Human Rights and the Rule of Law in Haiti: Key Recent Developments
June through November 2022

Since IJDH’s last Update on Human Rights and Rule of Law in Haiti,¹ the interconnected governance and humanitarian crises described in our past Updates have continued to deteriorate, with catastrophic consequences for the Haitian people. The de facto government and international community are failing in their human rights obligations and contributing to sharply increasing violations of Haitians’ rights.

Insecurity driven by gangs has risen to unprecedented levels, and continues to prevent most normal activities.² Gangs not only continue to engage in high levels of violence against civilians, including massacres, kidnapping, and destruction of property,³ but are now also increasingly using rape and other forms of sexual violence as a tool for terrorizing and controlling communities.⁴ A federation of gangs led by a former police officer with alleged government connections⁵ captured and held Haiti’s primary fuel terminal for nearly two months, preventing the delivery of gas.⁶ The impact – which must be viewed in combination with the de facto government’s sudden removal of fuel subsidies at the behest of the international community⁷ – included a near-total national shut-down; a precipitous collapse of critical services and access to necessities like food, water, and healthcare; and mass protests against the de facto government.⁸ The concurrent re-emergence of cholera, exacerbated by the resulting scarcity of water, services, and transportation, is acutely alarming.⁹

Over a decade of misrule by the corrupt, repressive Pati Ayisyen Tèt Kale (PHTK), for which de facto Prime Minister Ariel Henry is a long-standing operative,⁹ is a medium-term driver for many of these challenges.¹⁰ Across several successive governments, the PHTK has actively dismantled Haiti’s democratic structures and government capacity to serve its population, and has corrupted its accountability mechanisms.¹¹ Related chronic impunity, including as a result of government corruption and collusion with gangs,¹² enables and furthers the governance crises, and is a direct cause of the pervasive insecurity.¹³ Haitians across the country have been risking dangerous streets and violent police crackdowns to protest the Henry regime’s destructive rule and demand his resignation.¹⁴

The international community’s chronic failures to respect Haitian sovereignty, combined with decades of extractive policies and interference, have also helped lay the long-term foundations for Haiti’s current crises,¹⁵ including PHTK’s abuses. The international community – with the United States leading – has persistently backed Henry since effectively installing him as Prime Minister in July 2021 via a press release.¹⁶ This support continues to enable the de facto regime’s destructive rule even as it marginalizes democratic alternatives and undermines Haitian self-determination.¹⁷ This reporting period saw the international community and, most notably, the United States and the Organization of American States, push for a foreign military intervention,¹⁸ with the UN Security Council (UNSC) now considering the deployment of a non-UN multinational security force to Haiti.¹⁹ Haitians and long-time observers have been recalling the myriad of human rights abuses committed by past foreign military deployments²⁰ and cautioning that an intervention at the behest of an illegitimate government risks entrenching undemocratic political actors.²¹ Many Haitians have consequently taken to the streets to oppose an intervention; others have come to believe Haiti needs international assistance to stop the most acute insecurity and enable humanitarian assistance.²² It is the view of IJDH that a foreign military intervention supporting an illegitimate de facto government may provide some short-term relief, but is

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also almost certain to exacerbate other drivers of Haiti’s instability (thereby increasing insecurity in the medium and long terms) and – if history is any judge – to impose direct harms. A better immediate international action for confronting the crises is to withdraw unqualified support from the de facto government.

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

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

Since IJDH’s last Update, Haiti’s already catastrophic insecurity has grown significantly worse. Mass violence by gangs, initially largely contained to the capital and its surroundings, has spread throughout the country. Civilian massacres have become more frequent. Kidnapping remains prevalent and a lucrative source of income for gangs. Gangs have grown even more brutal and are increasingly using rape and other forms of sexual violence – primarily, though not exclusively, directed against women and girls – as a weapon against the population. The violence has displaced nearly 100,000 people. It has also exacerbated difficulties with access to critical services and humanitarian assistance. The de facto regime remains unwilling or unable to address the rising insecurity and its consequences. Human rights groups continue to report that the government is using gangs as political tools.

Gang violence and related displacement

- According to various reporting, over 200 armed groups now control approximately 60 percent of Port-au-Prince and half of Haiti. The primary groups responsible for the violence are the rival G9 an fami (G9) and G-Pép gang federations and the rival 400 Mawozo and Chen Mechan gangs.

