haiti's surge in gang violence affecting fuel deliveries. Lives could be lost, UN says, Miami Herald (Oct. 25, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article255261571.html> ("Lives are likely to be lost in Haiti if fuel deliveries do not reach hospitals immediately," said Pierre Honnorat, the interim UN humanitarian coordinator in Haiti.).

<sup>5</sup> See Telecoms hit by fuel shortages in Haiti, France 24 (Oct. 26, 2021), <https://www.france24.com/en/live-news/20211026-telecoms-hit-by-fuel-shortages-in-haiti> ("Haiti's telecoms networks have sharply cut back on service because of fuel shortages caused by the tightening grip of criminal gangs on the capital Port-au-Prince.").

<sup>6</sup> See Haiti's fuel crisis deepens, banks announce partial closure, AP News (Nov. 5, 2021), <https://apnews.com/article/business-haiti-fbd445e82ce340f1f3333e5081c09b12> ("The shortage has hit hospitals, schools, ambulances, public transportation and others in recent weeks as anger and frustration grows.").

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<sup>7</sup> See Press Release, Médecins Sans Frontières, *Haiti: Shortages of fuel, water, and transportation threaten medical care* (Nov. 10, 2021), <https://reliefweb.int/report/haiti/haiti-shortages-fuel-water-and-transportation-threaten-medical-care> (the fuel shortage has driven food prices up sharply, increasing food insecurity).

<sup>8</sup> *Fuel shortages paralyze Haiti, disrupting everything from drinking water to phones*, The Haitian Times (Oct. 27, 2021), <https://haitiantimes.com/2021/10/27/fuel-shortages-paralyze-haiti-disrupting-everything-from-drinking-water-to-phones/> (on October 27, the Haitian Times reported that “[t]he technical operating center of the National Direction of Drinking Water (DINEPA) of the metropolitan region of Port-au-Prince may no longer be able to supply drinking water to the municipalities of Delmas, Tabarre and Cité Soleil.”).

<sup>9</sup> See Migration is most prevalent to the United States, the Dominican Republic, Mexico, Cuba, the Bahamas, and Turks-and-Caicos. *Environ 11 000 migrants déportés en Haïti du 19 septembre au 19 octobre, selon le GARR*, Le Nouvelliste (Oct. 21, 2021), <https://lenouvelliste.com/alamminute/20137/environ-11-000-migrants-deportes-en-haiti-du-19-septembre-au-19-octobre-selon-le-garr>. The most recent group of migrants also includes many Haitians who fled Haiti after the 2010 earthquake and settled in countries such as Brazil and Chile, and are now attempting to resettle in the United States due to increasingly inhospitable conditions, including facing racism and poverty, in their original countries of asylum. See, e.g. Caitlyn Yates, *Haitian Migration through the Americas: A Decade in the Making*, Migration Policy Institute (Sept. 30, 2021), <https://www.migrationpolicy.org/article/haitian-migration-through-americas>; James Dobbins et al., *How Hope, Fear, and Misinformation Led Thousands of Haitians to the US Border*, The New York Times (Sept. 17, 2021), <https://www.nytimes.com/2021/09/17/us/haitians-border-patrol.html>; Elizabeth Trovall, *Thousands of Haitians are Migrating to the U.S. After Facing Racism, Poverty in Latin America*, Houston Public Media (June 11, 2021), <https://www.houstonpublicmedia.org/articles/news/in-depth/2021/06/11/400406/many-haitians-are-migrating-to-the-u-s-after-facing-racism-poverty-in-latin-america/>; Center for Gender and Refugee Studies (CGRS), Haitian Bridge Alliance (HBA) & Instituto para las Mujeres en la Migración (IMUMI), *A Journey of Hope: Haitian Women’s Migration to Tapachula, Mexico* (2021), <https://imumi.org/attachments/2020/A-Journey-of-Hope-Haitian-Womens-Migration-to%20-Tapachula.pdf>.

<sup>10</sup> See, e.g. International Organization for Migration (IOM), *Situational Report: Return of Migrants and Reception Assistance in Haiti, 19 September to 19 October, 2021* (2021), [https://rosan jose.iom.int/site/sites/default/files/Reportes/sitrep\\_1\\_-\\_reception\\_of\\_returnees\\_haiti\\_-\\_19\\_sept.\\_to\\_19\\_oct.\\_2021\\_2.pdf](https://rosan jose.iom.int/site/sites/default/files/Reportes/sitrep_1_-_reception_of_returnees_haiti_-_19_sept._to_19_oct._2021_2.pdf); *US: Treatment of Haitian Migrants Discriminatory*, Human Rights Watch (Sept. 21, 2021), <https://www.hrw.org/news/2021/09/21/us-treatment-haitian-migrants-discriminatory>.

<sup>11</sup> See Press Release, Concern Worldwide, *Haiti Earthquake Response* (Aug. 14, 2021), <https://reliefweb.int/report/haiti/haiti-earthquake-response-august-14-2021>.

<sup>12</sup> See *Santé: Alerte des autorités sanitaires et éducatives sur une remontée du nombre de cas positifs au Covid-19 en Haïti*, AlterPresse (Oct. 29, 2021), <https://www.alterpresse.org/spip.php?article27620> (on October 9, the Ministry of Public Health and Population warned about a significant rise in the number of COVID-19 cases); Claudy Junior Pierre, *Pénurie d’oxygène, l’hôpital St-Luc ne peut plus accueillir de nouveaux patients Covid-19*, Le Nouvelliste (Oct. 14, 2021), <https://lenouvelliste.com/article/232213/penurie-doxygene-lhopital-st-luc-ne-peut-plus-accueillir-de-nouveaux-patients-covid-19> (on October 14, St. Luc Hospital announced it could no longer accommodate additional COVID-19 patients “Due to international and local factors directly affecting the regular supply of oxygen at the national level.”).

<sup>13</sup> See Brian Concannon, *Biden must stop propping up the old guard in Haiti*, Responsible Statecraft (Nov. 12, 2021), <https://responsiblestatecraft.org/2021/11/12/how-biden-can-support-democracy-in-haiti/>. At the time of his assassination, Moïse was one of only eleven elected officials remaining in the country: after electoral delays, Parliament became defunct in January of 2020 and Moïse replaced all elected municipal officials by executive decree that June; the judiciary has become increasingly non-functional due in part to political interference and executive failure to renew mandates or protect judicial function; all while the executive consolidated power through unconstitutional use of decrees. Bureau des Avocats Internationaux (BAI) et al., *Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti* (2021), ¶ 3, 9-11, <http://www.ijdh.org/wp-content/uploads/2021/07/Updated-Justice-Sector-Challenges-in-Haiti-UPR-Submission-EN-1.pdf>; Jacqueline Charles, *Slew of presidential decrees have some wondering if Haiti is on the road to dictatorship*, Council of the Americas (Dec. 21, 2020), <https://www.as-coa.org/articles/slew-presidential-decrees-have-some-wondering-if-haiti-road-dictatorship>; Winnie Hugot Gabriel Duval, *“Le Président commet une usurpation de pouvoirs préjudiciables aux valeurs républicaines,” estime le barreau de Port-au-Prince*, Le Nouvelliste (Nov. 17, 2020), <https://lenouvelliste.com/article/223270/le-president-commet-une-usurpation-de-pouvoirs-prejudiciables-aux-valeurs-republicaines-estime-le-barreau-de-port-au-prince>.

<sup>14</sup> See Joshua Keating, *No One Knows Who’s in Charge of Haiti*, The Slate Group (July 27, 2021), <https://slate.com/news-and-politics/2021/07/haiti-president-assassinated-moise-covid.html>.

<sup>15</sup> See Brian Concannon, *Supporting Moïse, Washington lost Haitian trust*, Responsible Statecraft (July 19, 2021), <https://responsiblestatecraft.org/2021/07/19/supporting-moise-washington-lost-haitian-trust/>.

<sup>16</sup> See Pierre Esperance, *Wrong US Call - Haiti Needs a Credible Transitional Government*, Just Security (July 22, 2021), <https://www.justsecurity.org/77552/wrong-us-call-haiti-needs-a-credible-transitional-government/>.

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<sup>17</sup> See Wedster Lyvert, «Ceux qui se sont ralliés à Ariel Henry prouvent qu'ils ne luttent pas contre le système mais contre Jovenel Moïse», estime Pierre Espérance, *Le Nouvelliste* (Nov. 25, 2021), <https://lenouvelliste.com/article/232802/ceux-qui-se-sont-rallies-a-ariel-henry-prouvent-qu'ils-ne-luttaient-pas-contre-le-systeme-mais-contre-jovenel-moise-estime-pierre-esperance> (Pierre Espérance, the director of a Haitian human rights organization, has expressed skepticism that the formation of a new government will provide a solution to Haiti's crisis: "the country does not have a problem of government, it has a problem of governance."); *Nouveau gouvernement, Phtk 3e version, selon l'ancien sénateur Steven Benoit*, *Le Nouvelliste* (Nov. 25, 2021), <https://lenouvelliste.com/alaminate/20425/nouveau-gouvernement-phtk-3e-version-selon-lancien-senateur-steven-benoit> (Steven Benoit, former US senator, called Henry's government "PHTK, version 3.0").

<sup>18</sup> See Concannon, *Biden must stop propping up the old guard in Haiti*, *supra* note 13.

<sup>19</sup> See, e.g. *Haiti - Transports: Ralentissement des activités à Port-au-Prince, ce lundi 4 octobre 2021, durant une grève générale de protestation contre la criminalité*, *AlterPresse* (Oct. 4, 2021), <https://www.alterpresse.org/spip.php?article27507#.YVzCpZrMKM9>; *Haitians strike against surge in violence, rising fuel costs*, *Haitian Times* (Oct. 5, 2021), <https://haitiantimes.com/2021/10/05/haitians-strike-against-surge-in-violence-rising-fuel-costs/>; *Protests erupt around Port-au-Prince after six people, including pastor, are kidnapped*, *Haitian Times* (Oct. 12, 2021), <https://haitiantimes.com/2021/10/12/protests-erupt-around-port-au-prince-after-six-people-including-pastor-are-kidnapped/>; *Haiti: grève générale contre l'insécurité et l'emprise des gangs armés*, *Radio France Internationale* (Oct. 18, 2021), <https://www.rfi.fr/am%C3%A9riques/20211018-ha%C3%A9ti-gr%C3%A8ve-g%C3%A9n%C3%A9rale-contre-l-ins%C3%A9curit%C3%A9-et-l-emprise-des-gangs-arm%C3%A9s?ref=tw>; *Appel à une grève illimitée des transports, contre la criminalité, le kidnapping et la rareté des produits pétroliers en Haïti*, *AlterPresse* (Oct. 15, 2021), [https://www.alterpresse.org/spip.php?article27555#.YWYyE3S2cY\\_U](https://www.alterpresse.org/spip.php?article27555#.YWYyE3S2cY_U); *Motorcyclists protest against fuel shortage in Haiti, again*, *Haitian Times* (Oct. 21, 2021), <https://haitiantimes.com/2021/10/21/motorcyclists-protest-against-fuel-shortage-in-haiti-again/>; *Société: Nouvelles mobilisations, ce jeudi 21 octobre 2021, contre la pénurie des produits pétroliers en Haïti*, *AlterPresse* (Oct. 21, 2021), <https://www.alterpresse.org/spip.php?article27584>; *Haïti: Une grève générale est fixée pour lundi: Ti blan Bastia report le sit-in prévu devant la Digicel*, *Kapzy News* (Oct. 23, 2021), <https://kapzynews.com/haiti-une-greve-generale-est-fixee-pour-lundi-ti-blan-bastia-reporte-le-sit-in-prevu-devant-la-digicel/>; *Roberson Alphonse, Haïti jongle avec des grèves et une pénurie de carburant*, *Le Nouvelliste* (Oct. 22, 2021), <https://lenouvelliste.com/article/232356/haiti-jongle-avec-des-greves-et-une-penurie-de-carburant>; *Jacque Kolo, Grève générale largement suivie/ Le G-9 maître de lieux dans l'environnement du terminal Varreux*, *Rhinews* (Oct. 25, 2021), <https://www.rhinews.com/actualites/greve-generale-largement-suivie-le-g-9-maitre-des-lieux-dans-lenvironnement-du-terminal-varreux/>.

<sup>20</sup> The Commission – endorsed at the outset by 382 organizations from a broad range of Haiti's civil society – identified the need for a break with the structural drivers of Haiti's democratic instability (including weakened institutions and endemic corruption). It includes representatives from every department (41 from Artibonite, 21 from Centre, 13 from Grande 'Anse, 35 from Nippes, 25 from Nord, 33 from Nord-Est, 19 from Nord-Ouest, 117 from Ouest, 21 from Sud, 44 from Sud-Est) as well as from the diaspora (14). Press Release, Forum Société Civile Haïtienne, *Notice of Launching of the Commission for Haitian Solution to the Crisis* (May 12, 2021), <https://www.haitiwatch.org/home/commissionforhaitiansolution>; see also Monique Clesca, *My Group Can Save Haiti. Biden Is Standing In Our Way*, *The New York Times* (Dec. 1, 2021), <https://www.nytimes.com/2021/12/01/opinion/haiti-commission-government.html> ("Facing no perfect alternatives to a corrupt, illegitimate government that rules by decree, we believe the country's best hope is a political transition in which inclusion provides legitimacy, leading to free elections.").

<sup>21</sup> *Document final de l'accord du 30 Août 2021 (Montana)*, *Ayiti Blog* (Sep. 14, 2021), <https://ayiti.blog/document-final-de-laccord-du-30-aout-2021-montana/>; see also Clesca, *My Group Can Save Haiti. Biden Is Standing In Our Way*, *supra* note 20 (the Accord "proposes an interim government whose members, in the absence of elections, will be nominated by various sectors to legitimately represent Haitians...It sets goals for strengthening institutions ahead of elections...[and] contains provisions that guard against self-interest...The accord, which now has more than 900 signatories from groups representing millions of Haitians, includes participants who disagree with one another, ensuring diverse points of view."); Jacqueline Charles, *Haiti prime minister names new cabinet as armed gangs challenge his rule*, *Miami Herald* (Nov. 24, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article256064692.html> (the Accord "has the backing of at least 40 political parties and more than 300 civil society organizations"). The Accord proposes the formation of a diverse and inclusive National Transitional Council, which will be "made up of representatives of different social and political sectors such as women and peasant organizations, human rights and private organizations, to name a few," to oversee elections. *Id.* On December 1, the Commission announced it will be appointing 52 members to the National Transitional Council to select the leaders of the interim government, which they hope will spur Henry to step down. See Clesca, *My Group Can Save Haiti. Biden Is Standing In Our Way*, *supra* note 20.

<sup>22</sup> See, e.g. *Haiti advocates reject US push for elections after Moïse death*, *Al Jazeera* (July 12, 2021), <https://www.aljazeera.com/news/2021/7/12/haitian-rights-advocates-reject-us-push-for-elections-this-year> ("leading civil society groups as well as rights activists say holding a vote may not be the best way out of the

crisis”); Esperance, *Wrong US Call - Haiti Needs a Credible Transitional Government*, *supra* note 16 (“in the context of dismantled democratic institutions, destroyed electoral infrastructure, a non-functioning judiciary and rampant gang violence, free and fair elections are just not possible in the coming months.”); Jacqueline Charles, *UN Security Council presses for elections in Haiti*, Miami Herald (Oct. 5, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article254745152.html> (“Security Council members placed emphasis on a political accord being pursued by Henry while barely acknowledging the concerns of a coalition of Haitian civil society organizations pressing for a delay in the polls in order to address some of the root causes of Haiti’s dysfunction.”); *The Full Resignation Letter of US Special Envoy to Haiti*, News Americas (Sept. 23, 2021), <https://www.newsamericasnow.com/caribbean-news-now-haiti-news-the-full-resignation-letter-of-us-special-envoy-to-haiti/> (former U.S. Special Envoy Daniel Foote emphasized the need for elections devoid of international intervention in his resignation letter); Ambassador Peter Mulrean, *To Save Haiti’s Democracy, Don’t Hold Elections*, Just Security (July 9, 2021), <https://www.justsecurity.org/77379/to-save-haitis-democracy-dont-hold-elections/> (“The immediate reaction of the United States and the UN has been to support moving forward with elections planned for September. That would be a mistake.”); Daniel Ofman, *Haitians’ voices need to be heard in country’s rebuilding, former Amb Pamela White says*, The World (July 8, 2021), <https://theworld.org/stories/2021-07-08/haitians-voices-need-be-heard-country-s-rebuilding-former-amb-pamela-white-says> (former U.S. ambassador to Haiti Pamela White says “I do not believe elections will help [Haiti] move forward at this time.”); Francklyn B. Geffard, *Haiti livré aux mains des gangs armés mieux équipés que la police nationale, selon Daniel Foote*, Rhinews (Oct. 7, 2021), <https://www.rhinews.com/actualites/haiti-livre-aux-mains-des-gangs-armes-mieux-equipés-que-la-police-nationale-selon-daniel-foote/> (at a hearing before the Committee on Foreign Affairs of the American House of Representatives, former United States Special Envoy in Haiti Daniel Foote said it would take “at least a year to rectify the security situation and create the conditions necessary for the holding of elections in Haiti.”).

<sup>23</sup> See RNDDH, *Tragic Assassination of Jovenel Moïse: The president was delivered by security officials* (Aug. 20, 2021), [https://web.rnddh.org/wp-content/uploads/2021/08/Tragic-assassination-of-Jovenel-MOISE-The-president-was-delivered-by-officials-responsible-for-his-security-RNDDH-%E2%80%93-Report\\_A21\\_No4.pdf](https://web.rnddh.org/wp-content/uploads/2021/08/Tragic-assassination-of-Jovenel-MOISE-The-president-was-delivered-by-officials-responsible-for-his-security-RNDDH-%E2%80%93-Report_A21_No4.pdf) (former president Moïse’s assassination, “perpetrated by persons vested with state authority who had been entrusted with protecting the victim,” is a salient example of the inability of the police force to protect against political violence); see also *infra* note 139 and associated text.

<sup>24</sup> See Danica Coto & Alberto Arce, *Desperate Haitians suffocate under growing power of gangs*, AP News (Oct. 21, 2021), <https://apnews.com/article/business-caribbean-port-au-prince-haiti-gangs-8793b917718e5f67f27317e765c410aa> (“Gangs control up to 40% of Port-au-Prince”); see also *Gangs of Haiti: Why are they so powerful?*, TRT World (Nov. 1, 2021), <https://www.trtworld.com/magazine/gangs-of-haiti-why-are-they-so-powerful-51251>; Centre d’analyse et de recherche en droits de l’homme, *The population is dying!!! The civil and political society is fighting for power post-Jovenel Moïse, the government clings to it*, *supra* note 2; *Haiti - FLASH: 1/3 of Port-au-Prince serves as a battlefield for nearly 95 gangs*, Haiti Libre (June 25, 2021), <https://www.haitilibre.com/en/news-34065-haiti-flash-1-3-of-port-au-prince-serves-as-a-battlefield-for-nearly-95-gangs.html>.

<sup>25</sup> See Centre d’analyse et de recherche en droits de l’homme, *The population is dying!!! The civil and political society is fighting for power post-Jovenel Moïse, the government clings to it*, *supra* note 2; Porter & Kitroeff, *‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2 (“Haiti’s gang members have grown so strong that they rule swaths of the country.”).

<sup>26</sup> See, e.g. Porter & Kitroeff, *‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2; UNSC, *United Nations Integrated Office in Haiti: Report of the Secretary General*, *supra* note 2, at ¶ 16 (noting an increase in both kidnappings and “intentional homicides” from the previous reporting period); Charles, *Haiti prime minister names new cabinet as armed gangs challenge his rule*, *supra* note 21 (discussing “an alarming spike in violent clashes by gangs who are abducting people for ransom, blocking fuel distribution and carrying out attacks on neighborhoods.”); Press release, CARDH, *Kidnapping: Bulletin trimestriel juillet-août-septembre 2021* (Oct. 7, 2021), <https://cardh.org/archives/2647> (there were more kidnappings in the first ten months of 2021 than there were in all of 2020); see also Gabrielle Gorder, *US Guns Flow into Haiti, Fuel Gang Violence*, InSight Crime (Nov. 30, 2021), <https://insightcrime.org/news/us-guns-flow-into-haiti-fuel-gang-violence/> (gangs are getting weapons smuggled into the country by U.S. citizens: on November 13, a U.S. citizen was arrested for smuggling six guns, including two automatic rifles, into Haiti in his checked luggage; on November 16, “seven firearms, including four assault rifles and three handguns, were seized from a cargo container at Port-de-Paix;” and on November 19, three U.S. citizens were arrested after smuggling five firearms and ammunition in their luggage); *Haiti - FLASH: Importante saisie d’armes à feu à Port-de-Paix*, Haiti Libre (Nov. 18, 2021), <https://www.haitilibre.com/article-35268-haiti-flash-importante-saisie-d-armes-a-feu-a-port-de-paix.html>; 3 américains d’origine haïtienne arrêtés à l’aéroport de Port-au-Prince en possession d’armes et de munitions, Haiti Standard (Nov. 21, 2021), <https://haitistandard.com/3-americains-dorigine-haitienne-arretes-a-laeroport-de-port-au-prince-en-possession-darmes-et-de-munitions/>; Andrew Dymburt, *Man traveling with 6 guns out of MIA arrested in Haiti*, WSVN 7 News Miami (Nov. 13, 2019), <https://wsvn.com/news/us-world/man-traveling-with-6-guns-out-of-mia-arrested-in-haiti/>.

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<sup>27</sup> See Porter & Kitroeff, *'It's Terror': In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2 (“Haitians in the capital live in continual fear.”).

<sup>28</sup> See UNSC, United Nations Integrated Office in Haiti: Report of the Secretary General, *supra* note 2, at ¶ 15, 35.

<sup>29</sup> See, e.g. Coto & Arce, *Desperate Haitians suffocate under growing power of gangs*, *supra* note 24; Jacqueline Charles & Michael Wilner, *U.S. warns Americans to leave Haiti as security crisis deepens, hostages remain captive*, Miami Herald (Nov. 12, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article255639801.html>; see also UNSC, United Nations Integrated Office in Haiti: Report of the Secretary General, *supra* note 2, at ¶ 25-27 (outlining the shortcomings of Haiti’s security apparatus).

<sup>30</sup> See International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock* (2021), <https://www.crisisgroup.org/latin-america-caribbean/haiti/b44-haiti-path-stability-nation-shock>.

<sup>31</sup> See Maria Abi-Habib, *As Gangs’ Power Grows, Haiti’s Police Are Outgunned and Underpaid*, The New York Times (Oct. 26, 2021), <https://www.nytimes.com/2021/10/26/world/americas/haiti-police-gangs.html>.

<sup>32</sup> *Haiti: Violence puts patients, staff, and medical activities at risk*, Médecins Sans Frontières (June 11, 2021), <https://www.doctorswithoutborders.org/what-we-do/news-stories/news/haiti-violence-puts-patients-staff-and-medical-activities-risk> (Médecins Sans Frontières warn “that medical care cannot be sustained while armed clashes and robberies affect patients, staff, health facilities, and vehicles.”).

<sup>33</sup> See Press Release, UN Office for the Coordination of Humanitarian Affairs, *Haiti: Earthquake Situation Report No. 8 - Final* (Nov. 19, 2021), <https://reliefweb.int/report/haiti/haiti-earthquake-situation-report-no-8-final-29-november-2021> (food and water insecurity continue to be problems months after the 2021 earthquake); *Unbearable insecurity in Haiti amidst violence and economic crisis*, Médecins Sans Frontières (Nov. 24, 2021), <https://www.msf.org/unbearable-insecurity-haiti-amidst-violence-and-economic-crisis> (mobile medical clinics tried to respond to food, water, and sanitation needs in the aftermath of the earthquake); Press Release, Médecins Sans Frontières, *Thousands stranded and exposed as insecurity worsens in Port-au-Prince* (Nov. 24, 2021), <https://reliefweb.int/report/haiti/thousands-stranded-and-exposed-insecurity-worsens-port-au-prince> (“Many people sleep outdoors on hot or wet concrete without mattresses, and there is a lack of safe drinking water and food,” says Mariana Cortesi, MSF medical coordinator.”).

<sup>34</sup> See, e.g. Francklyn B. Geffrard, *Menaces sur la sécurité du juge Rénord Régis: Préoccupée, l’ANAMAH alerte l’union internationale des magistrats*, Rhinews (June 20, 2021), <https://www.rhinews.com/actualites/menaces-sur-la-securite-du-juge-renord-regis-preoccupee-lanamah-alerte-lunion-internationale-des-magistrats/> (a judge resigned over threats to his security); *Haiti - Justice: L’Opc préoccupé par la décision de rappeler les policiers affectés à la sécurité des magistrats Jean Wilner Morin et Ikerson Edumé*, AlterPresse (Oct. 6, 2021), <https://www.alterpresse.org/spip.php?article27521> (“The Office for the Protection of the Citizen...expresses serious concerns following the decision of the general direction of the National Police of Haiti to withdraw the national police officers assigned to the security of magistrates Jean Wilner Morin, president of the National Association of Haitian Magistrates, and Ikerson Edumé.”); see also *infra* notes 145-149 and associated text.

<sup>35</sup> On November 18, an inclusive working group – composed of civil society, security experts, human rights advocates, academics, and representatives from the private sector, the trade union sector, the religious sector, and the diaspora – was established to address the insecurity, with the aim to “[e]ncourage collaboration between the citizen and the security apparatus of Haiti in order to resolve the problem of insecurity in the country in the short, medium and long term.” *Haiti, SÉCURITÉ, POLITIQUE: La Société Civile Haïtienne Crée Un Groupe De Travail Sur La Sécurité*, Le Tout Au Pluriel Magazine (Nov. 19, 2021), <https://letoutauplurielmagazine.com/2021/11/20/haiti-securite-politique-la-societe-civile-haitienne-cree-un-groupe-de-travail-sur-la-securite/>; <https://www.alterpresse.org/spip.php?article27684>.

<sup>36</sup> See, e.g. *Nul autre qu’un président américain ne saurait mieux savoir pourquoi Haïti est dans cet état si dramatique*, AlterPresse (Oct. 31, 2021), <https://www.alterpresse.org/spip.php?article27624> (open letter to U.S. President Joe Biden from civil society demanding an end to international, and particularly American, interference in Haiti).

<sup>37</sup> Charles, *UN Security Council presses for elections in Haiti*, *supra* note 22 (estimating the number at 162 as of October); International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock*, *supra* note 30 (“As of June 2021, more than 90 armed gangs operated throughout the country and controlled over half the capital Port-au-Prince, according to the UN.”).

<sup>38</sup> The *G-9 an Fanni* (G9 and Family) was founded in June 2020 as a criminal federation of nine gangs run by Jimmy Chérizier (alias “Barbeque”), a former police officer, with close ties to former president Moïse. The G9, and Chérizier in particular, is responsible for some of the most horrific attacks in the past four years. It is Haiti’s largest and most powerful gang. InSight Crime, *G9 and Family* (2021), <https://insightcrime.org/caribbean-organized-crime-news/g9-family-profile/>; Coto & Arce, *Desperate Haitians suffocate under growing power of gangs*, *supra* note 24.

<sup>39</sup> The *400 Mawozo* gang is “one of Haiti’s most notorious street gangs...responsible for multiple killings and kidnappings.” Coto & Arce, *Desperate Haitians suffocate under growing power of gangs*, *supra* note 24. According to CARDH, *400 Mawozo* is responsible for 80% of kidnappings in Haiti. Jacqueline Charles, *FBI in Haiti after 16 American missionaries visiting an orphanage kidnapped by gang*, Miami Herald (Oct. 18, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article255069057.html>; see also Gessika



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Thomas & Brian Ellsworth, *Haiti's 400 Mawozo rose from a petty crime gang to a major kidnapping ring*, Reuters (Oct. 21, 2021), <https://www.reuters.com/world/americas/haitis-400-mawozo-rose-petty-crime-gang-major-kidnapping-ring-2021-10-21/>; Chris Dalby, *Haiti Kidnappings Target Foreigner in Evolution of Security Crisis*, InSight Crime (Oct. 18, 2021), <https://insightcrime.org/news/kidnapping-foreigners-evolution-haiti-security-crisis/> (“security experts said the gang was responsible for most of the kidnappings in the country between June and September 2021.”).

<sup>40</sup> *Haiti gang leader demands PM resign amid harsh fuel shortages*, Al Jazeera (Oct. 26, 2021), <https://www.aljazeera.com/news/2021/10/26/haiti-gang-leader-demands-pm-resign-amid-harsh-fuel-shortages> (“Chérizier, said in a radio interview on Monday night that he would ensure the safe passage of fuel trucks if Henry were to leave office.”); Mark Wilson, *Fuel, Water, International Aid: Haiti's Gangs Weaponize Essential Services*, InSight Crime (Nov. 4, 2021), <https://insightcrime.org/news/fuel-water-international-aid-haiti-gangs-weaponize-essential-services/> (Chérizier admitted to having the power to curb the ongoing fuel crisis, but if his political conditions are met). It is important to note that Chérizier's political allegiances are shaky: he previously supported former president Moïse, until renouncing his support in late June; after Moïse's assassination in July, Chérizier once again expressed his support. See Jason Beaubien, *Haiti's Slain President Presided Over The Collapse Of Security In His Country*, NPR (July 20, 2021) <https://www.npr.org/2021/07/20/1018275532/haitis-slain-president-presided-over-the-collapse-of-security-in-his-country> (“Chérizier called Moïse's killers ‘cowardly’ and called for justice for the slain president.”); Linon Saldarkhan, *Prison Break Lays Bare Haiti Gang Leader's Ties to Elites*, InSight Crime (Mar. 8, 2021) <https://insightcrime.org/news/prison-break-gang-leader-haiti/> (Human Rights groups express concerns over connections between the Moïse government and the G9 gang).

<sup>41</sup> See Jimmy Chérizier, alias ‘Barbecue’, InSight Crime (Oct. 21, 2021) <https://insightcrime.org/caribbean-organized-crime-news/jimmy-cherizier-alias-barbecue/>; International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock*, *supra* note 30.

<sup>42</sup> Porter & Kitroeff, *It's Terror': In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2.

<sup>43</sup> UNSC, United Nations Integrated Office in Haiti: Report of the Secretary General, *supra* note 2, at ¶ 16.

<sup>44</sup> Press Release, RNDDH, *Dark night in Port-au-Prince and Delmas: RNDDH calls for popular mobilization* (July 1, 2021), <https://web.rnddh.org/wp-content/uploads/2021/07/8-CP-Nuit-sombre-a-Port-au-Prince-et-a-Delmas.29.30Jun2021-01Juil2021-ENG.pdf>; *Haiti: Investigate President's Killing*, Human Rights Watch (July 8, 2021), <https://www.hrw.org/news/2021/07/08/haiti-investigate-presidents-killing>.

<sup>45</sup> Tim Padgett, *Haitians Fear Gangs Are Now More Powerful Than Government*, WLRN Miami/South Florida (Sept. 29, 2021), <https://www.wlrn.org/news/2021-09-29/haitians-fear-gangs-are-now-more-powerful-than-government>; International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock*, *supra* note 30.

<sup>46</sup> See *Haiti: Thousands displaced as gang violence, insecurity escalate*, Al Jazeera (June 15, 2021), <https://www.aljazeera.com/news/2021/6/15/haiti-thousands-displaced-as-gang-violence-insecurity-escalates> (“Thousands of women and children have been displaced by gang violence in the Haitian capital this month, the United Nations’ child rights agency has said, warning that a growing number of families in Port-au-Prince now lack clean water and other necessities.”).

<sup>47</sup> Jimmy Larose, *Des propriétaires refusent de louer leur maison aux gens qui fuient l'insécurité de Martissant*, Ayibo Post (Oct. 20, 2021), <https://ayibopost.com/des-proprietaires-refusent-de-louer-leur-maison-aux-gens-qui-fuient-linsecurite-de-martissant/> (homeowners are refusing to rent to those fleeing violence in Martissant).

<sup>48</sup> UNSC, United Nations Integrated Office in Haiti: Report of the Secretary General, *supra* note 2, at ¶ 15; Charles & Wilner, *U.S. warns Americans to leave Haiti as security crisis deepens, hostages remain captive*, *supra* note 29. According to one observer, the number of displaced is over 20,000. Jess DiPierro Obert (@jessobert), Instagram (Oct. 29), [https://www.instagram.com/p/CVnw3hALrWy/?utm\\_medium=copy\\_link](https://www.instagram.com/p/CVnw3hALrWy/?utm_medium=copy_link).

<sup>49</sup> IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments November 2020 through May 2021*, *supra* note 1 (describing displacements from the areas in an around Martissant, Cité-Soleil, and Bel-Air, starting with over one thousand people in one seventy-two hour period at the outset of the spike in violence).

<sup>50</sup> Six months after the violence in Martissant in June, 300 families are still living at the sports center in Carrefour. Obert, *supra* note 48; see also International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock*, *supra* note 30 (ongoing insecurity has further complicated the humanitarian situation for those displaced, with many in “crowded community centres that humanitarian agencies found hard to reach because criminals controlled the vicinity”).

<sup>51</sup> See Charles, *Haiti prime minister names new cabinet as armed gangs challenge his rule*, *supra* note 21; see also *infra* notes 173-174 and associated text.

<sup>52</sup> See Jacqueline Charles, *In Haiti, armed gangs tax the poor, extort the rich and do the bidding of the powerful*, Miami Herald (Oct. 20, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article255109942.html>; *Haiti top diplomat asks UN Security Council for help with gangs*, Al Jazeera (Oct. 5, 2021), <https://www.aljazeera.com/news/2021/10/5/haiti-top-diplomat-asks-un-security-council-for-help-with-gangs> (U.N. Haiti envoy La Lime notes that the Haitian police force is ‘over-stretched and under-resourced’ and needs a more holistic approach to effectively curtail gang violence); see also Brian Ellsworth & Gessika Thomas, *Haiti crippled by fuel shortages as gang leader demands prime minister resign*, Reuters (Oct. 27, 2021), <https://www.reuters.com/world/haiti-crippled-by-fuel-shortages-gang-leader-demands-prime-minister-17>

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[resign-2021-10-26/](#) (Jimmy "Barbecue" Cherizier, the leader of the G9 gang demands the resignation of Ariel Henry on public radio, demonstrating the increased political power and impunity gangs in Haiti have enjoyed in recent months).

<sup>53</sup> See, e.g. *Haïti - Transports: Ralentissement des activités à Port-au-Prince, ce lundi 4 octobre 2021, durant une grève générale de protestation contre la criminalité*, *supra* note 19; *Haitians strike against surge in violence, rising fuel costs*, *supra* note 19; *Protests erupt around Port-au-Prince after six people, including pastor, are kidnapped*, *supra* note 19; *Haïti: grève générale contre l'insécurité et l'emprise des gangs armés*, *supra* note 19; *Appel à une grève illimitée des transports, contre la criminalité, le kidnapping et la rareté des produits pétroliers en Haïti*, *supra* note 19.

<sup>54</sup> See Coto & Arce, *Desperate Haitians suffocate under growing power of gangs*, *supra* note 24 ("Haiti has roughly 9,000 police officers on the streets, a fraction of the number that would normally patrol a country of more than 11 million people."); E-mail from Smallholder Farmers Alliance to author (Oct. 27, 2021, 10:10 EST) (on file with author).

<sup>55</sup> See UNSC, United Nations Integrated Office in Haiti: Report of the Secretary General, *supra* note 2, at ¶ 15.

<sup>56</sup> See Concannon, *Biden must stop propping up the old guard in Haiti*, *supra* note 13 ("gangs have been holding Haiti's people and democracy hostage throughout the PHTK reign, often in collaboration with the PHTK."); Harvard Law School International Human Rights Clinic & Observatoire Haïtien des crimes contre l'humanité, *Killing with Impunity: State-Sanctioned Massacres in Haiti* (2021), [http://hrp.law.harvard.edu/wp-content/uploads/2021/04/Killing\\_With\\_Impunity-1.pdf](http://hrp.law.harvard.edu/wp-content/uploads/2021/04/Killing_With_Impunity-1.pdf).

<sup>57</sup> International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock*, *supra* note 30.

<sup>58</sup> See, e.g. Porter & Kitroeff, *'It's Terror': In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2 (describing "a police role in the killings, including the involvement of active officers and the use of equipment like armored cars or tear gas."); International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock*, *supra* note 30 ("The police have selectively enforced the law, allied with gangs when convenient and rarely faced discipline for misconduct.").

<sup>59</sup> See, e.g. Alberto Arce & Rodrigo Abd, *In Haiti, the difficult relationship of gangs and business*, AP News (Oct. 27, 2021), <https://apnews.com/article/business-caribbean-port-au-prince-haiti-only-on-ap-fc8acb709b09f75b7783e9fab45e830d>; Charles, *In Haiti, armed gangs tax the poor, extort the rich and do the bidding of the powerful*, *supra* note 52 ("members of his [Chérizier's] deadly alliance have been linked to mass kidnappings, gang violence, extortion and the trafficking of arms and ammunition, as well as drugs."); *id.* (among other criminal activities, 400 *Mawozo* has turned to "extorting businesses in the vast, mostly rural territory it controls.").

<sup>60</sup> Arce & Abd, *In Haiti, the difficult relationship of gangs and business*, *supra* note 59.

<sup>61</sup> Lulu Garcia-Navarro & Deepa Shivram, *Haiti's kidnapping crisis is plunging the country even further into turmoil*, WXXI News (Oct. 17, 2021), <https://www.wxxi.com/post/haitis-kidnapping-crisis-plunging-country-even-further-turmoil>; *Kidnapping in Haiti shines spotlight on gangs, risk experts say*, *supra* note 2.

<sup>62</sup> See Porter & Kitroeff, *'It's Terror': In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2 ("Kidnappings have exploded, long surpassing last year's high, which itself had increased significantly from the year before, according to the United Nations.").

<sup>63</sup> Jacqueline Charles, *It has been a month since 16 Americans and a Canadian were kidnapped in Haiti*, Miami Herald (Nov. 16, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article255847071.html>; *Haïti - Actualité : Zapping...*, Haïti Libre (Dec. 1, 2021), <https://www.haitilibre.com/article-35378-haiti-actualite-zapping.html>.

<sup>64</sup> Charles, *It has been a month since 16 Americans and a Canadian were kidnapped in Haiti*, *supra* note 63; Press release, CARDH, *Cellule d'observation de la criminalité Bulletin #6* (Oct. 19, 2021), <https://cardh.org/archives/2862>. BINUH reported lower numbers, but still saw an increase from 2020, "with 328 victims reported to the police in the first eight months of 2021 compared with 234 for all of 2020." UNSC, United Nations Integrated Office in Haiti: Report of the Secretary General, *supra* note 2, at ¶ 16.

<sup>65</sup> See Charles, *UN Security Council presses for elections in Haiti*, *supra* note 22.

<sup>66</sup> Even more concerning, each month saw more kidnappings than the previous: 31 cases were reported in July, 73 in August, 117 in September, and 119 in the first half of October alone. Press release, CARDH, *Kidnapping: Bulletin trimestriel juillet-août-septembre 2021*, *supra* note 26; Francklyn B. Geffard, *At least 221 cases of kidnapping were recorded between July and September; which represents an increase of 300% according to CARDH*, (Oct. 8, 2021), <https://www.rhinews.com/actualites/au-moins-221-cas-de-kidnapping-ont-ete-enregistres-entre-juillet-et-septembre-ce-qui-represente-une-hausse-de-300-selon-le-cardh/>; see also Press release, CARDH, *Cellule d'observation de la criminalité Bulletin #6*, *supra* note 64 (CARDH reported 782 kidnappings from January to October 16 2021).

<sup>67</sup> See Gessika Thomas & Brian Ellsworth, *Gangs expand territory as Haiti government struggles to stay in control*, Reuters (Oct. 17, 2021), <https://www.reuters.com/world/americas/gangs-expand-territory-haiti-government-struggles-stay-control-2021-10-17/>.

<sup>68</sup> See Porter & Kitroeff, *'It's Terror': In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2.

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<sup>69</sup> Francklyn B Geffrard, *Pasteur Jean-Pierre Ferrer Michel libéré après 22 jours de séquestration*, Rhinews (Oct. 25, 2021), <https://www.rhinews.com/actualites/pasteur-jean-pierre-ferrer-michel-libere-apres-22-jours-de-sequestration/> (“Despite the payment of a ransom of \$300,000, the Pastor [Jean Pierre Ferrer Michel] was held hostage.”).