- The UN Integrated Office in Haiti (BINUH) documented 1,377 deaths, injuries and disappearances perpetrated by gangs between June 1 and September 30. The UN reported a further 195 killings in October. Inter-gang warfare accounts for much of the violence. For example, a war for territory in Cité Soleil broke out after the G9 gang federation launched an attack on territory controlled by the G-Pép alliance. The resulting clashes killed between 200 and 300 people and injured as many as 254 between July 7 and 17. Warring gangs set fire to homes and killed at least 20 in the Artibonite region in July, and clashes between gangs near Croix-des-Bouquets led to 71 deaths between October 10 and 21.

- Gangs deliberately target civilians for murder and rape, burn people alive, and publicly execute those they suspect of working for a rival gang. On November 29, armed gangs massacred at least 11 civilians and burned more than 20 houses in Source Matelas, a rural town north of Port-au-Prince, apparently in an attempt to take back territory after being chased out by police. Haiti's National Human Rights Defense Network (RNDHH) reported that in the gang war between G9 and G-Pép in Cité Soleil in July, gang members – primarily belonging to the G9 gang alliance – raped 52 women and girls and destroyed and burned 210 houses, in addition to the killings described above. The report additionally found those same gang members shot at civilians indiscriminately and carried out summary executions of people trying to escape.

- Gangs are increasingly using rape and other forms of sexual violence as a weapon of conflict. An August UN report found that gangs were targeting women and children as young as one, killing them and burning their bodies. Gangs’ use of sexual violence is also a tool of social control, with reports of gangs targeting women and girls who travel across neighborhoods to go to work, marketplaces, or schools to dissuade people from crossing gang boundary lines and enacting punitive rapes against women they perceive as collaborating with rival gangs.

- The ubiquitous violence has displaced nearly 100,000 people – at least 25,000 since July alone. Displaced persons are often living in inhumane conditions, without adequate access to water, food, or medical care. Displaced persons, especially women and girls, are at risk of additional violence. In contrast to previous humanitarian emergencies on this scale, formal camps with resources for the displaced have not been created; the over 21,000 Haitians fleeing violence who were unable to find places with family have largely been left to shelter in the countryside or to gather in public squares
and other informal sites with little to no humanitarian support. A displacement camp that had been created in June 2021 at the Carrefour Sport Center closed earlier this year, despite escalating need. The UN reported that 36 informal displacement sites around Port-au-Prince have received almost no humanitarian assistance since September 12. One of those sites, the Hugo Chavez square, which has been housing approximately 300 families primarily from the Cité Soleil area, had no potable water for six days. Organizations working on the ground in Haiti have reported numerous instances of rape and sexual exploitation at displacement sites.

Continuing kidnapping epidemic

- Kidnapping remains overwhelmingly prevalent. The Center for Analysis and Research in Human Rights (CARDH) reported 326 kidnappings between April and June, and 204 kidnappings between July and September. The UN reported an additional 102 kidnappings in October. According to advocates on the ground, the real numbers are much higher than the reported ones, as gangs threaten to execute kidnapped people if their families contact the police. Partners on the ground report that kidnapping decreased when the fuel crisis brought most motorized movement to a halt, but that rates have skyrocketed back since gas became available once more.

- Gangs continue to kidnap civilians from all sectors of the population, including religious figures, parishioners, schoolchildren, journalists, and public officials. Gang members are likewise known to target law enforcement officials; for example, members of the Vitelhomme gang kidnapped five members of a police officer’s family, including his three children, on September 27 before setting his home on fire. Men are often tortured, and women and girls who are kidnapped are at additional risk of sexual violence. Gang members often demand large ransoms from victims’ families in exchange for their release, making kidnapping a lucrative source of income for gangs and a driver of further violence.

- On November 7, the United States announced a USD $3 million reward for information leading to the arrest or conviction of three Haitian gang leaders implicated in the kidnapping of American missionaries in 2021 and charged four additional gang members with kidnapping U.S. citizens. Six out of the seven have yet to face any meaningful consequences for their actions in Haiti. The U.S. announcement is a positive move towards accountability, it does not consider the many hundreds of Haitian victims who remain without recourse.

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

- The de facto government remains unwilling or unable to address the pervasive insecurity or offer meaningful protections to Haitians, including because of government and police complicity with gangs. For example, some human rights defenders and others allege that the government is using gangs to control the population and weaken the popular protest movement, most recently by paying them to infiltrate protests and loot businesses. According to a recent survey, 40 to 60 percent of the Haitian National Police (PNH), including those at the highest level, have connections with gangs.

- Government and police equipment often falls into the possession of gangs, through both trafficking and attacks on police stations. The Ministry of Public Works, Transportation, and Communication was given to gangs and subsequently used to destroy houses. Some officers are selling weapons to gang members. For example, in November, divisional police inspector Wakin Pierre was arrested for weapons trafficking and criminal association. Haitian police officers who try to hold government officials accountable have been faced with political interference, threats and attacks.

- Haitian police remain out-numbered, out-gunned and unable to confront gang violence effectively. They are also sometime themselves the targets of gang violence. Despite international efforts in 2021 to boost the PNH’s capacity through funding for officers and technical support, the government has not paid new police officers since they joined the force in December 2021. Haitian police report being unable to obtain bulletproof vests, ammunition, high-powered automatic rifles, armored vehicles, or even work boots. As a result, police are unwilling to enter gang-controlled areas, leaving civilians to fend for themselves. Although the United States and Canada have provided equipment and technical assistance to the PNH, observers note that this assistance is insufficient to curb the gang violence.
The de facto government continues to fail to protect human rights defenders and journalists from threats and violence by gangs and to properly investigate and prosecute attacks against them. The result is the continuing shrinking of civic space in Haiti and severe impediments to advancing and protecting human rights protections. Human rights defenders Emmanuela Douyon and Pascale Solages, who, as previously reported, left Haiti for the United States in 2021, remain unable to return to Haiti due to persistent threats against them. Solages also reported ongoing threats against her family and the staff of her feminist organization, Nègès Mawon, which have impeded its work on behalf of women and girls in Haiti. Human rights defender and environmental advocate Milostêne Castin has been experiencing threats to his life and attacks on him and his family by gangs as a result of his advocacy. The Haitian government has both failed to protect him from violence and threats and has often been complicit. For example, government officials ordered attacks on Castin and fellow protesters and denied them police protection in 2019 and 2021.

Deadly attacks on journalists, including by the government (see further Section II below), continue to undermine freedom of the press. Since September, five journalists have been killed and one injured after narrowly escaping an assassination attempt.

II. Government misconduct, including institutionalized violence and corruption

Institutional corruption continues to undermine democracy and the rule of law in Haiti, with high-ranking government officials implicated in fraud, embezzlement, weapons and drug trafficking, and collusion with gang members. De facto Prime Minister Henry continues to rule Haiti without a constitutional or popular mandate, with some accusing him of using Haiti’s worsening humanitarian crisis as an excuse to consolidate power. Henry continues to express a desire for elections while failing to engage in meaningful negotiations with civil society necessary for progress towards fair and credible elections. In response to the government’s corruption, mismanagement, and illegitimacy, Haitians have taken to the streets en masse to demand Henry’s resignation. Instead of protecting them, the government is suppressing dissent and using disproportionate violence — including tear gas and bullets — against protesters.

Corruption and misconduct at the highest level remain centerpieces of the current administration. In August, a series of investigations by Haiti’s Anti-Corruption Unit found pervasive corrupt practices — primarily embezzlement and mismanagement of public funds — in ten different state-run institutions and agencies, including various city municipalities, the PNH, the national lottery, and a public university. Separate investigations in June and July found evidence of embezzlement in the National Office for Migration and the Social Assistance Fund and numerous irregularities in the management of funds allocated to the Ministry of Public Health and Population to fight COVID-19, further undermining public trust in institutions.

The Haitian government has begun cracking down on corruption at customs offices at the insistence of the United States and international financial institutions. In July, Minister of Justice cabinet member Robinson Pierre-Louis and magistrate Michelet Virgile were arrested for fraud, corruption, and criminal conspiracy in connection with a weapons trafficking scheme. According to advocates on the ground, however, there has been no progress in this case as of reporting.