<sup>70</sup> Porter & Kitroeff, *‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2 (kidnappers demanded \$17 million - \$1 million for each hostage – for the return of the 17 foreigners kidnapped in October); Francklyn B. Geffrard, *Haiti/ Kipnapping: Jhaninie Janvier and James Philistin and two other people released for ransom ...*, Rhinews (Nov. 28, 2021), <https://www.rhinews.com/actualites/haiti-kidnapping-jhaninie-janvier-et-james-philistin-et-deux-autres-personnes-liberes-contre-rancon/> (on November 24, four people were kidnapped and a ransom of \$5 million was demanded); Jacqueline Charles, *He’s an American. A Haitian gang abducted him three weeks ago. It barely caused a ripple.*, Miami Herald (Oct. 20, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article255153722.html> (“The gang’s initial ransom request was more than \$15 million for the three [kidnapped], including \$8 million for [Pastor Jean Pierre Ferrer] Michel.”).

<sup>71</sup> See *Près d’une centaine de cas de kidnapping signalés au cours du mois de novembre, selon le CARDH*, Le Nouvelliste (Nov. 30, 2021), <https://lenouvelliste.com/alaminate/20480/pres-dune-centaine-de-cas-de-kidnapping-signales-au-cours-du-mois-de-novembre-selon-le-cardh> (CARDH reported that 10 percent of the 100 or so kidnappings that occurred in November were group kidnappings).

<sup>72</sup> *Haiti-Criminalité: Un pasteur et deux autres personnes enlevés le 3 octobre 2021 à Delmas*, AlterPresse (Oct. 4, 2021), <https://www.alterpresse.org/spip.php?article27505#.YVYf5prMKM->; Roberson Alphonse, *Des kidnappeurs tuent et écumant Port-au-Prince en toute impunité*, Le Nouvelliste (Sept. 27, 2021), <https://lenouvelliste.com/article/231853/des-kidnappeurs-tuent-et-ecument-port-au-prince-en-toute-impunite>.

<sup>73</sup> *Protests erupt around Port-au-Prince after six people, including pastor, are kidnapped*, *supra* note 19.

<sup>74</sup> Charles, *He’s an American. A Haitian gang abducted him three weeks ago. It barely caused a ripple.*, *supra* note 70 (despite being an American citizen, Pastor Michel’s kidnapping barely garnered any attention in international media); Geffrard, *Pasteur Jean-Pierre Ferrer Michel libéré après 22 jours de séquestration*, *supra* note 69. This is not the first time that gangs have used fake police uniforms in kidnappings. *Haiti- FLASH: A Pastor kidnapped by fake police officers*, *Haiti Libre* (Apr. 10, 2021), <https://www.haitilibre.com/en/news-34902-haiti-flash-a-pastor-kidnapped-by-fake-police-officers.html>.

<sup>75</sup> *Former deputy mayor, his son among newly kidnapped*, *Haitian Times* (Dec. 01, 2021), <https://haitiantimes.com/2021/12/01/former-deputy-mayor-his-son-among-newly-kidnapped/>.

<sup>76</sup> Onz Chéry, *Préval’s ex-wife, Barbancourt workers, journalists, Frenchman among those snatched as kidnappings resume*, *The Haitian Times* (Nov. 29, 2021), <https://haitiantimes.com/2021/11/29/prevals-ex-wife-barbancourt-workers-journalists-frenchman-among-those-snatched-as-kidnappings-resume/>; see also *Nord’Ouest: kidnapping d’une quinzaine de passagers à bord d’un autobus de transport*, Le Nouvelliste (Nov. 23, 2021), <https://lenouvelliste.com/article/232785/nordouest-kidnapping-dune-quinzaine-de-passagers-a-bord-dun-autobus-de-transport> (on November 23, gang members kidnapped fifteen individuals from a transport bus).

<sup>77</sup> See Francklyn B Geffrard, *La fédération protestante d’Haïti appelle à une journée de grève nationale pour protester contre l’insécurité et le kidnapping*, Rhinews (Sept. 29, 2021), <https://www.rhinews.com/actualites/la-federation-protestante-dhaiti-appelle-a-une-journee-de-greve-nationale-pour-protester-contre-linsecurite-et-le-kidnapping/>; Gessika Thomas, *Haitians protest kidnappings as FBI says it will assist in effort to find missionaries*, Reuters (Oct. 18, 2021), <https://www.reuters.com/world/americas/haitians-strike-protest-kidnappings-pressure-grows-free-missionaries-2021-10-18/> (Haitians participated in a strike, called for by transportation industry leaders, to protest the lack of response following increased gang kidnappings); Dánica Coto & Evens Sanon, *Strikers protest Haiti’s lack of security after kidnappings*, AP News (Oct. 18, 2021), <https://apnews.com/article/caribbean-port-au-prince-kidnapping-haiti-b1afcce986e48e51084f4e4096877a05> (these protests followed the kidnapping of 17 members of a U.S. based missionary group, which brought global attention to the ongoing problem of kidnappings affecting Haitians).

<sup>78</sup> See *Criminalité: Le Réseau national de défense des droits humains dénonce une insécurité planifiée du régime Phtk en Haïti*, AlterPresse (Sept. 27, 2021), <https://www.alterpresse.org/spip.php?article27481#.YVY WJrMKM-> (RNDDH accuses PHTK of “trivializing people’s lives”).

<sup>79</sup> See *Enlèvement de Wilnord Louis, le syndicat de policiers dénoncent la passivité de la DGPNH*, Le Nouvelliste (Sept. 21, 2021), <https://lenouvelliste.com/alaminate/19770/enlevement-de-wilnord-louis-le-syndicat-des-policiers-denoncent-la-passivite-de-la-dgpnh> (the National Union of Haitian Police Officers denounced the PNH’s inaction following the September 12 kidnapping of an agent of the General Security Unit of the National Palace); *Droits humains: L’AIDh exige des actions concrètes pour combattre la criminalité en Haïti*, AlterPresse (Oct. 1, 2021), <https://www.alterpresse.org/spip.php?article27496#.YVYfPZrMKM-> (in response to the increase in kidnappings, the *Action internationale pour les droits humains* called on the *Conseil supérieur de la police nationale* to take concrete actions to protect lives and property).

<sup>80</sup> See Porter & Kitroeff, *‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2 (Rosy Auguste Ducéna, RNDDH’s program director, explains that “Today, we are talking about it [kidnappings]

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because American missionaries were kidnapped...In our reality, it's our daily life. Every day, we leave our homes without knowing if we'll be coming back.”).

<sup>81</sup> Charles, *It has been a month since 16 Americans and a Canadian were kidnapped in Haiti*, *supra* note 63.

<sup>82</sup> Charles, *FBI in Haiti after 16 American missionaries visiting an orphanage kidnapped by gang*, *supra* note 39; Maria Abi-Habib & Ruth Graham, *Missionaries with an American Christian Group Kidnapped in Haiti*, *The New York Times* (Oct. 16, 2021), <https://www.nytimes.com/2021/10/16/world/americas/missionaries-kidnap-haiti.html?referringSource=articleShare>; Haiti – FLASH: The Gang «400 mawozo» demands one million dollars for the release of each American hostage, *Haiti Libre* (Oct. 20, 2021), <https://www.haitilibre.com/en/news-35037-haiti-flash-the-gang-400-mawozo-demands-one-million-dollars-for-the-release-of-each-american-hostage.html>.

<sup>83</sup> See Celina Tebor, *2 kidnapped missionaries released in Haiti, US aid group says*, *USA Today* (Nov. 21, 2021), <https://www.usatoday.com/story/news/world/2021/11/21/haiti-kidnapping-missionaries-released-safety/8713202002/> (the kidnapped group included a Haitian driver, one Canadian, 16 Americans, and five of the victims were children); *2 of 17 kidnapped missionaries are freed in Haiti*, *NPR* (Nov. 21, 2021), <https://www.npr.org/2021/11/21/1057859804/missionaries-abductees-freed-in-haiti> (while two of the Americans have been returned, the others, including the driver, are still in the gang's custody).

<sup>84</sup> RNDDH, BAI, *Fédération des Barreaux d'Haïti (FDH)*, *Bureau des droits humains en Haïti (BDHH)*, *Association Nationale des Médias Haïtiens (ANMH)*, *Kouraj*, *Radio Zénith*, *Plateforme des Organisations Haïtiennes des Droits Humains (POHDH)*, *Ayibopost*, *Action pour la Reforestation et la Défense de l'Environnement (AREDE)*, and *Independent Media Association*.

<sup>85</sup> *Hearings with Human Rights Defenders in Haiti*, UN Special Rapporteur on Human Rights Defenders (Aug. 17, 2021), <https://srdefenders.org/information/hearings-with-human-rights-defenders-in-haiti/>.

<sup>86</sup> *Id.* Pierre Espérance, the executive director of RNDDH, has reported repeated threats by gangs against his person and his organization. *Haïti: Menaces de mort à l'encontre de Pierre Espérance*, FIDH (Oct. 6, 2021), <https://www.fidh.org/fr/regions/ameriques/haiti/haiti-menaces-de-mort-a-l-encontre-de-pierre-esperance> (on June 5, 2021, Jimmy Chérizier threatened Espérance with death; he had received similar threats in April 2021); Rep. Andy Levin (@RepAndyLevin), *Twitter* (June 14, 2021, 1:40 PM), <https://twitter.com/RepAndyLevin/status/1404494031258796033?s=20> (in early June 2021, gangs threatened the office of RNDDH on social media); SR on HRD hearing (on May 10-11, unidentified individuals shot at the RNDHH office); Press Release, Congressman Albio Sires, *Members of Congress Condemn Threats Against Human Rights Defender Pierre Espérance* (Jan. 15, 2020), <https://sires.house.gov/media-center/press-releases/members-of-congress-condemn-threats-against-human-rights-defender-pierre> (threats were made against Espérance in December 2019); *Urgent Action: Human Rights Defender Fears for Safety (Haiti: UA 66.19)*, Amnesty International (May 17, 2021), <https://www.amnestyusa.org/urgent-actions/urgent-action-human-rights-defender-fears-for-safety-haiti-ua-66-19/> (Espérance was also threatened in April 2019, and in 2018 and 2014).

<sup>87</sup> *Hearings with Human Rights Defenders in Haiti*, *supra* note 85 (the president of Haitian Federation of Bar Associations noted that this is particularly due to threats to judicial actors and the lack of security for judges and lawyers).

<sup>88</sup> *Id.*

<sup>89</sup> See UN Office for the Coordination of Humanitarian Affairs (OCHA), *HAITI: Displacements due to gang violence in Port-au-Prince* (June 2021), <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%203%20-%20Displacements%20Port-au-Prince%20-%20final%20-%20ENG.pdf>.

<sup>90</sup> *Hearings with Human Rights Defenders in Haiti*, *supra* note 85 (AIM's president, Venel Remarais, noted he has worked in Haiti since the Duvalier dictatorship and has never seen it this bad).

<sup>91</sup> See OCHA, *HAITI: Displacements due to gang violence in Port-au-Prince*, *supra* note 89.

<sup>92</sup> See *Hearings with Human Rights Defenders in Haiti*, *supra* note 85 (both Lunie Joseph, the general director of Radio Zenith, an opposition radio station, and Widelore Merancourt, editor-in-chief of AyiboPost, remarked that reporters have received repeated threats due to their anti-government reporting); Justin Jacobs, *Inside Ayibopost: The Necessary, and Danger, of Independent Journalism in Haiti*, *American Jewish World Service* (Nov. 3, 2021), <https://ajws.org/blog/inside-ayibopost-the-necessity-and-danger-of-independent-journalism-in-haiti/>.

<sup>93</sup> Press Release, RNDDH, *Dark night in Port-au-Prince and Delmas: RNDDH calls for popular mobilization*, *supra* note 44.

<sup>94</sup> Diego Charles was a reporter at Radio Vision 2000, a privately-owned radio and television outlet, and news website *Gazette Haïti*. He also co-founded news website *Larepublik Magazine*. At the time of his death, he had been investigating the unsolved 2020 murder of Monferrier Dorval, the former president of the Port-au-Prince Bar Association. Press Release, Committee to Protect Journalists, *Diego Charles Killed* (June 29, 2021), <https://cpj.org/data/people/diego-charles/>.

<sup>95</sup> Antoinette Duclair was a political and human rights activist and a vocal critic of the government. She co-founded *Larepublik Magazine* with Charles and was a member of the opposition party *Matris Liberasyon*. *Id.*; *Haiti: Authorities must protect relatives of murdered journalist and activist from death threats*, Amnesty International (Aug. 6, 2021), <https://www.amnesty.org/en/latest/news/2021/08/haiti-authorities-must-protect-relatives-of-murdered-journalist-and-activist-from-death-threats/>.

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<sup>96</sup> Roberson Alphonse, *Port-au-Prince: au moins dix personnes kidnappées en vingt-quatre heures*, Le Nouvelliste (Sept. 24, 2021), <https://lenouvelliste.com/article/231830/port-au-prince-au-moins-dix-personnes-enlevees-en-vingt-quatre-heures>.

<sup>97</sup> Chéry, *Préval's ex-wife, Barbancourt workers, journalists, Frenchman among those snatched as kidnappings resume*, *supra* note 76.

<sup>98</sup> *Id.*

<sup>99</sup> IJDH, Human Rights and Rule of Law in Haiti: Key Recent Developments November 2020 through May 2021, *supra* note 1; Charles, *Slew of presidential decrees have some wondering if Haiti is on the road to dictatorship*, *supra* note 13.

<sup>100</sup> See Dánica Coto & Evens Sanon, *Haiti faces fresh instability as PM comes under scrutiny*, AP News (Sept. 15, 2021), <https://apnews.com/article/port-au-prince-haiti-f57d0c530cd01452f357d020b8926324> (“Haiti’s government is starting to crumble as Prime Minister Ariel Henry faces increased scrutiny from authorities investigating the president’s slaying, with Henry firing the justice minister late Wednesday, just hours after another top official resigned and accused Henry of obstructing justice in a sharply worded letter.”).

<sup>101</sup> See Porter & Kitroeff, *‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2 (the Moïse administration used gangs “as tools of oppression”); Parker Asmann, *Is Haiti’s G9 Gang Alliance a Ticking Time Bomb?*, InSight Crime (July 23, 2020), <https://insightcrime.org/news/analysis/g9-gang-alliance-haiti/>.

<sup>102</sup> See Porter & Kitroeff, *‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows*, *supra* note 2 (detailing the involvement of both police and gangs in state-sanctioned massacres); Willie Mack, *Haiti and US Policing*, AAIHS Black Perspectives (Sept. 3, 2021), <https://www.aaihs.org/haiti-and-us-policing/> (discussing how U.S. intervention in Haiti helped to create a police force “focused primarily on policing and controlling the Haitian people.”).

<sup>103</sup> See CARDH, *Bavure policière à “Ravine Pintade” (rue Nord Alexis)* (Sept. 27, 2021).

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Criminalité : « Les Etats-Unis, chefs de file de l’instabilité en Haïti », scandent plusieurs dizaines de protestataires devant l’Ambassade américaine*, Alter Press (Oct. 1, 2021), <https://www.alterpresse.org/spip.php?article27498#.YVyc8JrMKM->.

<sup>107</sup> See IJDH, Human Rights and Rule of Law in Haiti: Key Recent Developments November 2020 through May 2021, *supra* note 1, at 6 (“No meaningful accountability for PetroCaribe corruption has been realized, and Moïse issued a decree in November to limit the oversight power of Haiti’s Superior Court of Auditors and Administrative Disputes (CSCCA), the organization that has detailed PetroCaribe corruption.”).

<sup>108</sup> Jacqueline Charles, *Haiti corruption scandal: Billions wasted in Venezuelan PetoCaribe aid, new report shows*, Miami Herald (Aug. 19, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245045015.html>.

<sup>109</sup> Roberson Alphonse, *PetroCaribe : le juge Ramoncite Accimé gèle l’instruction, retour à la case départ*, Le Nouvelliste (June 24, 2021), <https://lenouvelliste.com/article/230023/petrocaribe-le-juge-ramoncite-accime-gele-linstruction-retour-a-la-case-depart>; *Haïti-Justice/PetroCaribe : Sit-in annoncé, pour le mardi 29 juin 2021, pour protester contre l’ordonnance du juge Ramoncite Accimé*, AlterPresse (June 28, 2021), <https://www.alterpresse.org/spip.php?article27156#.YNxuJBnKhhF>.

<sup>110</sup> *PetroCaribe : les avocats des plaignants vont interjeter appel de l’ordonnance du juge Ramoncite Accimé*, Le Nouvelliste (June 24, 2021), <https://lenouvelliste.com/article/230035/petrocaribe-les-avocats-des-plaignants-vont-interjeter-appel-de-lordonnance-du-juge-ramoncite-accime>.

<sup>111</sup> E-mail from Smallholder Farmers Alliance to author, *supra* note 54.

<sup>112</sup> See Richard Sanders, *The ABCs of Haiti’s Elite: Apaid, Boulos and Canada* (2007), [https://www.academia.edu/35334207/The\\_ABCs\\_of\\_Haiti\\_s\\_Elite\\_Apaid\\_Boulos\\_and\\_Canada](https://www.academia.edu/35334207/The_ABCs_of_Haiti_s_Elite_Apaid_Boulos_and_Canada).

<sup>113</sup> See International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock*, *supra* note 30; *see also supra* notes 56-57.

<sup>114</sup> Jacqueline Charles, *Human-rights activists accuse new Haiti police chief of past repression and abuse*, Miami Herald (Nov. 1, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article255199321.html>.

<sup>115</sup> See Francklyn B. Geffard, *Pierre Espérance appelle à la démission de Liszt Quitel pour faciliter une enquête judiciaire sur implication présumée dans l’enlèvement du pasteur Jean-Mary Ferrer Michel*, Rhinews (Oct. 20, 2021), <https://www.rhinews.com/actualites/pierre-esperance-appelle-a-la-demission-de-liszt-quitel-pour-faciliter-une-enquete-judiciaire-sur-implication-presumee-dans-lenlevement-du-pasteur-jean-mary-ferrer-michel/>; *see also supra* note 74.

<sup>116</sup> He was “the lawyer for Charles ‘Kiko’ St. Rémy, [former president] Martelly’s brother-in-law and reportedly Haiti’s most powerful drug trafficker; Dimitry Vorbe, arch-Jovenel foe and the owner of the idled power company SOGENER; and Woody ‘Sonson La Familia’ Ethéart, the former head of the infamous ‘Galil Gang,’ a former close associate of Martelly.” Kim Ives, *New Cabinet Reflects Merger of Haiti’s “Radical” Opposition with its Former Nemesis, the Ruling PHTK*, Haïti Liberte (Dec. 1, 2021), <https://haitiliberte.com/new-cabinet-reflects-merger-of-haitis-radical-opposition-with-its-former-nemesis-the-ruling-phkt/>.

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<sup>117</sup> See Coto & Arce, *Desperate Haitians suffocate under growing power of gangs*, *supra* note 24 (according to James Boyard, a professor of political science at Haiti State University, PNH officers “support them [gangs], tell them how to move, when to go out and when to go in.”); see also *supra* note 58.

<sup>118</sup> See *Botched Job: The UN and the Haitian Elections*, Council on Hemispheric Affairs (Feb. 3, 2006), <https://www.coha.org/botched-job-the-un-and-the-haitian-elections/>.

<sup>119</sup> *New police chief appointed after Léon Charles resigns from PNH*, The Haitian Times (Oct. 22, 2021), <https://haitiantimes.com/2021/10/22/new-police-chief-appointed-after-leon-charles-resigns-from-pnh/>.

<sup>120</sup> According to human rights organizations, in 2004 Elbé, the then-police commissioner in Grand-Goâve, was responsible for police repression and multiple civilian killings in Grand-Goâve. Francklyn B. Geffrard, *Frantz Elbé, un prédateur des droits humains à la tête de la police nationale d’Haïti, selon le RNDDH*, Rhinews (Oct. 25, 2021), <https://www.rhinews.com/actualites/frantz-elbe-un-predateur-des-droits-humains-a-la-tete-de-la-police-nationale-dhaiti-selon-le-rnddh/>; Charles, *Human-rights activists accuse new Haiti police chief of past repression and abuse*, *supra* note 114.

<sup>121</sup> *Electoral Council President Accused of Rape*, Haitian Truth (Nov. 29, 2012), <http://www.haitian-truth.org/electoral-council-president-accused-of-rape/>; Brian Concannon (@HaitiJustice), Twitter (Sept. 17, 2021, 1:01 PM), <https://twitter.com/HaitiJustice/status/1438911098766471176>. His accuser dropped the charges after Pierre-Louis’ supporters threatened judicial officials handling the case and sent death threats to the accuser and her family. Brian Concannon, *High Profile Rape Trial Puts Haiti’s Justice System to the Test*, Truthout (Jan. 27, 2013), <https://truthout.org/articles/a-system-put-to-the-test/>.

<sup>122</sup> See *infra* notes 140-142 and associated text.

<sup>123</sup> Haiti’s judiciary was substantially eroded under Moïse, who failed to renew judicial mandates and even unconstitutionally dismissed justices of Haiti’s *Cour de cassation* (supreme court), resulting in vacancies and an ineffective, politicized judicial system. BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13. Prime Minister Henry’s appointment of six new magistrates to the Superior Council on Judicial Power, a critical body for the protection of judicial independence, on October 1 was insufficient to address the problems with Haiti’s judiciary. See *Haïti-Justice: Installation, ce 1er Octobre 2021, de six membres devant compléter le Conseil supérieur du pouvoir judiciaire*, AlterPresse (Oct. 1, 2021), <https://www.alterpresse.org/spip.php?article27502#.YVyaUJrMKM->; Caleb Lefèvre, *Environ 400 magistrats réclament l’installation des nouveaux membres du CSPJ*, Le Nouvelliste (Sept. 24, 2021), <https://lenouvelliste.com/article/231814/environ-400-magistrats-reclament-linstallation-des-nouveaux-membres-du-cspj>.

<sup>124</sup> See BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 6.

<sup>125</sup> See Geffrard, *L’enquête sur l’assassinat de Jovenel Moïse est une vaste tromperie où se conjuguent combines et arrangement sordides, selon Pierre Espérance...*, *supra* note 141 (Pierre Espérance, RNDDH’s executive director, says the investigation has been undermined from all directions).

<sup>126</sup> See BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 1.

<sup>127</sup> See RNDDH, *Conditions générales de détention et status juridique des prisonniers-ères en Haïti* (Nov. 4, 2021), <https://web.rnddh.org/wp-content/uploads/2021/11/RapM-Prisons-102021.pdf>; Francklyn B. Geffrard, *Les prisonniers haïtiens victimes de traitements cruels, inhumains et dégradants dans les centres carcéraux, selon un rapport du RNDDH*, Rhinews (Nov. 5, 2021), <https://www.rhinews.com/actualites/les-prisonniers-haitiens-victimes-de-traitements-cruels-inhumains-et-degradants-dans-les-centres-carceraux-selon-un-rapport-du-rnddh/>; see also BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 30 (“Haiti remains noncompliant with the 2008 Inter-American Court of Human Rights (IACtHR) judgment in *Yvon Neptune v. Haiti*, which required Haiti to bring its prisons into compliance with international minimum standards by 2010.”).

<sup>128</sup> See *id.* at ¶ 29-37.

<sup>129</sup> *Id.* at ¶ 5.

<sup>130</sup> *Haiti - Justice: The Protector of the Citizen paints a dark portrait of Haiti in Geneva*, Haïti Libre (June 7, 2018), <https://www.haitilibre.com/en/news-24875-haiti-justice-the-protector-of-the-citizen-paints-a-dark-portrait-of-haiti-in-geneva.html>.

<sup>131</sup> U.N. Secretary-General, BINUH, U.N. Doc. S/2021/559 (June 11, 2021), ¶ 36.

<sup>132</sup> See BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 6.

<sup>133</sup> There is evidence that the 2018 La Saline massacre, in which at least 71 people were killed and more injured, tortured, and raped, was politically motivated. Implicated officials include then-police officer Jimmy Chérizier and then-government officials Fednel Monchery and Joseph Pierre Richard Duplan—despite sanctions from the U.S. government against all three and an outstanding arrest warrant for Chérizier, none have been tried. *Id.* at ¶ 6(b).

<sup>134</sup> Dorval, the former president of the Port-au-Prince Bar Association and vocal critic of Moïse’s administration, was assassinated in August 2020. His assassination was widely described as politically motivated; “just hours

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before his death, Dorval had denounced government mismanagement, a series of decrees, the constitutional reform project, and the subordination of elections thereto in a radio interview.” *Id.* at ¶ 6(d).

<sup>135</sup> Charlot Jeudy was a prominent LGBTQIA+ activist and founder of *Kouraj*, a Haitian LGBTQIA+ advocacy group. He was found dead in his home in Haiti in November 2019. Despite an ongoing investigation, the circumstances of his death are still unknown and no formal remedies have been identified. Colin Stewart, *Haiti: A year later, a cry for justice for LGBTI activist Charlot Jeudy*, 76Crimes (Dec. 8, 2020),

<https://76crimes.com/2020/12/08/haiti-a-year-later-a-cry-for-justice-for-lgbti-activist-charlot-jeudy/>.

<sup>136</sup> See *New appeal to the IACHR seeking the accountability of the Government of Haiti in light of the judicial standstill in the case of Duvalier and others*, Avocats Sans Frontières (Sept. 30, 2021),

[https://www.asfcanada.ca/en/medias/news/new-appeal-to-the-iachr-seeking-the-accountability-of-the-](https://www.asfcanada.ca/en/medias/news/new-appeal-to-the-iachr-seeking-the-accountability-of-the-government-of-haiti-in-light-of-the-judicial-standstill-in-the-case-of/)

[government-of-haiti-in-light-of-the-judicial-standstill-in-the-case-of/](https://www.asfcanada.ca/en/medias/news/new-appeal-to-the-iachr-seeking-the-accountability-of-the-government-of-haiti-in-light-of-the-judicial-standstill-in-the-case-of/); BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 6.

<sup>137</sup> *New appeal to the IACHR seeking the accountability of the Government of Haiti in light of the judicial standstill in the case of Duvalier and others*, *supra* note 136.

<sup>138</sup> See BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at n. 26 (“Further emblematic of Haiti’s broad pattern of impunity is the government’s failure to comply with two judgments rendered against it by the Inter-American Court of Human Rights.” *Yvon Neptune Vs. Haiti and Fleury y otros*).

<sup>139</sup> See Christopher Sherman & Evens Sanon, *President’s murder inquiry slow amid Haiti’s multiple crises*, AP News (Sept. 1, 2021),

<https://apnews.com/article/haiti-c39d308007112f0a173f25b039869db9> (the Moïse investigation is emblematic of the lack of accountability born of judicial disfunction and corruption); Francklyn B. Geffrard, *Assassinat de Jovenel Moïse : Quatre mois après, l’auteur intellectuel du crime n’a toujours pas été identifié. Les ‘jovenelistes’ expriment leur indignation...*, Rhinews (Nov. 7, 2021),

[https://www.rhinews.com/actualites/assassinat-de-jovenel-moise-quatre-mois-apres-lauteur-intellectuel-du-](https://www.rhinews.com/actualites/assassinat-de-jovenel-moise-quatre-mois-apres-lauteur-intellectuel-du-crime-na-toujours-pas-ete-identifie-les-jovenelistes-expriment-leur/)

[crime-na-toujours-pas-ete-identifie-les-jovenelistes-expriment-leur/](https://www.rhinews.com/actualites/assassinat-de-jovenel-moise-quatre-mois-apres-lauteur-intellectuel-du-crime-na-toujours-pas-ete-identifie-les-jovenelistes-expriment-leur/) (four months after the assassination, several arrest warrants still have not been executed); Geffrard, *L’enquête sur l’assassinat de Jovenel Moïse est une vaste tromperie où se conjuguent combines et arrangement sordides, selon Pierre Espérance...*, *supra* note 141 (“Pierre Espérance, executive director of the National Network for the Defense of Human Rights (RNDDH) expresses serious doubts about the possibility that the investigation into the assassination of former president Jovenel Moïse will succeed.”); see also Ives, *New Cabinet Reflects Merger of Haiti’s “Radical” Opposition with its Former Nemesis, the Ruling PHTK*, *supra* note 116 (Haiti’s new Justice Minister, Berto Dorcé, appointed by Henry, has ties to individuals allegedly involved in Moïse’s assassination – former president Michel Martelly and his brother-in-law and infamous drug trafficker Charles ‘Kiko’ St. Rémy – raising concerns that “the investigation into Moïse’s killing will continue to be buried and delayed, further frustrating the calls for ‘Justice for Jovenel Moïse.’”).

<sup>140</sup> *Haiti crisis deepens after prime minister sacks prosecutor*, Al Jazeera (Sept. 15, 2021),

<https://www.aljazeera.com/news/2021/9/15/haiti-crisis-deepens-after-prime-minister-sacks-prosecutor>.

<sup>141</sup> Francklyn B. Geffrard, *L’enquête sur l’assassinat de Jovenel Moïse est une vaste tromperie où se conjuguent combines et arrangement sordides, selon Pierre Espérance...*, Rhinews (Nov. 18, 2021),

[https://www.rhinews.com/actualites/lenquete-sur-lassassinat-de-jovenel-moise-est-une-vaste-tromperie-ou-se-](https://www.rhinews.com/actualites/lenquete-sur-lassassinat-de-jovenel-moise-est-une-vaste-tromperie-ou-se-conjuguent-combines-et-arrangement-sordides-selon-pierre-esperance/)  
[conjuguent-combines-et-arrangement-sordides-selon-pierre-esperance/](https://www.rhinews.com/actualites/lenquete-sur-lassassinat-de-jovenel-moise-est-une-vaste-tromperie-ou-se-conjuguent-combines-et-arrangement-sordides-selon-pierre-esperance/).

<sup>142</sup> *Id.*; Radio Télé Métro (Radio\_Metronome), Twitter (Nov. 28, 2021, 6:38 PM),

[https://twitter.com/Radio\\_Metronome/status/1465102951232548865](https://twitter.com/Radio_Metronome/status/1465102951232548865); Francklyn B. Geffrard, *Le RNDDH demande à Garry Orélien de se déporter de l’instruction du dossier de l’assassinat de Jovenel Moïse*, Rhinews (Nov. 28, 2021), [https://www.rhinews.com/actualites/le-rn-ddh-demande-a-garry-orelien-a-se-deporter-de-](https://www.rhinews.com/actualites/le-rn-ddh-demande-a-garry-orelien-a-se-deporter-de-l-instruction-du-dossier-de-l-assassinat-de-jovenel-moise/)  
[l-instruction-du-dossier-de-l-assassinat-de-jovenel-moise/](https://www.rhinews.com/actualites/le-rn-ddh-demande-a-garry-orelien-a-se-deporter-de-l-instruction-du-dossier-de-l-assassinat-de-jovenel-moise/).

<sup>143</sup> Caleb Lafèvre, *Le cabinet du juge Garry Orélien et deux greffes cambriolés*, Le Nouvelliste (Oct. 28, 2021), <https://lenouvelliste.com/article/232430/le-cabinet-du-juge-garry-orelien-et-deux-greffes-cambrioles>.

<sup>144</sup> Robenson Geffrard, *Des pièces à conviction de l’affaire Dorval, toutes les déclarations de patrimoine et d’autres dossiers pendants volés au greffe du tribunal*, Le Nouvelliste (Nov. 8, 2021),

[https://lenouvelliste.com/article/232574/des-pieces-a-conviction-de-laffaire-dorval-toutes-les-declarations-de-](https://lenouvelliste.com/article/232574/des-pieces-a-conviction-de-laffaire-dorval-toutes-les-declarations-de-patrimoine-et-dautres-dossiers-pendants-voles-au-greffe-du-tribunal)  
[patrimoine-et-dautres-dossiers-pendants-voles-au-greffe-du-tribunal](https://lenouvelliste.com/article/232574/des-pieces-a-conviction-de-laffaire-dorval-toutes-les-declarations-de-patrimoine-et-dautres-dossiers-pendants-voles-au-greffe-du-tribunal).

<sup>145</sup> Geffrard, *Menaces sur la sécurité du juge Rénord Régis: Préoccupée, l’ANAMAH alerte l’union internationale des magistrats*, *supra* note 34.

<sup>146</sup> *Assassinat de Me Dorval: le juge Rénord Régis, en charge du dossier, démissionne*, Le Nouvelliste (Sept. 16, 2021), [https://lenouvelliste.com/alamminute/19726/assassinat-de-me-dorval-le-juge-renord-regis-en-charge-du-](https://lenouvelliste.com/alamminute/19726/assassinat-de-me-dorval-le-juge-renord-regis-en-charge-du-dossier-demissionne)  
[dossier-demissionne](https://lenouvelliste.com/alamminute/19726/assassinat-de-me-dorval-le-juge-renord-regis-en-charge-du-dossier-demissionne).

<sup>147</sup> Judges Jean Wilner Morin, president of the National Association of Haitian Magistrates, and Ikenson Edumé, president of the National Network of Haitian Magistrates. *Haiti-Justice : Vives indignations des associations de magistrats contre la décision de rappeler les policiers affectés à la sécurité des juges Jean Wilner Morin et Ikenson Edumé*, AlterPresse (Oct. 6, 2021), <https://www.alterpresse.org/spip.php?article27522#.YWBS5GZKi3I>.

<sup>148</sup> *Id.*

<sup>149</sup> Security is a particularly serious problem, with litigants exposed to potential breaches of privacy. *See* RNDDH, Conditions générales de fonctionnement des Tribunaux de Paix en Haïti (October 4, 2021).

<sup>150</sup> *Haiti - Justice: The Protector of the Citizen paints a dark portrait of Haiti in Geneva*, *supra* note 130.

<sup>151</sup> BINUH & OHCHR, “Nap mouri”: rapport sur les conditions de détention en Haïti (2021), [https://binuh.unmissions.org/sites/default/files/2021.06.26\\_rapport\\_detention\\_final.pdf](https://binuh.unmissions.org/sites/default/files/2021.06.26_rapport_detention_final.pdf) (finding severe overcrowding, lack of appropriate sanitation and hygiene, and inadequate access to food and clean water).

<sup>152</sup> *See* BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 32-33 (“In May 2021, health care workers at the Penitentiary once again observed many emaciated prisoners and a rising mortality rate.”).

<sup>153</sup> RNDDH, Conditions générales de détention et status juridique des prisonniers-ères en Haïti, *supra* note 127, at ¶ 3; *see also* BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 31 (“As of May 31, 2021, Haiti’s prisons had reached an occupancy rate of 339 percent.”).

<sup>154</sup> BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 36 (“there are reports of serious abuse directed at detainees, including allegations of cruel, inhuman, and degrading treatment in prisons and makeshift detention centers. Correction officers use excessive and sometimes deadly force in responding to attempted prison escapes, maintaining order, and silencing complaints.”); *see also, e.g.*, Press release, Amnesty International, *Haiti: Investigation urged into killing of Haitian President and grave human rights violations under his watch* (July 7, 2021), <https://www.amnesty.org/en/latest/press-release/2021/07/haiti-investigation-urged-into-killing-of-haitian-president-and-grave-human-rights-violations-under-his-watch/> (“The Colombians in custody have accused Haitian police of using force and pressure to get them to confess their roles, and the government of Colombia has written to Haiti officials expressing concerns about the treatment of its nationals and respect for human rights.”)

<sup>155</sup> BINUH & OHCHR, “Nap mouri”: rapport sur les conditions de détention en Haïti, *supra* note 151, at 24, (“the very limited number of complaints...is explained by the absence of a formal mechanism allowing inmates to submit their complaint directly, as well as ignorance of those detained of this possibility. Besides, a number of inmates expressed their skepticism about the possibility of obtaining justice, and have testified they fear reprisals if they complain.”); BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 37 (“complaints are few, and impunity is pervasive. The UN’s June 2021 report on Haiti’s prisons found that prisoners cannot meaningfully exercise their right to file complaints, including because of fear of reprisals and skepticism that doing so will bring change. As a result, detainees have few means of challenging life-threatening conditions or mistreatment, some of which may amount to torture or cruel, inhuman or degrading treatment or punishment. Related government policies contribute to reinforcing the de facto impunity for any violations suffered.”).

<sup>156</sup> BAI et al., Submission to the United Nations Human Rights Council, Gender-Based Violence in Haiti (2021), ¶ 12, [http://www.ijdh.org/wp-content/uploads/2021/07/Gender-Based-Violence-in-Haiti\\_UPR-Submission\\_EN.pdf](http://www.ijdh.org/wp-content/uploads/2021/07/Gender-Based-Violence-in-Haiti_UPR-Submission_EN.pdf).

<sup>157</sup> *See id.* at ¶ 5, (“Recent political instability and natural disasters in Haiti have further exacerbated these longstanding vulnerabilities [to GBV] and the government has taken insufficient measures to address both the historic and contemporary drivers of GBV and gender inequality.”).

<sup>158</sup> *See id.* at ¶ 6-7.

<sup>159</sup> *See, e.g. Women and girls with disabilities among most affected by Haiti earthquake*, Humanity & Inclusion (Sept. 27, 2021), <https://humanity-inclusion.org.uk/en/news/women-and-girls-with-disabilities-among-most-affected-by-haiti-earthquake> (women and girls with disabilities were – and continue to be – particularly affected by the August earthquake); *Systemic Human Rights Violations against Deaf Women in Haiti*, Deaf Vee Journal (July 4, 2021), <https://deafvee.org/2021/07/04/systemic-human-rights-violations-against-deaf-women-in-haiti/> (deaf women and girls are especially vulnerable to violence).

<sup>160</sup> *See* Outright International, Haiti, <https://outrightinternational.org/region/haiti> (last accessed Nov. 30, 2021); Anne Branigin, *For young trans Haitians, there are few lifelines when disaster strikes. One shelter offers a rare safe haven.*, The Lily (Aug. 25, 2021) <https://www.thelily.com/for-young-trans-haitians-there-are-few-lifelines-when-disaster-strikes-one-shelter-offers-a-rare-safe-haven/> (support services are severely lacking for transgender individuals).

<sup>161</sup> *See Des femmes séropositives sensibilisées sur la covid-19*, La Rédaction (July 17, 2021), <https://rhjs.ht/2021/07/17/des-femmes-seropositives-sensibilisees-sur-la-covid-19/feb>

<sup>162</sup> Susan A. Bartels, Carla King & Sabine Lee, “*When It’s a Girl, They Have a Chance to Have Sex With Them. When It’s a Boy...They Have Been Known to Rape Them*”: Perceptions of United Nations Peacekeeper-Perpetrated Sexual Exploitation and Abuse Against Women/Girls Versus Men/Boys in Haiti, *Frontiers in Sociology* (Sept. 24, 2021), <https://www.frontiersin.org/articles/10.3389/fsoc.2021.664294/full>. A 2016-207 study put the number at more than one in three women and girls. BAI et al., Submission to the United Nations Human Rights Council, Gender-Based Violence in Haiti, *supra* note 156, at ¶ 6; *see also Crises in Haiti leave women and girls ever more vulnerable*, UNFPA (July 29, 2021), <https://www.unfpa.org/news/crises-haiti-leave-women-and-girls-ever-more-vulnerable> (according to the UN, GBV was up 377 % in 2020).

<sup>163</sup> OCHA, HAITI: Displacements due to gang violence in Port-au-Prince, *supra* note 89.



<sup>164</sup> See CARE Haiti, Rapid Gender Analysis in Haiti Impacts of the 2021 Earthquake (2021), <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti-Earthquake-RGA-September-2021.pdf> (“43% of community leaders and 75% of youth say GBV has increased since the earthquake. 70% of organizations say women and girls are most at risk of GBV.”).

<sup>165</sup> See BAI et al., Submission to the United Nations Human Rights Council, Gender-Based Violence in Haiti, *supra* note 156, at ¶ 6; *Crises in Haiti leave women and girls ever more vulnerable*, *supra* note 162 (“Victims are locked in their homes or temporary shelters and cannot ask for help. Another weakness is the lack of legal support for the victim who tells us she has been raped.”).