The government continues to suppress constitutionally-protected popular dissent. Police frequently use excessive force against protesters, shooting tear gas, rubber bullets, and live ammunition into crowds of civilians. IJDH partner, Haitian human rights law firm the Bureau des Avocats Internationaux (BAI), reported in September that police are using illegal, arbitrary arrests made outside the law as a deterrence tactic against activists protesting the government’s misrule — a further example of encroachments on civic space and democracy in Haiti.

Police have also specifically targeted journalists reporting on popular protests, prompting serious concerns from advocates about freedom of the press. In one particularly egregious incident, police fired on a group of journalists demanding the release of a fellow reporter who had been detained while covering a protest, killing journalist Romelo Vilsaint. Dozens of journalists took to the streets on November 13 to protest Vilsaint’s murder and more broadly denounce police brutality.

Adding to previously reported concerns about excessive use of government force resulting in civilian deaths, RNDDH has also raised concerns about extrajudicial killings by government actors. In November, RNDDH reported that the government commissioner at the Miragoâne Court
of First Instance, Jean Ernest Muscadin, summarily executed two alleged gang members.\textsuperscript{118} RNDDH separately expressed concerns that there is a death squad within the PNH, citing evidence that PNH officers are carrying out enforced disappearances and summary executions of civilian critics of the government.\textsuperscript{119}

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

Haiti’s justice sector remains grossly under-resourced, corrupt, and vulnerable to generalized insecurity,\textsuperscript{120} largely because of over a decade of PHTK rule that undermined access to justice and accountability mechanisms.\textsuperscript{121} As a result, perpetrators of grave human rights abuses and other violent crimes operate with virtual impunity – a failure of accountability that is itself a driver of insecurity and institutional corruption.\textsuperscript{122} Continuing high rates of pretrial detention are a further consequence of the dysfunctional justice sector\textsuperscript{123} and a separate gross human rights violation that further exacerbates already inhumane prison conditions that violate detainees’ rights to health, safety, and human dignity.\textsuperscript{124}

**Justice sector dysfunction and chronic impunity**

- Haiti’s judicial system remains essentially non-functional. The Supreme Court still lacks a quorum to function.\textsuperscript{125} Many appointments of new magistrates remain on hold, which is slowing down case processing and further undermining the already weak justice sector.\textsuperscript{126} Meanwhile, advocates and judicial actors remain concerned that appointments are being made improperly and based on political affiliations, further eroding the autonomy and independence of the judiciary.\textsuperscript{127}
- Courts continue to struggle to operate amidst deepening insecurity and chronic under-resourcing.\textsuperscript{128} On June 10, the \textit{5 Segonn} gang attacked the Court of First Instance in Port-au-Prince in an apparent coordinated attempt to free defendants being held there. They vandalized courtrooms, shot at employees, and stole court files, weapons, and other potential evidence.\textsuperscript{129} Advocates condemned the government’s inaction, which they say allowed the bandits to maintain such lengthy control of the courthouse;\textsuperscript{130} the courthouse remains under gang control at the time of writing according to partners on the ground. The incident has led to additional judicial delays\textsuperscript{131} and prompted magistrates and advocates to call for the relocation of the courthouse.\textsuperscript{132} Maintenance problems and lack of adequate facilities, regular electricity, and internet connection are preventing files from being digitized, which results in additional judicial delays and lost files.\textsuperscript{133}
- Judicial actors continue to experience threats to their lives and safety. A November RNDDH report revealed that at least ten lawyers and two magistrates have been kidnapped, murdered, or injured in the past year.\textsuperscript{134} Generalized insecurity in Port-au-Prince and attacks on courts and prosecutorial offices in Jérémie,\textsuperscript{135} Croix-des-Bouquets,\textsuperscript{136} and Petit-Goâve\textsuperscript{137} in June, July, and September, respectively, resulted in the relocation of several judicial offices.\textsuperscript{138}
- Chronic impunity is both a symptom and a driver of Haiti’s pervasive insecurity and dysfunctional justice system,\textsuperscript{139} with perpetrators of human rights abuses and other crimes – including gangs and police – rarely held accountable.\textsuperscript{140} There has been no known progress in the Haitian investigation into the assassination of former President Jovenel Moïse.\textsuperscript{141} Five different investigative judges have been assigned to the investigation since it began, two of whom withdrew because of threats against them and the government’s failure to guarantee their personal safety.\textsuperscript{142} Top officials, including de facto Prime Minister Henry, have been accused of obstructing the investigation by multiple law enforcement officials.\textsuperscript{143} Despite persistent credible allegations of de facto Prime Minister Henry’s involvement in Moïse’s assassination,\textsuperscript{144} no steps have been taken to investigate him or hold him accountable. A U.S. Congressionally-mandated report on the Moïse investigation was delivered nearly five months later, consisted of only three pages, and included almost no information that was not already publicly reported.\textsuperscript{145} It did acknowledge the lack of progress and documented interference with the investigation.\textsuperscript{146}
- Other prominent investigations have seen no progress. Two years after the assassination of Port-au-Prince Bar Association President Monferrier Dorval, the investigation into his murder had not meaningfully progressed.\textsuperscript{147} There is currently no investigative judge assigned to his case.\textsuperscript{148} There has likewise been no progress in the investigation into the 2021 murders of activist and journalist Antoinette Duclaire and journalist Diego Charles.\textsuperscript{149} The investigations into the 2018 La Saline massacre and numerous subsequent massacres and armed attacks perpetrated against civilians are at a standstill.\textsuperscript{150} Impunity also persists for Haitian government officials involved in the PetroCaribe
corruption scandal, who embezzled over $2 billion – originally intended for social spending – from Venezuela’s PetroCaribe project from 2008 to 2016. The lack of progress in these high-profile cases is symptomatic of a crumbling and corrupt judiciary that allows perpetrators of grave crimes against countless other Haitians to operate with impunity.