<sup>166</sup> See, e.g. *Haiti: Violence puts patients, staff, and medical activities at risk*, *supra* note 32 (MSF reported in June that “the general increase in violence in the country is affecting the ability of sexual violence survivors to seek much-needed care.”); UNSC, United Nations Integrated Office in Haiti: Report of the Secretary General, *supra* note 2, at ¶ 15 (BINUH reported that the closure of the MSF hospital in August directly impacted the number of GBV reports); *Crises in Haiti leave women and girls ever more vulnerable*, *supra* note 162 (“Women ‘are caught in the crossfire between COVID-19 and violence,’ said Dr. Marie Deschamps, assistant director of medical institution GHESKIO.”).

<sup>167</sup> See OCHA, HAITI: Displacements due to gang violence in Port-au-Prince Situation Report No. 2, <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%202%20-%20Displacements%20Port-au-Prince%20-%20final%20-%20ENG%20%281%29.pdf> (“GBV services are limited, as several health centres are closed or operating with limited capacities in affected areas as patients and staff members can’t access the centres. The limited access may also lead to poor identification of the most vulnerable who are outside of the sites and in need of protection.”); see also *infra* notes 259-267 and associated text.

<sup>168</sup> *Crises in Haiti leave women and girls ever more vulnerable*, *supra* note 162; see also SwissInfo, *العصابات عنف الهرب يدفع سكان أحياء فقيرة في العاصمة الهايتية إلى الهرب* (June 19, 2021),

<https://www.swissinfo.ch/ara/afp/%D8%B9%D9%86%D9%81-%D8%A7%D9%84%D8%B9%D8%B5%D8%A7%D8%A8%D8%A7%D8%AA-%D9%8A%D8%AF%D9%81%D8%B9-%D8%B3%D9%83%D8%A7%D9%86-%D8%A3%D8%AD%D9%8A%D8%A7%D8%A1-%D9%81%D9%82%D9%8A%D8%B1%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%A7%D8%B5%D9%85%D8%A9-%D8%A7%D9%84%D9%87%D8%A7%D9%8A%D8%AA%D9%8A%D8%A9-%D8%A5%D9%84%D9%89-%D8%A7%D9%84%D9%87%D8%B1%D8%A8/46718534> (UNICEF reported that “the gym in the sports center in Carrefour currently accommodates 1,120 people, including 450 children and about 600 women and girls living in very difficult conditions.”).

<sup>169</sup> CARE Haiti, Rapid Gender Analysis in Haiti Impacts of the 2021 Earthquake, *supra* note 164.

<sup>170</sup> See *id.* (“24% women disproportionately stressed the risk of disease compared to 5% for men. Women and girls bear the biggest burden with this impact, both because they are responsible for getting and carrying water, and because of their specific water needs for their menstrual hygiene.”).

<sup>171</sup> See *id.* (“33% of girls — versus 28% of boys — say food security is their number one concern. Of particular concern is the finding that only those who have physical strength can access the distributions, and that, women who must stay at home to protect their children do not have access.”); OCHA, HAITI: Earthquake Situation Report No. 6 (Sept. 23, 2021),

[https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2021-09-23\\_haiti\\_earthquake\\_sitrep\\_no.6\\_en.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2021-09-23_haiti_earthquake_sitrep_no.6_en.pdf) (“According to initial estimates from the Nutrition Sector, 33,908 pregnant and lactating women and 167,118 children under 5, including 62,730 children under 2 (18,771 being less than 6 months), are at risk and need urgent nutrition interventions in the areas affected by the earthquake.”).

<sup>172</sup> See CARE Haiti, Rapid Gender Analysis in Haiti Impacts of the 2021 Earthquake, *supra* note 164 (“68% of service providers find that women have little or no access to health care. The risks are high for pregnant women (according to 46% of service providers) and people with disabilities (according to 27% of providers).”).

<sup>173</sup> See OCHA, HAITI: Displacements due to gang violence in Port-au-Prince, *supra* note 89; Charles, *Haiti prime minister names new cabinet as armed gangs challenge his rule*, *supra* note 21 (According to MSF, “[s]ome women and girls have reported sexual violence, harassment and physical violence in the [displacement] sites, where they lack privacy and safe spaces.”).

<sup>174</sup> See OCHA, HAITI: Displacements due to gang violence in Port-au-Prince Situation Report No. 2, *supra* note 167; SwissInfo, *عنف العصابات يدفع سكان أحياء فقيرة في العاصمة الهايتية إلى الهرب*, *supra* note 168 (“Humanitarian workers warn that a number of the displaced have fallen victim to ‘sexual abuse, including rape, by host families’, some of which offer ‘shelter in exchange for sex.’”).

<sup>175</sup> See CARE Haiti, Rapid Gender Analysis in Haiti Impacts of the 2021 Earthquake, *supra* note 164 (“23% of adult women and 8% of men saw that their economic activities were interrupted [as a result of displacement following the August earthquake]...57% of girls have lost their productive capital — the part of the population most affected by this problem.”).

<sup>176</sup> See BAI et al., Submission to the United Nations Human Rights Council, Gender-Based Violence in Haiti, *supra* note 156, at ¶ 8, (“Women largely stay silent about such [domestic] abuse, including because many rely on

male partners for income and support of their children and have no alternatives.”); *see also* CGRS, HBA & IMUMI, *A Journey of Hope: Haitian Women’s Migration to Tapachula*, *supra* note 9 (“Poverty results in a lack of education and employment opportunities for everyone, but especially women, because they are often financially dependent on men and viewed as inferior. Attending school in Haiti, which requires fees for books, uniforms, and tuition, is often too expensive for families to pay. Young women and adolescent girls may be forced into prostitution or transactional sex to pay for school-related expenses. Furthermore, women’s unemployment in the formal sector is a third higher than that of men, and the disparity is even greater in rural parts of the country.”).

<sup>177</sup> UNICEF estimated that 71 women and 30 children have been kidnapped between January and October 2021, far surpassing the 59 women and 37 children taken for ransom in all of 2020. Press Release, UNICEF, *Pic alarmant d’enlèvements de femmes et d’enfants en Haïti - UNICEF* (Oct. 21, 2021), <https://www.unicef.org/haiti/communiqu%C3%A9s-de-presse/pic-alarmant-denl%C3%A8vements-de-femmes-et-denfants-en-ha%C3%AFti-unicef>; *At least 100 women, children among kidnapped in Haiti, raising alarm*, The Haitian Times (Oct. 22, 2021), <https://haitiantimes.com/2021/10/22/at-least-100-women-children-among-kidnapped-in-haiti-raising-alarm/>.

<sup>178</sup> *See UNICEF Warns Haiti Fuel Shortages Put Hospitalised Women and Children at Risk*, Reuters (Oct. 24, 2021), <https://www.usnews.com/news/world/articles/2021-10-24/unicef-warns-haiti-fuel-shortages-put-hospitalised-women-and-children-at-risk> (“The lives of many child-bearing women and newborn babies are in danger because hospitals that should give them life-saving care cannot operate normally due lack of fuel,” said Raoul de Torcy, UNICEF Deputy Representative for Haiti, in a statement.”); UNFPA reported in July that 15% of the 1,000 or so deliveries anticipated from August to October were likely to have complications. *Crises in Haiti leave women and girls ever more vulnerable*, *supra* note 162. For a discussion of harms suffered by pregnant Haitian women in the Dominican Republic, *see infra* notes 294-296 and associated text.

<sup>179</sup> The Commission includes two female commissioners. Press Release, Forum Société Civile Haïtienne, *Notice of Launching of the Commission for Haitian Solution to the Crisis*, *supra* note 20.

<sup>180</sup> *See* BAI et al., Submission to the United Nations Human Rights Council, Gender-Based Violence in Haiti, *supra* note 156, at ¶ 12 (women are repeatedly left out of political processes); CARE Haiti, Rapid Gender Analysis in Haiti Impacts of the 2021 Earthquake, *supra* note 164 (women play a critical part in the earthquake response, but “the presence of women in decision-making is weaker..Most service providers say that women played an informal role in the earthquake response, but they played a limited role in managing the response, with a general lack of female leaders.”).

<sup>181</sup> *See* Press Release, UN HRC, *UN expert on slavery expresses concern over 'restavek' system in Haiti* (June 10, 2009),

<https://reliefweb.int/report/haiti/un-expert-slavery-expresses-concern-over-restavek-system-haiti>; *Haiti Earthquake Heightens Concerns About Child Slavery*, Cincinnati Edition (Sept. 13, 2021), <https://www.wvxu.org/show/cincinnati-edition/2021-09-13/haiti-earthquake-heightens-concerns-about-child-slavery>. The exact number of restavek children is unknown, but was last estimated at upwards of 225,000 in 2019. Some experts said the real number could be more than 500,000. *Hundreds of thousands of Haitian children suffer in slavery — and women play a key role in perpetuating the system*, The Conversation (May 8, 2019), <https://theconversation.com/hundreds-of-thousands-of-haitian-children-suffer-in-slavery-and-women-play-a-key-role-in-perpetuating-the-system-115398>.

<sup>182</sup> *Haiti Earthquake Heightens Concerns About Child Slavery*, *supra* note 181.

<sup>183</sup> Fiona de Hoog Cius, *Elimination of Child Labour: Lessons learnt from child slavery in Haiti*, Rosa Luxemburg (Feb. 22, 2021), <https://rosalux-geneva.org/elimination-of-child-labour-lessons-learnt-from-child-slavery-in-haiti/>.

<sup>184</sup> Paisley Dodds, *Haitian court orders UN peacekeeper to pay child support in landmark case*, The New Humanitarian (Mar. 12, 2021), <https://www.thenewhumanitarian.org/news/2021/3/12/UN-peacekeeper-ordered-to-pay-child-support-to-Haitian-mother>; Lillian Perlmutter, *UN Peacekeeper Ordered to Pay Child Support for Baby He Abandoned*, Vice World News (Mar. 26, 2021), <https://www.vice.com/en/article/88azpk/un-peacekeeper-ordered-to-pay-child-support-for-haiti-baby-he-abandoned>; Onize Ohikere, *Haiti mandates UN peacekeeper to pay child support*, World (Mar. 19, 2021), <https://wng.org/roundups/haiti-mandates-un-peacekeeper-to-pay-child-support-1617222610>; *Jacmel : un soldat de la MINUSTAH condamné à verser une pension alimentaire*, Rezo Nödwes (Mar. 9, 2021), <https://reznodwes.com/2021/03/09/jacmel-un-soldat-de-la-minustah-condamne-a-verser-une-pension-alimentaire/>; *Why the UN Has a Sexual Abuse Problem*, Vice News (Apr. 26, 2021), <https://www.youtube.com/watch?v=BxVUpGCeyu0>. A copy of the judgment is available at <http://www.ijdh.org/wp-content/uploads/2021/03/Judgement-.pdf>.

<sup>185</sup> UN Office of Internal Oversight Services, *Inspection and Evaluation Reports*, <https://oios.un.org/inspection-evaluation-reports>.

<sup>186</sup> *See* Press Release, IJDH, *IJDH Statement: Internal Evaluation of the UN’s response to peacekeeper sexual exploitation and abuse*, [http://www.ijdh.org/press\\_release/ijdh-statement-internal-evaluation-of-the-uns-response-to-peacekeeper-sexual-exploitation-and-abuse/](http://www.ijdh.org/press_release/ijdh-statement-internal-evaluation-of-the-uns-response-to-peacekeeper-sexual-exploitation-and-abuse/) (last accessed December 1, 2021).

<sup>187</sup> *Marijàn et Nègès Mawon déplorent l’absence totale de justice pour les femmes et filles victimes de violences en Haïti*, AlterPresse (Nov. 26, 2021), <https://www.alterpresse.org/spip.php?article27710>.

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<sup>188</sup> OCHA, HAITI: Displacements due to gang violence in Port-au-Prince, *supra* note 89.

<sup>189</sup> acaps, HAITI Gang violence (July 14, 2021), [https://www.acaps.org/sites/acaps/files/products/files/20210714\\_acaps\\_start\\_network\\_briefing\\_note\\_haiti\\_gang\\_violence.pdf](https://www.acaps.org/sites/acaps/files/products/files/20210714_acaps_start_network_briefing_note_haiti_gang_violence.pdf).

<sup>190</sup> OCHA, HAITI: Displacements due to gang violence in Port-au-Prince, *supra* note 89.

<sup>191</sup> See *Haiti: Resilience in times of crisis*, UN Women (Nov. 24, 2021), <https://www.unwomen.org/en/news-stories/feature-story/2021/11/haiti-resilience-in-times-of-crisis>; *Women and girls with disabilities among most affected by Haiti earthquake*, *supra* note 159 (according to Marijoe Pierre, President of the Haitian Association for Women with Disabilities in the South, “[t]he lives of women with disabilities are threatened in their shelters...They are particularly vulnerable because many cannot run away from threats. Deaf or blind women living in makeshift shelters in displacement sites cannot hear or see if a dangerous person is approaching. They are very exposed.”); CARE Haiti, *Rapid Gender Analysis in Haiti Impacts of the 2021 Earthquake*, *supra* note 164 (healthcare risks are particularly high for women with disabilities, who lack access to healthcare).

<sup>192</sup> *Women and girls with disabilities among most affected by Haiti earthquake*, *supra* note 159.

<sup>193</sup> *Systemic Human Rights Violations against Deaf Women in Haiti*, *supra* note 159.

<sup>194</sup> See Mark Schuller, *KILLING WITH KINDNESS* (2015); Jonathan Katz, *THE BIG TRUCK THAT WENT BY* (2014); Maria Abi-Habib, *Why Haiti Still Despairs After \$13 Billion in Foreign Aid*, *New York Times* (July 8, 2021), <https://www.nytimes.com/2021/07/08/world/haiti-foreign-aid.html>; Brian Concannon & Kathleen Bergin, *International response to Haiti’s earthquake must avoid 2010 mistakes*, *The Hill* (Aug. 19, 2021), <https://thehill.com/opinion/international/568488-international-response-to-haitis-earthquake-must-avoid-2010-mistakes>.

<sup>195</sup> See Charles & Wilner, *U.S. warns Americans to leave Haiti as security crisis deepens, hostages remain captive*, *supra* note 29; IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments November 2020 through May 2021*, *supra* note 1 (in 2020, “[a]ccording to the Haitian Institute of Statistics and Informatics (IHSI), for the first time in twenty years, the economy in Haiti experienced negative growth for two consecutive fiscal years”).

<sup>196</sup> International Crisis Group, *Haiti: A Path to Stability for a Nation in Shock*, *supra* note 30.

<sup>197</sup> See Tom Tracy, *Relief workers: Haiti earthquake complicated by economy, gangs, weather*, *Archdiocese of Miami* (Aug. 16, 2021) [https://www.miamiarch.org/CatholicDiocese.php?op=Article\\_relief-workers-haiti-earthquake-complicated-by-economy-gangs-weather](https://www.miamiarch.org/CatholicDiocese.php?op=Article_relief-workers-haiti-earthquake-complicated-by-economy-gangs-weather); OCHA, HAITI: Earthquake Situation Report No. 6, *supra* note 171; Jacqueline Charles, *Half of Haiti’s earthquake victims have still not received assistance, U.N. says*, *Miami Herald* (Sept. 16, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article254291798.html>.

<sup>198</sup> See *Fuel shortages paralyze Haiti, disrupting everything from drinking water to phones*, *supra* note 8; Matt Rivers, *Amid a cascade of crises, Haiti’s fuel shortage could be the worst*, *CNN* (Oct. 26, 2021), <https://www.cnn.com/2021/10/26/world/haiti-fuel-hospital-intl-latam/index.html> (the petroleum shortage is impacting every element of life for Haitians, such as hospitals having turn away patients and economic turmoil, according to this October, 2021 report); *Gangs block gas distribution terminal, disrupting businesses*, *The Haitian Times* (Sept. 10, 2021), <https://haitiantimes.com/2021/09/10/gangs-block-gas-distribution-terminal-disrupting-businesses/> (petroleum blockades prevented local radio station, Local Radio Caraibes, from broadcasting in September); *Gang eases Haiti fuel blockade, for now*, *Argus Media* (Nov. 15, 2021), <https://www.argusmedia.com/en/news/2274074-gang-eases-haiti-fuel-blockade-for-now> (despite a brief reprieve from the gang petroleum blockade in early November, long lines, inflated prices, and access to petroleum beyond Port-au-Prince, continued to negatively impact the social and economic fabric of Haiti).

<sup>199</sup> See IPC, *Haiti: Acute Food Insecurity Situation September 2021 - February 2022 and Projection for March - June 2022*, <http://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1155096/?iso3=HTI> (last accessed Dec. 1, 2021) (“some 60% of the population [are] living in poverty”).

<sup>200</sup> In 1825, France imposed a debt on Haiti in exchange for recognizing its independence that took Haiti over a century to repay and forced it into a cycle of aid dependence that continues today. See Peter Hallward, *DAMMING THE FLOOD: HAITI, ARISTIDE, AND THE POLITICS OF CONTAINMENT* 12 (2007); Richard G. Wamai & Colleen Larkin, *Health Development Experiences in Haiti: What can be learned from the past to find a way forward?*, 54 *JAPAN MED. ASS’N J.* 56, 57 (2011). Many states refused to recognize Haiti’s independence, largely as a result of its status as the first Black-led republic and their own slave-holding legacies. See, e.g. Ann Crawford-Roberts, *A History of United States Policy Towards Haiti*, *Modern Latin Americans*, <https://library.brown.edu/create/modernlatinamerica/chapters/chapter-14-the-united-states-and-latin-america/moments-in-u-s-latin-american-relations/a-history-of-united-states-policy-towards-haiti/> (last accessed Nov. 16, 2021); Rachel Bunning, *5 factors that have led to Haiti’s current political state*, *Arizona State University* (July 21, 2021), <https://news.asu.edu/20210721-5-factors-have-led-haitis-current-political-state>.

<sup>201</sup> See Charles & Wilner, *U.S. warns Americans to leave Haiti as security crisis deepens, hostages remain captive*, *supra* note 29. As mentioned in our previous update, Haiti’s GDP dropped to -3.3% in 2020, and this drop is expected to continue. Coto & Arce, *Desperate Haitians suffocate under growing power of gangs*, *supra* note 24; IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments November 2020 through May 2021*,

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*supra* note 1. On September 23, the government amended the 2020-2021 budget to account for the deteriorating economic climate and the impacts of increased insecurity, the August earthquake, and the COVID-19 pandemic. *Haiti - Economy : All the details of the 2020/2021 Amending Budget (Official)*, *Haiti Libre* (Sept. 23, 2021), <https://www.haitilibre.com/en/news-34816-haiti-economy-all-the-details-of-the-2020-2021-amending-budget-official.html>; Ministère de l'économie et des finances, EXPOSÉ DES MOTIFS DU BUDGET RECTIFICATIF 2020-2021 (Sept. 16, 2021), <https://www.haitilibre.com/docs/budget-2020-2021-rectificatif-expose-des-motifs.pdf>; see also *Instability in Haiti wreaks havoc on trade with the Dominican Republic*, *Dominican Today* (Oct. 25, 2021), <https://dominantoday.com/dr/economy/2021/10/25/instability-in-haiti-wreaks-havoc-on-trade-with-the-dominican-republic/> (trade between Haiti and the Dominican Republic, annually around \$900 million, has also suffered as a result of Haiti's political crisis).

<sup>202</sup> See Coto & Arce, *Desperate Haitians suffocate under growing power of gangs*, *supra* note 24.

<sup>203</sup> See FEWS NET, *Deterioration of conditions in Haiti contrasts seasonal improvements in Central America* (Nov. 2021), <https://fews.net/central-america-and-caribbean/key-message-update/november-2021> ("The depreciation of the gourde against the dollar, high international food prices, and a heavy reliance on imported goods is negatively impacting household purchasing power while households attempt to recover from the August earthquake and tropical depression Grace."); Rivers, *Amid a cascade of crises, Haiti's fuel shortage could be the worst*, *supra* note 198; FEWS NET, *The increase in imported food prices continues amongst a fragile sociopolitical climate* (Aug. 26, 2021), <https://reliefweb.int/report/haiti/haiti-key-message-update-increase-imported-food-prices-continues-amongst-fragile> (the price of imported food has increased, in part due to the gourde's low purchasing power).

<sup>204</sup> See Coto & Arce, *Desperate Haitians suffocate under growing power of gangs*, *supra* note 24; Arce & Abd, *In Haiti, the difficult relationship of gangs and business*, *supra* note 59 ("Jimmy Cherizier -- aka Barbecue, a former policeman who leads the G9 gang coalition...controls the coastal strip of Port-au-Prince. Most of Haiti's food and gasoline flows through his domain, and he can stop it with a single word."); Jose Flecher, *La pénurie de carburant engendre fermeture et changement d'horaire des entreprises*, *Le Nouvelliste* (Nov. 5, 2021), <https://lenouvelliste.com/article/232530/la-penurie-de-carburant-engendre-fermeture-et-changement-dhoraire-des-entreprises> (gangs' control of fuel ports has further weakened Haiti's economy by interrupting business' activity or forcing them to close altogether); FEWS NET, *Deterioration of conditions in Haiti contrasts seasonal improvements in Central America*, *supra* note 203 ("In and around Port-au-Prince, criminal activity and kidnappings for ransom as well as fuel shortages have paralyzed economic activity and disrupted transportation, warehouses, businesses, and schools.").

<sup>205</sup> See Alphonse, *Incapacité grandissante d'approvisionnements en produits pétroliers*, *supra* note 3 (in September, gangs targeted fuel depots north and south of Port-au-Prince); Wilson, *Fuel, Water, International Aid: Haiti's Gangs Weaponize Essential Services*, *supra* note 40 ("For over two months, the gangs that control Port-au-Prince have blocked roads leading to oil terminals and have interrupted fuel deliveries by abducting truck drivers. This has almost completely halted the supply to gas stations."); Rivers, *Amid a cascade of crises, Haiti's fuel shortage could be the worst*, *supra* note 198 (increased price of petroleum in the international market, the government policy of setting a stagnant price, and lack of storage capacity, have all contributed to the current petroleum shortage); Evens Sanon, *U.S. urges citizens to leave Haiti amid turmoil, fuel shortage*, *PBS NewsHour* (Nov. 11, 2021), <https://www.pbs.org/newshour/world/u-s-urges-citizens-to-leave-haiti-amid-turmoil-fuel-shortage> (30 fuel tanks, which were sent to Haiti's southern region, went missing, a black market for fuel is contributing to rising prices, and truck drivers are frequently kidnapped for their fuel cargo.)

<sup>206</sup> See Robenson Geffrard, *Le terminal pétrolier de Varreux toujours bloqué par les groupes armés*, *Le Nouvelliste* (Oct. 25, 2021), <https://lenouvelliste.com/article/232367/le-terminal-petrolier-de-varreux-toujours-bloque-par-les-groupes-armes>; *Haiti gangs to lift fuel terminal blockade amid shortages*, *Reuters* (Nov. 12, 2021), <https://www.reuters.com/world/africa/haiti-gangs-lift-fuel-terminal-blockade-amid-shortages-2021-11-12/> (the G9 gang agreed to temporarily lift the blockade around the Varreux terminal after almost a month of not allowing trucks or fuel to enter); *Haitian gang leader says he will temporarily lift fuel blockades*, *Al Jazeera* (Nov. 12, 2021), <https://www.aljazeera.com/news/2021/11/12/haitian-gang-leader-says-he-will-temporarily-lift-fuel-blockades> (Jimmy "Barbecue" Cherizier announced on November 12 that "The doors of the Varreux plant are wide open so that the trucks can get their supplies without fear.").

<sup>207</sup> See Gessika Thomas, *Haiti's streets slowly return to life as gangs ease fuel blockade*, *WTVB* (Nov. 15, 2021), <https://wtvb.com/2021/11/15/haitis-streets-slowly-return-to-life-as-gangs-ease-fuel-blockade/>; Robenson Geffrard, *Les stations d'essence congestionnées, Varreux fonctionne à plein régime*, *Le Nouvelliste* (Nov. 15, 2021), <https://lenouvelliste.com/article/232663/les-stations-dessence-congestionnees-varreux-fonctionne-a-plein-regime>; *Le chef d'un gang haïtien annonce une trêve pour l'approvisionnement en carburant des hôpitaux, écoles et commerces*, *Guadeloupe La 1ère* (Nov. 13, 2021), <https://la1ere.francetvinfo.fr/guadeloupe/le-chef-d-un-gang-haitien-annonce-une-treve-pour-l-approvisionnement-en-carburant-des-hopitaux-ecoles-et-commerces-1153570.html>; *Carburant : les activités d'approvisionnement ont repris au terminal de Varreux, informe l'ANADIPP*, *Le Nouvelliste* (Nov. 12, 2021), <https://lenouvelliste.com/alaminate/20329/carburant-les-activites-dapprovisionnement-ont-repris-au-terminal-de-varreux-informe-lanadipp>; Robenson Geffrard, *Difficile reprise des activités au terminal pétrolier de Varreux*, *Le*

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Nouvelliste (Nov. 12, 2021), <https://lenouvelliste.com/article/232626/difficile-reprise-des-activites-au-terminal-petrolier-de-varreux>.

<sup>208</sup> See *Haiti gang leader demands PM resign amid harsh fuel shortages*, *supra* note 40 (on October 26, Al Jazeera reported that gang leader Jimmy Chérizier promised safe passage of fuel trucks so long as Henry resigns); *Gang leader resumes fuel distribution in Haiti*, The Haitian Times (Nov. 17, 2021), <https://haitiantimes.com/2021/11/17/after-truce-with-gang-leader-fuel-distribution-resumes-in-haiti/> (“In exchange for the fuel, G-9 gang leader, Jimmy “Barbecue” Chérizier, whose gang had taken control of Varreux, a port terminal in Port-au-Prince, demanded on Nov. 12 the resignation of Prime Minister Ariel Henry and the withdrawal of armored police vehicles at Village de Dieu, an area of Cite Soleil that serves as their base.”); *Haitian gang leader says he will temporarily lift fuel blockades*, *supra* note 206 (on November 12, “Cherizier said the G9 wants fuel sales to resume for a week so that Haitians can celebrate a November 18 holiday... But he added that if Prime Minister Ariel Henry did not resign in that period, the gangs would take other actions, without elaborating.”).

<sup>209</sup> *Haiti gangs to lift fuel terminal blockade amid shortages*, *supra* note 206; Zoe Strozewski, *Haiti Gang Leader Allows Fuel Deliveries for Week, Won't Again Until Prime Minister Resigns*, Newsweek (Nov. 12, 2021), <https://www.newsweek.com/haiti-gang-leader-allows-fuel-deliveries-week-wont-again-until-prime-minister-resigns-1648906> (“When Chérizier initially called on Henry to resign last month, Henry responded by saying that the government does not negotiate with criminals.”); Jacqueline Charles & Michael Wilner, *American Airlines reduces service to Haiti; gang declares truce to allow fuel to flow again*, Miami Herald (Nov. 13, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article255771226.html> (a member of Henry’s team responded to Chérizier’s demands by saying “we don’t deal with gangs.”).

<sup>210</sup> Radio Télé Métronome (@Radio\_Metronome), Twitter (Nov. 13, 2021, 7:13 AM) [https://twitter.com/Radio\\_Metronome/status/1459494589748891654](https://twitter.com/Radio_Metronome/status/1459494589748891654); Primature de la République d’Haïti (@PrimatureHT), Twitter (Nov. 13, 2021, 9:08 AM), <https://twitter.com/PrimatureHT/status/1459523572213465095> (Henry denied the allegations).

<sup>211</sup> See Robenson Geffrard, *Carburant : Plus de six millions gallons distribués, la demande ne baisse pas*, Le Nouvelliste (Nov. 17, 2021), <https://lenouvelliste.com/article/232699/carburant-plus-de-six-millions-gallons-distribues-la-demande-ne-baisse-pas>; Robenson Geffrard, *Ariel Henry a parlé, rien n’a changé, toujours pas de livraison de carburant au terminal de Varreux*, Le Nouvelliste (Oct. 29, 2021), <https://lenouvelliste.com/article/232451/ariel-henry-a-parle-rien-na-change-toujours-pas-de-livraison-de-carburant-au-terminal-de-varreux>; Geffrard, *Les stations d’essence congestionnées, Varreux fonctionne à plein régime* *supra* note 207; *Crise: Placer de nouvelles commandes à temps, pour éviter une rareté de carburant en Haïti, suggère l’Anapress*, AlterPresse (Nov. 16, 2021), <https://www.alterpresse.org/spip.php?article27674>.

<sup>212</sup> *Haiti - FLASH : The oil terminals of Varreux and Thor have almost no more gasoline*, HaitiLibre (Nov. 23, 2021), <https://www.haitilibre.com/en/news-35311-haiti-flash-the-oil-terminals-of-varreux-and-thor-have-almost-no-more-gasoline.html>.

<sup>213</sup> Mark Wilson, *A Faustian Bargain: The Cost of Restoring Haiti’s Fuel Supply*, Insight Crime (Nov. 18, 2021), <https://insightcrime.org/news/a-faustian-bargain-the-cost-of-restoring-haitis-fuel-supply/>.

<sup>214</sup> See UNICEF *Warns Haiti Fuel Shortages Put Hospitalised Women and Children at Risk*, *supra* note 178 (“Transport industry leaders say making fuel deliveries is too dangerous for drivers who are at risk of kidnapping or hijacking.”); Jean Daniel Sénat, *Carburant : la pénurie persiste, la distribution dans l’impasse*, Le Nouvelliste (Nov. 4, 2021), <https://lenouvelliste.com/article/232516/carburant-la-penurie-persiste-la-distribution-dans-limpasse> (“Faced with the problem of insecurity, truckers are unable to go to the Thor or Varreux terminals in order to supply the stations. Several drivers and guides were kidnapped on the road to Martissant the past weekend. On Wednesday, bandits seized four trucks.”); Wilson, *Fuel, Water, International Aid: Haiti’s Gangs Weaponize Essential Services*, *supra* note 40 (“For over two months, the gangs that control Port-au-Prince have blocked roads leading to oil terminals and have interrupted fuel deliveries by abducting truck drivers.”); Sanon, *U.S. urges citizens to leave Haiti amid turmoil, fuel shortage*, *supra* note 205 (“Le Nouvelliste newspaper recently reported that truck drivers have been kidnapped and fuel trucks hijacked.”).

<sup>215</sup> See *Appel à une grève illimitée des transports, contre la criminalité, le kidnapping et la rareté des produits pétroliers en Haïti*, *supra* note 19; Robenson Geffrard, *Les transporteurs de produits pétroliers annoncent une grève contre le kidnapping*, Le Nouvelliste (Oct. 20, 2021), <https://lenouvelliste.com/article/232286/les-transporteurs-de-produits-petroliers-annoncent-une-greve-contre-le-kidnapping> (Jacquelyn Jipé, a member of the Association of Petroleum Product Transporters, noted “We are on our own in the streets. No one is aware of our importance. We have no other choice but to observe a strike.”); Kolo, *Grève générale largement suivie/ Le G-9 maître de lieux dans l’environnement du terminal Varreux*, *supra* note 19; *Haïti totalement bloquée à nouveau, contre l’insécurité et la pénurie de carburants*, AlterPresse (Oct. 25, 2021), <https://www.alterpresse.org/spip.php?article27598>; Alphonse, *Haïti jongle avec des grèves et une pénurie de carburant*, *supra* note 19; Matías Delacroix, *Beleaguered Haiti capital brought to brink by fuel shortages*, AP News (Oct. 24, 2021), <https://apnews.com/article/business-port-au-prince-haiti-earthquakes-blockades-3b2790dad712783ff0284ef918b5352b>; *Haïti: Une grève générale est fixée pour lundi: Ti blan Bastia report le sit-in prévu devant la Digicel*, *supra* note 19; *Société: Nouvelles mobilisations, ce jeudi 21 octobre 2021, contre*

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la pénurie des produits pétroliers en Haïti, *supra* note 19; *Motorcyclists protest against fuel shortage in Haiti, again, supra* note 19; *Haitians strike against surge in violence, rising fuel costs, supra* note 19.

<sup>216</sup> Geffrard, *Les transporteurs de produits pétroliers annoncent une grève contre le kidnapping, supra* note 215.

<sup>217</sup> Wilson, *Fuel, Water, International Aid: Haiti's Gangs Weaponize Essential Services, supra* note 40 (“For over two months, the gangs that control Port-au-Prince have blocked roads leading to oil terminals and have interrupted fuel deliveries by abducting truck drivers.”); *Haiti - FLASH: 10 fuel trucks hijacked by gangs in 3 days*, *Haiti Libre* (Nov. 5, 2021), <https://www.haitilibre.com/en/news-35167-haiti-flash-10-fuel-trucks-hijacked-by-gangs-in-3-days.html> (reporting that ten fuel trucks were hijacked within three days, with four drivers held hostage; *see also* Natalie Kitroeff & Maria Abi-Habib, *Gangs Rule Much of Haiti. For Many, It Means No Fuel, No Power, No Food*, *The New York Times* (Oct. 27, 2021), <https://www.nytimes.com/2021/10/27/world/americas/haiti-gangs-fuel-shortage.html> (“With gangs holding up fuel trucks at will, truck drivers have refused to go to work, setting off a nationwide strike by transportation workers and paralyzing a nation dependent on generators for much of its power.”).

<sup>218</sup> *Saint Marc city official busted in illegal gasoline sale operation*, *The Haitian Times* (Oct. 20, 2021), <https://haitiantimes.com/2021/10/20/saint-marc-city-official-busted-in-illegal-gasoline-sale-operation/>.

<sup>219</sup> *See* Francklyn B. Geffrard, *Les gangs gouvernent une grande partie d’Haïti. Pour beaucoup, cela signifie pas de carburant, pas d’électricité, pas de nourriture...*, *Rhinews* (Nov. 1, 2021),

<https://www.rhinews.com/actualites/les-gangs-gouvernent-une-grande-partie-dhaiti-pour-beaucoup-cela-ne-signifie-pas-de-carburant-pas-deelectricite-pas-de-nourriture/>; Press Release, UNICEF, *Haiti: Insecurity-triggered fuel shortage threatens newborns’ lives in hospitals* (Oct. 25, 2021), <https://reliefweb.int/report/haiti/haiti-insecurity-triggered-fuel-shortage-threatens-newborns-lives-hospitals>; *Fuel shortages paralyze Haiti, disrupting everything from drinking water to phones, supra* note 8.

<sup>220</sup> *See, e.g.* Press Release, UNICEF, *Haiti: Insecurity-triggered fuel shortage threatens newborns’ lives in hospitals, supra* note 220; *Haïti : L’organisation Msf prévoit d’autres fermetures d’hôpitaux, suite à la persistance de la crise du carburant*, *AlterPresse* (Nov. 12, 2021), <https://www.alterpresse.org/spip.php?article27666> (hospitals are facing closure and food prices have risen sharply); Winnie Hugot Gabriel, *Faute de carburant, l’eau de la DINEPA risque de manquer dans plusieurs communes du pays*, *Le Nouvelliste* (Nov. 8, 2021), <https://lenouvelliste.com/article/232557/faute-de-carburant-leau-de-la-dinepa-risque-de-manquer-dans-plusieurs-communes-du-pays> (disruptions to water service are likely).

<sup>221</sup> *Haiti - FLASH : Drinking water may be lacking in several municipalities as of this week ...*, *HaitiLibre* (Nov. 8, 2021), <https://www.haitilibre.com/en/news-35189-haiti-flash-drinking-water-may-be-lacking-in-several-municipalities-as-of-this-week.html> (explaining that it needs “nearly 18,000 gallons of diesel to operate ...for 10 days.”); *see also* Jean Daniel Sénat, *Pénurie de carburant : impacts sur les hôpitaux, les ambulances, les télécommunications et la distribution de l’eau potable*, *Le Nouvelliste* (Oct. 28, 2021),

<https://lenouvelliste.com/article/232384/penurie-du-carburant-impacts-sur-les-hopitaux-les-ambulances-la-telecommunication-et-la-distribution-de-leau-potable>; *Fuel shortages paralyze Haiti, disrupting everything from drinking water to phones, supra* note 8. Lack of clean water has dire consequences on the right to health, with experts fearing a resurgence of water-borne infectious diseases, including cholera. *See infra* note 230 and associated text.

<sup>222</sup> Henry Fountain, *Strong Earthquake Rocks Haiti, Killing Hundreds*, *The New York Times* (Aug. 14, 2021), <https://www.nytimes.com/live/2021/08/14/world/haiti-earthquake>; Pan American Health Organization (PAHO), *Haiti Earthquake August 2021* (Sept. 9, 2021), <https://www.paho.org/en/haiti-earthquake-august-2021>; <https://reliefweb.int/report/haiti/haiti-flash-appeal-earthquake-august-2021>. One news report mentioned two earthquakes - a 7.2 magnitude earthquake off the northern coast and 6.6 magnitude earthquake in the south. Press Release, Concern Worldwide, *Haiti Earthquake Response, supra* note 11.

<sup>223</sup> Tiburon was hit hardest, home to 16% of Haiti’s population. Jacqueline Charles & Joey Flechas, *As Haiti reels from earthquake and deals with discord, leader expects election delay*, *Miami Herald* (Aug. 16, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article253516289.html>; *see also* Brian Concannon, *The International Community Can and Should Help End Haiti's Unnatural Disasters*, *Australian Institute of International Affairs* (Sept. 1, 2021), <https://www.internationalaffairs.org.au/australianoutlook/the-international-community-can-and-should-help-end-haitis-unnatural-disasters/> (“it appears so far that inadequate preparations, unenforced building codes, the slow arrival of rescue and relief, and gangs cutting off aid routes – all related to government weakness – contributed significantly to the suffering and death toll.”).

<sup>224</sup> UNOSTAT, *14 August 2021 M7.2 Haiti Earthquake. Preliminary Satellite-Based Comprehensive - Damage Assessment Report - Grande’Anse, South, and Nippes departments of Haiti*, (Aug. 27, 2021) <https://reliefweb.int/report/haiti/14-august-2021-m72-haiti-earthquake-preliminary-satellite-based-comprehensive-damage>.

<sup>225</sup> Charles, *Half of Haiti’s earthquake victims have still not received assistance, supra* note 197.

<sup>226</sup> Tracy, *Relief workers: Haiti earthquake complicated by economy, gangs, weather, supra* note 197.

<sup>227</sup> OCHA, *Haiti: Earthquake Situation Report No. 7* (7 October 2021) (Oct. 7, 2021), <https://reliefweb.int/report/haiti/haiti-earthquake-situation-report-no-7-7-october-2021>.

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<sup>228</sup> See OCHA, HAITI: Earthquake Situation Report No. 6, *supra* note 171 (according to OCHA, in September, “at least 212,000 people need access to safe drinking while 500,000 require immediate and long-term support to access water supply services,” and access to healthcare is limited due to the destruction of health facilities and related infrastructure).

<sup>229</sup> Cholera was introduced to Haiti in 2010 by UN Peacekeepers, and will be considered officially eliminated as of January 3, 2022, provided no new cases are documented. Press Release, Save the Children, *Water shortages raise concerns of cholera re-emerging in Haiti three months after earthquake* (Nov. 14, 2021), <https://reliefweb.int/report/haiti/water-shortages-raise-concerns-cholera-re-emerging-haiti-three-months-after-earthquake>; UNICEF warns of cholera resurgence in Haiti if water hygiene sanitation neglected, United News of India (Oct. 28, 2021), <http://www.uniindia.com/~/unicef-warns-of-cholera-resurgence-in-haiti-if-water-hygiene-sanitation-neglected/World/news/2547090.html>.

<sup>230</sup> See UNICEF warns of cholera resurgence in Haiti if water hygiene sanitation neglected, *supra* note 229. (noting that “in the area of the deadly August earthquake alone, around 1,800 defects in the sanitation system have been identified”); Press Release, Save the Children, *Water shortages raise concerns of cholera re-emerging in Haiti three months after earthquake*, *supra* note 230 (noting the impact of the fuel shortage on access to clean water, and that children are particularly vulnerable to water-borne infectious diseases such as cholera because they already suffer from malnutrition).

<sup>231</sup> See Charles & Flechas, *As Haiti reels from earthquake and deals with discord, leader expects election delay*, *supra* note 223; OCHA, HAITI: Earthquake Situation Report No. 6, *supra* note 171.

<sup>232</sup> IPC, Haiti: Acute Food Insecurity Situation September 2021 - February 2022 and Projection for March - June 2022, *supra* note 199; see also OCHA, HAITI: Earthquake Situation Report No. 6, *supra* note 171 (OCHA puts the number of acutely food insecure individuals at 754.2 thousand).

<sup>233</sup> See OCHA, HAITI: Earthquake Situation Report No. 6, *supra* note 171 (citing logistics and lack of road access as contributing factors).

<sup>234</sup> *Id.*; see also FEWS NET, Deterioration of conditions in Haiti contrasts seasonal improvements in Central America, *supra* note 203 (“in rural areas, the fall crop year is anticipated to be below average due to erratic rainfall and the residual effects of the twin natural disasters on agricultural production.”).

<sup>235</sup> See Charles & Flechas, *As Haiti reels from earthquake and deals with discord, leader expects election delay*, *supra* note 223; *Haiti earthquake: Tropical Storm Grace hampers rescue*, BBC (Aug. 17, 2021), <https://www.bbc.com/news/world-latin-america-58222888>.

<sup>236</sup> See Charles, *Half of Haiti’s earthquake victims have still not received assistance*, *supra* note 197.

<sup>237</sup> Jacqueline Charles, *‘I’m sleeping in the streets.’ Life in a Haiti fishing village battered by the earthquake*, Miami Herald (Aug. 24, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article253671978.html>.

<sup>238</sup> Charles, *Half of Haiti’s earthquake victims have still not received assistance*, *supra* note 197; see also Jordany Junior Verdieu, *La couverture de la réponse du séisme du 14 août a atteint seulement 10% dans le Sud, selon la DPC*, Le Nouvelliste (Sept. 15, 2021), <https://lenouvelliste.com/article/231645/la-couverture-de-la-reponse-du-seisme-du-14-aout-a-atteint-seulement-10-dans-le-sud-selon-la-dpc> (the Directorate of Civil Protection reported that only 10% of those affected had received aid); Jacqueline Charles & Bianco Padró Ocasio, *International aid begins to arrive in Haiti. Getting it to a remote area is still a struggle*, Miami Herald (Aug. 20, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article253627668.html> (lack of access to remote areas slowed aid delivery).

<sup>239</sup> OCHA, HAITI: Earthquake Situation Report No. 6, *supra* note 171; see also Charles, *Half of Haiti’s earthquake victims have still not received assistance*, *supra* note 197.

<sup>240</sup> See Brian Concannon Jr. & Beatrice Lindstrom, *Cheaper, Better, Longer-Lasting: A Rights-Based Approach to Disaster Response in Haiti*, EMORY INT’L L. REV. (2011), <https://scholarlycommons.law.emory.edu/cgi/viewcontent.cgi?article=1034&context=eilr> (“In the immediate aftermath of the earthquake, the international community responded swiftly: nearly half of all households in the United States made charitable donations to Haiti, governments and multilateral organizations pledged billions of dollars, and international nongovernmental organizations (“NGOs”) swarmed into Haiti’s capitol, Port-au-Prince. But this tremendous generosity at the giving end has not, in almost two years, translated into even adequate progress on the ground for Haiti’s earthquake victims, infrastructure, and economy. Many analyses of the response grade it a “failure,” and at best it has been painfully slow.”).

<sup>241</sup> Charles & Flechas, *As Haiti reels from earthquake and deals with discord, leader expects election delay*, *supra* note 223; Laura Gottesdiener & Drazen Jorgic, *U.N. calls for Haiti ‘humanitarian corridor’ in gang-held areas*, Reuters (Aug. 15, 2021), <https://www.reuters.com/world/americas/un-calls-haiti-humanitarian-corridor-gang-held-areas-2021-08-15/>; Dodds, *Haitian court orders UN peacekeeper to pay child support in landmark case*, *supra* note 184; Lillian Perlmutter, *A Gang War Is Messing Up Earthquake Relief in Haiti*, Vice News (Aug. 16, 2021), <https://www.vice.com/en/article/pkb8dk/a-gang-war-is-messing-up-earthquake-relief-in-haiti>.

<sup>242</sup> *Haiti - Environment : Écovert-Haiti condemns the inaction and irresponsibility of the Government*, HaitiLibre (Nov. 7, 2021), <https://www.haitilibre.com/en/news-35184-haiti-environment-ecovert-haiti-condemns-the-inaction-and-irresponsibility-of-the-government.html>.

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<sup>243</sup> *Id.*

<sup>244</sup> IPC, Haiti: Acute Food Insecurity Situation September 2021 - February 2022 and Projection for March - June 2022, *supra* note 199.

<sup>245</sup> *See id.* (“Through February 2022, around 4.3 million people (44% of the population analysed) will experience high levels of acute food insecurity (IPC Phase 3 or above) and require urgent assistance. These include over 1.3 million people (14% of the population analysed) in a situation of Emergency (IPC Phase 4) and nearly 3 million people (30% of the population analysed in Crisis (IPC Phase 3)).”).

<sup>246</sup> *See id.*; OCHA, HAITI: Earthquake Situation Report No. 6, *supra* note 171; *see also supra* notes 232-234 and associated text.

<sup>247</sup> *See* Press Release, Médecins Sans Frontières, *Haiti: Shortages of fuel, water, and transportation threaten medical care*, *supra* note 7; *see also* Geffrard, *Les gangs gouvernent une grande partie d’Haïti. Pour beaucoup, cela signifie pas de carburant, pas d’électricité, pas de nourriture...*, *supra* note 219; *see also supra* note 220.

<sup>248</sup> *See* IPC, Haiti: Acute Food Insecurity Situation September 2021 - February 2022 and Projection for March - June 2022, *supra* note 199.

<sup>249</sup> Déclaration Finale du Forum sur L’Agro Écologi et la Souveraineté Alimentaire (Oct. 16, 2021).

<sup>250</sup> *See UNICEF: Gangs in Haiti are targeting schools and students*, AP News (Nov. 2, 2021),

<https://apnews.com/article/religion-united-nations-port-au-prince-haiti-d91f2a76ce6e3f5f51d8ed29aa9bace2>; *Haïti-Éducation/Criminalité : Au moins sept écoles de Port-au-Prince contraintes de payer les gangs en échange de leur sécurité, déplore l’Unicef*, AlterPresse (Nov. 3, 2021), <http://www.alterpresse.org/spip.php?article27633> (problems accessing education have persisted in 2021; in the 2019-2020 school year, insecurity resulted in the closure of about 60% of schools in Haiti for 60 days).

<sup>251</sup> *UNICEF: Gangs in Haiti are targeting schools and students*, *supra* note 250.

<sup>252</sup> *Haïti-Éducation/Criminalité : Au moins sept écoles de Port-au-Prince contraintes de payer les gangs en échange de leur sécurité, déplore l’Unicef*, *supra* note 250.

<sup>253</sup> Roberson Alphonse, *Des éducateurs et des écoliers dans les geôles des kidnappeurs*, Le Nouvelliste (Nov. 30, 2021), <https://lenouvelliste.com/article/232917/des-educateurs-et-des-ecoliers-dans-les-geoles-des-kidnappeurs>; Chéry, *Préval’s ex-wife, Barbancourt workers, journalists, Frenchman among those snatched as kidnappings resume*, *supra* note 76.

<sup>254</sup> *Haïti-Éducation/Criminalité : Au moins sept écoles de Port-au-Prince contraintes de payer les gangs en échange de leur sécurité, déplore l’Unicef*, *supra* note 250.

<sup>255</sup> *Id.*

<sup>256</sup> *See* Charles, *Half of Haiti’s earthquake victims have still not received assistance*, *supra* note 197; *Séisme : La Pòdh demande à l’État de pallier au défi de la réouverture des classes 2021-2022, dans le grand Sud d’Haïti*, AlterPresse (Oct. 19, 2021), <https://www.alterpresse.org/spip.php?article27574>.

<sup>257</sup> *Haïti-Éducation/Criminalité : Au moins sept écoles de Port-au-Prince contraintes de payer les gangs en échange de leur sécurité, déplore l’Unicef*, *supra* note 250.

<sup>258</sup> *See* Carrie Kahn, *Thousands Of Haitian Children Can’t Return To School After Last Month’s Earthquake*, NPR (Sept. 3, 2021), <https://www.npr.org/2021/09/03/1034137430/thousands-of-haitian-children-cant-return-to-school-after-last-months-earthquake> (“practically, in term of social justice and inequality, if you open the school, very privileged rich people will be able to go to school.”); Becky Sullivan, *The Haiti Earthquake’s Latest Victim May Be The New School Year*, NPR (Sept. 5, 2021), <https://www.npr.org/2021/09/05/1033598525/the-haiti-earthquakes-latest-victim-may-be-the-new-school-year> (“Because only about 20% of schools in the country are publicly run, many parents must pay to send their children to private schools...[where] tuition can take as much as 40% of a family’s income at the best of times.” According to former minister of education Nesmy Manigat, “[l]onger-term recovery is also likely to be unequal...Public schools will get the most help from the federal government, while private schools that are affiliated with relatively well-resourced international organizations — like foreign universities or the Catholic Church — will also have access to help. Less certain is the future of private schools without such foreign support, which are often in isolated, rural areas.”).

<sup>259</sup> *See* *Haiti: Violence puts patients, staff, and medical activities at risk*, *supra* note 32 (“In the first week of June, clashes in the neighborhood of Martissant and other districts of Port-au-Prince caused many injuries and displaced more than 1,000 people, including Médecins Sans Frontières (MSF) patients and staff. From June 2 to 4, MSF’s emergency center in Martissant received 42 patients with gunshot wounds, many of whom were transferred to MSF’s trauma hospital in the Tabarre neighborhood, which increased its capacity for trauma patients from 50 to 68 beds.”); *see also* Francklyn B. Geffrard, *Des bandits armés ont saccagé puis mis le feu à l’hôpital Sacré-Cœur de Milot ; les dégâts matériels sont considérables...*, Rhinews (Nov. 1, 2021), <https://www.rhinews.com/actualites/des-bandits-armes-ont-mis-le-feu-a-lhopital-sacre-coeur-de-milot-les-degats-materiels-sont-considerables/> (the Sacré-Coeur Hospital in Milot was ransacked and burned by armed individuals on October 31).

<sup>260</sup> The MSF facility in Martissant and the COVID-19 center in Delmas 2 closed temporarily in June. *Port-au-Prince : l’hôpital Médecins sans frontières de Martissant ferme ses portes*, Haiti Standard (June 28, 2021), <https://haitistandard.com/port-au-prince-lhopital-medecins-sans-frontieres-de-martissant-ferme-ses-portes/>; Jacqueline Charles, *Haiti gang violence forces Doctors Without Borders to close ER, hold off COVID treatment*,



Miami Herald (June 28, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article252423828.html>; Claudy Junior Pierre, *Affrontement entre gangs armés, le centre Covid-19 de Delmas 2 en grande difficulté*, Le Nouvelliste (June 21, 2021), <https://lenouvelliste.com/article/229928/affrontement-entre-gangs-armes-le-centre-covid-19-de-delmas-2-en-grande-difficulte> (“Exhausted and probably discouraged to see that the hospital center no longer manages to fulfill its mission correctly, Dr Lunick Santiago admits that the initial plan was to evacuate serious cases to the university hospital of Mirebalais, or even to simply close, since the professionals who work at Delmas 2 no longer want to expose themselves to bullets in order to save lives.”)

<sup>261</sup> Jacqueline Charles, *Haiti’s ongoing gang violence causes closure of charity-run emergency center*, Miami Herald (Aug. 2, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article253192428.html>.

<sup>262</sup> Pierre, *Affrontement entre gangs armés, le centre Covid-19 de Delmas 2 en grande difficulté*, *supra* note 260.

<sup>263</sup> Because the national electricity grid in Haiti is unreliable and prone to power outages, most hospitals rely on fuel-powered generators to operate. See Press Release, UNICEF, *Haiti: Insecurity-triggered fuel shortage threatens newborns’ lives in hospitals*, *supra* note 220 (on October 24, UNICEF reported that “the lives of 300 children, 45 women in maternity and 70 other adults including COVID-19 patients are in danger as two major hospitals in the Haitian capital would stop providing care in 72 hours if they did not receive fuel immediately”); *Haiti : L’organisation Msf prévoit d’autres fermetures d’hôpitaux, suite à la persistance de la crise du carburant*, *supra* note 220 (MSF plans more closures in Haiti if there is no relief to the fuel shortage; the MSF facility in Tabarre was forced to reduce its medical activities and as of early November was no longer treating life-threatening emergencies); Sénat, *Pénurie de carburant : impacts sur les hôpitaux, les ambulances, les télécommunications et la distribution de l’eau potable*, *supra* note 221 (St. Luc Hospital, which provides pediatric services for over 300 children, planned to interrupt service in early November due to the lack of fuel, and was forced to operate on a contingency plan for 48 hours that shortened patient stays and limited admission while it awaited a fuel delivery); Geffrard, *Les gangs gouvernent une grande partie d’Haïti. Pour beaucoup, cela signifie pas de carburant, pas d’électricité, pas de nourriture...*, *supra* note 219 (on November 1, Saint-Damien Pediatric Hospital, Haiti’s main pediatric care facility, reported having only enough fuel to last a week).

<sup>264</sup> Press Release, MSF, *Shortages of fuel, water threaten medical care in Haiti* (Nov. 10, 2021), <https://www.msf.org/shortages-fuel-water-threaten-medical-care-haiti>.

<sup>265</sup> See Geffrard, *Les gangs gouvernent une grande partie d’Haïti. Pour beaucoup, cela signifie pas de carburant, pas d’électricité, pas de nourriture...*, *supra* note 219; Sénat, *Pénurie de carburant : impacts sur les hôpitaux, les ambulances, les télécommunications et la distribution de l’eau potable*, *supra* note 221.

<sup>266</sup> See Geffrard, *Les gangs gouvernent une grande partie d’Haïti. Pour beaucoup, cela signifie pas de carburant, pas d’électricité, pas de nourriture...*, *supra* note 219 (in October, Saint-Damien Pediatric Hospital was using ambulances to get staff to work and keeping mattresses on the floor so they could sleep there); Sénat, *Pénurie de carburant : impacts sur les hôpitaux, les ambulances, les télécommunications et la distribution de l’eau potable*, *supra* note 221.

<sup>267</sup> *Fuel shortages paralyze Haiti, disrupting everything from drinking water to phones*, *supra* note 8 (“The National Ambulance Center (NAC), which normally operates six to eight ambulances, is down to two. Its director general, Héroland Louis, said the center may stop operating entirely in coming days if fuel does not become available.”); see also Pierre, *Affrontement entre gangs armés, le centre Covid-19 de Delmas 2 en grande difficulté*, *supra* note 260 (without ambulances, COVID-19 patients have been unable to access life-saving care).

<sup>268</sup> See Santé: *Alerte des autorités sanitaires et éducatives sur une remontée du nombre de cas positifs au Covid-19 en Haïti*, *supra* note 12; Emmanuel Moïse Yves, *Le variant Delta, Haïti et des hospitalisations en augmentation*, AyiboPost (Oct. 15, 2021), <https://ayibopost.com/le-variant-delta-haiti-et-des-hospitalisations-en-augmentation/>.

<sup>269</sup> *Haiti - Diaspora Covid-19 : Daily Bulletin #621*, HaitiLibre (Dec. 1, 2021), <https://www.haitilibre.com/en/news-35377-haiti-diaspora-covid-19-daily-bulletin-621.html>; see also Jacqueline Charles, *President of Haiti’s Supreme Court dies of COVID-19*, Miami Herald (June 23, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article252312968.html> (“The numbers are considered an undercount due to a lack of testing, and the availability of coronavirus treatment centers in many parts of the country where the infected have been forced to rely on home remedies and over-the-counter medications to treat symptoms. An upsurge in gang violence in Port-au-Prince has also added to the challenges, with thousands of people displaced and living in a stadium on the southern edge of the capital and others unable to get to a government-run treatment center in the lower Delmas neighborhood of the capital.”).

<sup>270</sup> See, e.g. OCHA, HAITI: Displacements due to gang violence in Port-au-Prince Situation Report No. 2, *supra* note 167 (in June, “Two of the main hospitals treating COVID-19 patients in Port-au-Prince announced last week that they are overrun.”); Claudy Junior Pierre, *Pénurie d’oxygène, l’hôpital St-Luc ne peut plus accueillir de nouveaux patients Covid-19*, *supra* note 12 (on October 14, St. Luc Hospital - the only center providing free care to people with COVID-19 in Port-au-Prince – reached capacity).

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<sup>271</sup> See, e.g. Sénat, *Pénurie de carburant : impacts sur les hôpitaux, les ambulances, les télécommunications et la distribution de l'eau potable*, *supra* note 221; Claudy Junior Pierre, *Pénurie d'oxygène, l'hôpital St-Luc ne peut plus accueillir de nouveaux patients Covid-19*, *supra* note 12.

<sup>272</sup> See Concannon, *Biden must stop propping up the old guard in Haiti*, *supra* note 13 (“Getting vaccines into the arms of the remaining 99.7 percent of Haitians who are not fully vaccinated is vitally important, but will not happen until the country has a government committed to building the public health system, not looting it, and has earned the trust needed to overcome vaccine hesitancy.”); see also *Haiti now allows private companies to import COVID-19 vaccine*, The Haitian Times (June 28, 2021), <https://haitiantimes.com/2021/06/28/haiti-now-allows-private-companies-to-import-covid-19-vaccine/> (the government did not begin importing vaccines until June 23, when it began allowing private importers and distributors to import the COVID-19 vaccine).

<sup>273</sup> See Jacqueline Charles, *Haiti's low COVID-19 vaccination rate sparks worries, prompts calls to step it up*, Miami Herald (Sept. 16, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article254269418.html> (according to Dr. Lauré Adrien, director general of Haiti's health ministry, “Already, the population was not very receptive to vaccination, which now [after the earthquake] makes the task even more difficult.” Jacqueline Gautier, executive director of St. Damien Hospital, blamed misinformation, noting that “marketing is almost non-existent and that too many health professionals are hesitant and don't give the good examples.”).

<sup>274</sup> *Haiti Receives 500,000 Vaccines Donated by the United States through COVAX*, PAHO (July 14, 2021), <https://www.paho.org/en/news/14-7-2021-haiti-receives-500000-vaccines-donated-united-states-through-covax>.

<sup>275</sup> Jim Wyss, *Haiti to Send Back Expiring, U.S.-Donated Moderna Vaccines*, Bloomberg (Oct. 13, 2021), <https://www.bloomberg.com/news/articles/2021-10-13/haiti-to-send-back-expiring-u-s-donated-moderna-vaccines>; Concannon, *Biden must stop propping up the old guard in Haiti*, *supra* note 13.

<sup>276</sup> Migration is most prevalent to the United States, the Dominican Republic, Mexico, Cuba, the Bahamas, and Turks-and-Caicos. *Environ 11 000 migrants déportés en Haïti du 19 septembre au 19 octobre, selon le GARR*, *supra* note 9; IOM, *Situational Report: Return of Migrants and Reception Assistance in Haiti, 19 September to 19 October, 2021*, *supra* note 10, at 1 (reporting 6,586 men, 2,456 women, 920 boys, and 869 girls deported from September 19 to October 19 2021).

<sup>277</sup> See *Mexico sends 70 Haitian migrants to Port-au-Prince by plane*, Al Jazeera (Sept. 29, 2021), <https://www.aljazeera.com/news/2021/9/29/mexico-sends-70-haitian-migrants-to-port-au-prince-by-plane>; Niambi M. Carter, *Democratic and Republican administrations have long agreed on one thing — discriminating against Haitian refugees*, The Washington Post (Sept. 23, 2021), <https://www.washingtonpost.com/politics/2021/09/23/us-is-deporting-haitian-asylum-seekers-thats-longstanding-american-policy/>.

<sup>278</sup> IOM, *Situational Report: Return of Migrants and Reception Assistance in Haiti, 19 September to 19 October, 2021*, *supra* note 10, at 1.

<sup>279</sup> Temporary Protected Status is a temporary benefit that allows individuals from designated countries (generally those in which conditions temporarily prevent safe return) to remain in the United States, work, and travel. It does not confer lawful permanent resident or any other immigration status. U.S. Citizenship and Immigration Services, *Temporary Protected Status Designated Country: Haiti*, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti>.

<sup>280</sup> *US: Treatment of Haitian Migrants Discriminatory*, *supra* note 10.

<sup>281</sup> *Id.*; Jacqueline Charles, Syra Ortiz-Blanes & Bryan Lowry, *No more horse patrols in Del Rio, Texas, where Haitian migrants are staying under the bridge*, Miami Herald (Sept. 24, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article254464103.html>.

<sup>282</sup> *US: Treatment of Haitian Migrants Discriminatory*, *supra* note 10.

<sup>283</sup> *UN agencies call for protection measures and a comprehensive regional approach for Haitians on the move*, UNHCR (Sept. 30, 2021), <https://www.unhcr.org/news/press/2021/9/6155964b4/un-agencies-call-protection-measures-comprehensive-regional-approach-haitians.html>.

<sup>284</sup> See CGRS, HBA & IMUMI, *A Journey of Hope: Haitian Women's Migration to Tapachula*, *supra* note 9, at 55-58.

<sup>285</sup> See, e.g. Alberto Arce & Rodrigo Abd, *Haitians Returning to a Homeland That's Far From Welcoming*, US News (Sept. 27, 2021), <https://www.usnews.com/news/best-states/texas/articles/2021-09-26/haitians-returning-to-a-homeland-thats-far-from-welcoming> (violence and lack of basic resources await Haitians returning to Port-au-Prince after trying to emigrate); Widlore Mérancourt & Paulina Villegas, *As Haiti's crisis worsens, a rising number flee by sea: 'There is nothing for me here,'* The Washington Post (Nov. 20, 2021), <https://www.washingtonpost.com/world/2021/11/20/haiti-dangerous-sea-voyages/> (one Haitian who attempted and failed to leave Haiti said, “I have no country because there is nothing for me here,” Pierre said. “If I hear of another trip by boat tonight, I am leaving Haiti.”).

<sup>286</sup> See IOM, *Situational Report: Return of Migrants and Reception Assistance in Haiti, 19 September to 19 October, 2021*, p. 3; CGRS, HBA & IMUMI, *A Journey of Hope: Haitian Women's Migration to Tapachula*, *supra* note 9, at 41-54.

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<sup>287</sup> See Garry Pierre-Pierre, *Being Haiti's cash cow is too taxing on the diaspora to be sustainable*, Haitian Times (July 23, 2021), <https://haitiantimes.com/2021/07/23/being-haitis-cash-cow-is-too-taxing-on-the-diaspora-to-be-sustainable/> (“Every Haitian living abroad has one person or even a whole family — across all economic status — depending on them to eke out a living. In fact, The Haitian Times has reported that the Haitian diaspora sent \$3.8 billion in remittances to Haiti in 2020 alone. That’s not even counting informal giving.”).

<sup>288</sup> Press Release, UNICEF, *Pic alarmant d'enlèvements de femmes et d'enfants en Haïti – UNICEF*, *supra* note 177; Charles, Ortiz-Blanes & Lowry, *No more horse patrols in Del Rio, Texas, where Haitian migrants are staying under the bridge*, *supra* note 281.

<sup>289</sup> See BAI et al., Submission to the United Nations Human Rights Council, Justice Sector Challenges in Haiti, *supra* note 13, at ¶ 34.

<sup>290</sup> See *id.*

<sup>291</sup> See *Haiti - News : Zapping...*, HaitiLibre (Oct. 13, 2021), <https://www.haitilibre.com/en/news-34986-haiti-news-zapping.html> (on October 13, the Dominican Republic gave “a 90-day ultimatum to companies that use the workforce of people in an irregular migratory situation to regularize their situation. After this period ‘all these people in an irregular situation will be repatriated.’”).

<sup>292</sup> *The Armed Forces send more soldiers to reinforce the border*, Dominican Today (Nov. 2, 2021), <https://dominantoday.com/dr/local/2021/11/02/the-armed-forces-send-more-soldiers-to-reinforce-the-border/>; *Haiti - FLASH : The international ignores Haiti and the DR militarily strengthens its border*, HaitiLibre (Nov. 11, 2021), <https://www.haitilibre.com/en/news-35147-haiti-flash-the-international-ignores-haiti-and-the-dr-militarily-strengthens-its-border.html>; Patrick Saint-Pré, *Haïti et la République dominicaine font de la diplomatie sur Twitter, suspension des visas pour les étudiants haïtiens*, Le Nouvelliste (Nov. 1, 2021), <https://lenouvelliste.com/article/232467/haiti-et-la-republique-dominicaine-font-de-la-diplomatie-sur-twitter-suspension-des-visas-pour-les-etudiants-haitiens>.

<sup>293</sup> See Saint-Pré, *Haïti et la République dominicaine font de la diplomatie sur Twitter, suspension des visas pour les étudiants haïtiens*, *supra* note 292; Jim Wyss, *Dominican Republic Cracks Down on Migration Amid Chaos in Haiti*, Bloomberg News (Nov. 2, 2021), <https://www.bloomberg.com/news/articles/2021-11-02/dominican-republic-cracks-down-on-migration-amid-chaos-in-haiti>; *Conflit entre Haïti et la République Dominicaine: Joseph Lambert appelle à la solidarité entre les deux États*, Vant Bèf Info (Nov. 3, 2021) <https://vantbefinfo.com/2021/11/conflit-entre-haiti-et-la-republique-dominicaine-joseph-lambert-appelle-a-la-solidarite-entre-les-deux-etats/>; see also Patrick Saint-Pré, *Haïti et la République dominicaine font de la diplomatie sur Twitter, suspension des visas pour les étudiants haïtiens*, Le Nouvelliste (Nov. 3, 2021), <https://lenouvelliste.com/article/232507/haiti-et-la-republique-dominicaine-font-de-la-diplomatie-sur-twitter-suspension-des-visas-pour-les-etudiants-haitiens> (the decision came after a heated twitter exchange between Dominican President Luis Abinader, Haitian Minister of Foreign Affairs Claude Joseph, and Dominican officials); Germina Pierre Louis, *Suspension des visas pour les étudiants haïtiens, Claude Joseph espère la révision de cette décision dominicaine*, Le Nouvelliste (Nov. 3, 2021), <https://lenouvelliste.com/article/232500/suspension-des-visas-pour-les-etudiants-haitiens-claude-joseph-espere-la-revision-de-cette-decision-dominicaine> (Joseph condemned the decision and expressed hope that the Dominican government will reverse its decision).

<sup>294</sup> See *UN to Dominican Republic: Stop expelling pregnant Haitian women*, The Haitian Times (Nov. 18, 2021), <https://haitiantimes.com/2021/11/18/un-to-dominican-republic-stop-expelling-pregnant-haitian-women/>; *Haïti-Rép. Dom. : Les Nations unies appellent les autorités dominicaines à suspendre les expulsions des Haïtiennes enceintes*, AlterPresse (Nov. 16, 2021), <https://www.alterpresse.org/spip.php?article27675>.

<sup>295</sup> See Pavel López Lazo, *Over 1,500 Haitians deported from Dominican Republic in November*, Prensa Latina (Nov. 20, 2021), <https://www.plenglish.com/news/2021/11/20/over-1500-haitians-deported-from-dominican-republic-in-november/>.

<sup>296</sup> See *Haïti-Rép. Dom. : Poursuite des rapatriements de migrant.tes haïtien.nes, malgré les promesses dominicaines de suspension, déplore le Garr*, AlterPresse (Nov. 22, 2021), <https://www.alterpresse.org/spip.php?article27691> (“One of the deported women claims to have been sexually touched by a migration officer in the presence of her colleagues.”); Lazo, *Over 1,500 Haitians deported from Dominican Republic in November*, *supra* note 295 (deportees reported that “they were subjected to physical abuse, while women claimed to be sexually assaulted.”).

<sup>297</sup> See Georges Fauriol, *Adrift in the Caribbean: Haiti and the international community*, Global Americans (July 2, 2021), <https://theglobalamericans.org/2021/07/adrift-in-the-caribbean-haiti-and-the-international-community/>; Concannon, *Supporting Moïse, Washington lost Haitian trust*, *supra* note 15.

<sup>298</sup> See *Au milieu d'une grande confusion, l'Opc déclare qu'une frange de la communauté internationale sera tenue responsable de la crise en Haïti*, AlterPresse (Oct. 27, 2021), <https://www.alterpresse.org/spip.php?article27611> (in October, the OPC criticized the UN for its support of Henry and emphasized the importance of accountability for international actors for their role in the current crisis); Emmanuela Douyon, *Haiti's Ariel Henry Makes a Play for Power*, Americas Quarterly (Sept. 30, 2021), <https://www.americasquarterly.org/article/haitis-ariel-henry-makes-a-play-for-power/>; Esperance, *Wrong US Call*

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- *Haiti Needs a Credible Transitional Government*, *supra* note 16; Concannon, *Biden must stop propping up the old guard in Haiti*, *supra* note 13.

<sup>299</sup> See Esperance, *Wrong US Call - Haiti Needs a Credible Transitional Government*, *supra* note 16 (“Biden’s team sees Henry, PHTK, and their political allies as the best bet for rushing to organize elections this year in order to “stabilize” Haiti. But, as others (including two former U.S. ambassadors to Haiti) have noted as well, in the context of dismantled democratic institutions, destroyed electoral infrastructure, a non-functioning judiciary and rampant gang violence, free and fair elections are just not possible in the coming months.”).

<sup>300</sup> See, e.g. *Haiti advocates reject US push for elections after Moise death*, *supra* note 22; Esperance, *Wrong US Call - Haiti Needs a Credible Transitional Government*, *supra* note 16; Charles, *UN Security Council presses for elections in Haiti*, *supra* note 22; *The Full Resignation Letter of US Special Envoy to Haiti*, *supra* note 22; Mulrean, *To Save Haiti’s Democracy, Don’t Hold Elections*, *supra* note 22; Ofman, *Haitians’ voices need to be heard in country’s rebuilding, former Amb Pamela White says*, *supra* note 22.

<sup>301</sup> *The Full Resignation Letter of US Special Envoy to Haiti*, *supra* note 22 (“Last week, the U.S. and other embassies in Port-au-Prince issued another public statement of support by for the unelected, de facto Prime Minister Dr. Ariel Henry as interim leader of Haiti, and have continued to tout his ‘political agreement’ over another broader, earlier accord shepherded by civil society. The hubris that makes us believe we should pick the winner [of the elections] – again – is impressive.”); see also Douyon, *Haiti’s Ariel Henry Makes a Play for Power*, *supra* note 298; Concannon, *Biden must stop propping up the old guard in Haiti*, *supra* note 13.

<sup>302</sup> *HFAC Members Briefing with Ambassador Daniel L. Foote*, House Foreign Affairs Committee (Oct. 7, 2021), <https://foreignaffairs.house.gov/2021/10/hfac-members-briefing-with-ambassador-daniel-l-foote>; see also *House Foreign Affairs Committee Advances Wilson Resolution Calling for Haitian-led Solutions*, South Florida Caribbean News (July 29, 2021), <https://sflcn.com/house-foreign-affairs-committee-advances-wilson-resolution-calling-for-haitian-led-solutions/>.

<sup>303</sup> See Elian Peltier, *Haitian officials called for U.S. military assistance. Some Haitians say, ‘No, No & No.’* The New York Times (July 10, 2021), <https://www.nytimes.com/2021/07/10/world/americas/haiti-us-troops-opposition.html> (many Haitian civil society members and intellectuals oppose foreign military intervention in the aftermath of the Moise assassination.); Paul J. Angelo & David Gevarter, *The Assassination of Haitian President Jovenel Moise: What to Know*, Council on Foreign Relations (July 14, 2021), <https://www.cfr.org/in-brief/assassination-haitian-president-jovenel-moise-what-know> (the Biden administration should not send military support to Haiti following Moise’s assassination because of the history of U.S. military intervention.).

<sup>304</sup> *Haiti - UN : The mandate of BINUH renewed but reduced by China*, HaitiLibre (Oct. 16, 2021), <https://www.haitilibre.com/en/news-35008-haiti-un-the-mandate-of-binuh-renewed-but-reduced-by-china.html> (the nine-month mandate was the result of a compromise between the United States, which proposed renewing the mandate for a full year, and China, which called for a six-month mandate, citing “investments at a loss”).

<sup>305</sup> See *Joint Statement & Call to Action on the Crisis in Haiti*, Haiti Response Coalition (July 2021), <https://www.haitiresponse.org/joint-statement-july-2021> (“While many are calling Haiti a “failed state”, what we see is the failure of centuries of policies imposed on Haiti by the international community, including aid policies, that prioritized foreign interests and short-term gains over sustainable democracy and prosperity for Haitians.”). The international community has periodically to Haiti’s aid over the last six months by donating money and fuel, but continues to throw its support behind the governments and policy decisions that created the current crisis. See, e.g. Jacqueline Charles, *U.S. provides \$32 million more in humanitarian aid for Haiti earthquake victims*, Miami Herald (Aug. 26, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article253766063.html>; *Séisme: 1,41 million de dollars du Japon au Pam, pour soutenir les victimes du tremblement de terre du 14 août 2021 en Haïti*, AlterPresse (Oct. 12, 2021), [https://www.alterpresse.org/spip.php?article27543#\\_YWBibUbMI\\_U](https://www.alterpresse.org/spip.php?article27543#_YWBibUbMI_U); *Haiti - USA : Donation of 250 medical oxygen cylinders*, HaitiLibre (Nov. 9, 2021), <https://www.haitilibre.com/en/news-35201-haiti-usa-donation-of-250-medical-oxygen-cylinders.html>; Esperance, *Wrong US Call - Haiti Needs a Credible Transitional Government*, *supra* note 16; see also Jake Johnston (@JakobJohnston), Twitter (Nov. 12, 2021, 10:07 AM), <https://twitter.com/JakobJohnston/status/1459175930379878403> (“Most foreign aid ends up going to a small handful of companies closer to my office in DC than anybody in Port-au-Prince”); *Hearings with Human Rights Defenders in Haiti*, *supra* note 85 (human rights defenders have said they feel “abandoned by international NGOs and the UN and urged more to be done in consultation with HRDs [human rights defenders] and NGOs on the ground, who are most familiar with the challenges they themselves face”).

<sup>306</sup> See, e.g. Unni Karunakara, *Haiti: where aid failed*, The Guardian (Dec. 28, 2010), <https://www.theguardian.com/commentisfree/2010/dec/28/haiti-cholera-earthquake-aid-agencies-failure> (discussing how failures by aid agencies compounded the devastation of the post-2010 earthquake cholera outbreak); Congressional Research Service, *Haiti Earthquake: Crisis and Response* (Feb. 2, 2010), <https://sgp.fas.org/crs/row/R41023.pdf>; <https://www.aljazeera.com/opinions/2021/9/13/haiti-why-2021-is-and-is-not-2010> (comparing the humanitarian aid “vultures” of the 2010 earthquake to the immediate response of the 2021 earthquake and the use of social media to raise awareness about making the response this time different); K. Jessica Hsu and Mark Schuller, *Haiti’s Earthquakes Require a Haitian Solution*, The North American Congress

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on Latin America (Aug. 16, 2021), <https://nacla.org/news/2021/08/16/haiti-earthquakes-solution> (calls out root problems of NGOs' responses to the 2010 earthquake, like ignoring Haitian capacity and local priorities, and suggesting how many of these problems still need addressing in the international community's response to disasters); *see also supra* note 240.

<sup>307</sup> *See* António Guterres (United Nations Secretary-General), Letter to Special Rapporteurs (June 26, 2020), <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35379>; BAN KI-MOON, RESOLVED: UNITING NATIONS IN A DIVIDED WORLD (2021); *Former UN Secretary-General Ban Ki-moon's 2021 Memoir Resolved: IJDH & BAI Respond*, IJDH, [http://www.ijdh.org/press\\_release/former-un-secretary-general-ban-ki-moons-2021-memoir-resolved-ijdh-bai-respond/](http://www.ijdh.org/press_release/former-un-secretary-general-ban-ki-moons-2021-memoir-resolved-ijdh-bai-respond/) (last accessed Dec. 1, 2021) (Ban Ki-Moon's book, while continuing to deny UN responsibility for the cholera outbreak, "accurately reflect[s] the UN's legacy of official hostility towards complying with its international law obligations in Haiti.").

<sup>308</sup> *See* BAI et al., Violations of the Right to Effective Remedy: The UN's Responsibility for Cholera in Haiti (2020), <http://hrp.law.harvard.edu/wp-content/uploads/2020/02/HLS-IHRC-IJDH-BAI-Submission-to-Special-Procedures-Cholera.pdf>.

<sup>309</sup> *See* Jeannot Francois, *Cholera remains a public health threat in Haiti*, The Lancet (Aug. 2020), <https://www.thelancet.com/action/showPdf?pii=S2214-109X%2820%2930299-0> (cholera is still a threat in Haiti and UN-sponsored programs aimed at improving water, sanitation, and hygiene have been ineffective).

<sup>310</sup> *See* Press Release, IJDH, *IJDH Statement: Internal Evaluation of the UN's response to peacekeeper sexual exploitation and abuse*, *supra* note 186; UN Office of Internal Oversight Services, Inspection and Evaluation Reports, *supra* note 185; *see also supra* notes 184-186.

<sup>311</sup> *See Joint Statement & Call to Action on the Crisis in Haiti*, *supra* note 305.

<sup>312</sup> *See* Sam Bojarski, Leonardo March & J.O. Haselhof, *Haitians, mixed about outside help, debate toll of crises over scars of foreign intervention*, The Haitian Times (Nov. 8, 2021), <https://haitiantimes.com/2021/11/08/haitians-mixed-about-outside-help-debate-toll-of-crises-over-scars-of-foreign-intervention/> (people in Haiti are skeptical of international intervention, especially from the United States); *Nul autre qu'un président américain ne saurait mieux savoir pourquoi Haïti est dans cet état si dramatique*, *supra* note 36 (a large group of activist organizations in Haiti penned an open letter to US President Joe Biden, seeking "to establish the responsibility of the American rulers in the fabrication of the tragic situation in Haiti and to demand...the end of the disguised US tutelage/trusteeship of Haiti through the repeated unnecessary renewal of unsuccessful, unconstitutional, harmful UN missions, bringing misfortune, cholera (MINUSTAH), responsible for the current gangsterization of the country (BINUH), the end of American interference in the internal affairs of Haiti, [and] a redefinition of the relationship between [the United States] and Haiti."); *Joint Statement & Call to Action on the Crisis in Haiti*, *supra* note 305 ("We need only look to the recent MINUSTAH mission to see that foreign efforts fail to create lasting public democratic institutions that are necessary for any country to function. Despite spending 13 years and \$7 billion -- ten times Haiti's GDP-- the MINUSTAH mission left Haiti with more guns and less democracy. The mission also afflicted Haiti's citizens with sexual exploitation and abuse, leaving behind hundreds of children fathered by peacekeepers, and was responsible for introducing cholera to Haiti, killing an estimated 10,000 people.").

<sup>313</sup> *Joint Statement & Call to Action on the Crisis in Haiti*, *supra* note 305.

<sup>314</sup> *See id.* ("Elections...must be free and fair and perceived as legitimate in order to strengthen democracy. Elections will not be free and fair without inclusive voter registration, an independent and legitimate electoral body, and the security necessary not only to vote, but also to campaign leading up to election day. Meaningful participation requires that women and other marginalized groups also participate in the electoral process. A race to hold elections on an internationally-imposed timeline risks further eroding democracy in Haiti.").

<sup>315</sup> *See* Mario Joseph, *Se debe devolver el Gobierno de Haití al pueblo*, El País (July 14, 2021), [https://elpais.com/opinion/2021-07-14/se-debe-devolver-el-gobierno-de-haiti-al-pueblo.html?event\\_log=oklogin?event\\_log=oklogin](https://elpais.com/opinion/2021-07-14/se-debe-devolver-el-gobierno-de-haiti-al-pueblo.html?event_log=oklogin?event_log=oklogin); Clesca, *My Group Can Save Haiti. Biden Is Standing In Our Way*, *supra* note 20 ("With the United States and other countries providing unstinting support for Mr. Moïse, Haitian civil organizations realized that the only way Haiti would be saved was if they saved it... We can create a free, secure, democratic Haiti on our own, but we need the United States and other nations to abandon the status quo and back the work we've been engaged in for months."); *see Joint Statement & Call to Action on the Crisis in Haiti*, *supra* note 305 ("After decades of foreign intervention and aid policies that have destabilized Haiti, each branch of the Haitian government has been systematically dismantled, and public confidence in Haiti's governance has declined to nearly nothing. Haitian organizations and civil society have long been calling for a transition government to restore stability, basic security, and democracy. Haiti must have a transition process in order to rebuild its democratic institutions, and this process must be inclusive of all sectors of Haiti's population.").