Inhumane prison conditions

- Haiti’s prisons are dilapidated and over-crowded, with cells made for ten people holding forty. Recent statistics show Haiti’s prisons at 454.4 percent occupancy. The overcrowding is a symptom of Haiti’s high rates of extended pretrial detention; over 83 percent of Haiti’s prison population is being detained without due process. The average duration of pre-trial detention is three years, but some have been waiting for trial for upwards of ten years.

- Prisons have become breeding grounds for cholera, with overcrowded conditions and lack of clean water and sanitation allowing the disease to spread. Of the over 172 individuals who have died in prison since January 2022, RNDDH reported that 24 died from cholera, all in Port-au-Prince’s Civil Prison. Others reported at least 20 cholera deaths in the National Penitentiary. According to credible reports from advocates on the ground, Haitian health officials are understating the number of cholera cases and deaths, so the real number is almost certainly higher.

- Access to state-provided medical care in prisons remains extremely limited, although some non-governmental organizations provide supplemental services. There is only one physician for every 1,016 incarcerated individuals and little access to medical supplies. There is no state-provided access to HIV testing and treatment. This is in part a result of chronic under-resourcing – according to an August BINUH report, just four gourdes (approximately three cents) were spent per incarcerated individual per day between November 2021 and May 2022. The official budget is – a still grossly inadequate – 106 gourdes.

- Prisoners are not provided adequate food and clean water. According to partners on the ground, many incarcerated individuals go without food for days at a time or are provided with only one meal daily, and must rely on their families or non-governmental organizations to provide additional sustenance and clean drinking water. But advocates report that with gangs controlling much of Port-au-Prince and the acute fuel shortage, many families are no longer able to reach the prisons. The Civil Prison in Cap-Haitien reported that, due to the lack of fuel, clean water is unavailable and food is supplied irregularly. Severe malnutrition is common and often leads to death: four people died within two days in Jacmel prison from a combination of starvation, malnutrition, and respiratory difficulties, and at least eight more died after Les Cayes National Penitentiary ran out of food. The lack of adequate nutrition and healthcare combined has killed at last 53 incarcerated individuals since July.

- Incarcerated individuals are forced to live in as little as 0.24 square meters of space without a bed or mattress, often taking turns sleeping on the floor, tying hammocks to cell windows, or simply standing for extended periods of time. Most prisons lack adequate sanitation facilities, electricity, and ventilation. Frequent rodent problems expose incarcerated individuals to additional health risks. They are often only allowed out of their cells to use the toilet once a day for a maximum of thirty minutes, and advocates report that some go weeks at a time without being allowed out of their cells at all. Incarcerated individuals in the National Penitentiary also reported the existence of a separate “seclusion zone,” where detainees are forced to sleep on the floor in their own feces.

- Incarcerated individuals are at risk of violence and torture from prison authorities, who also fail to protect them from other detainees. A UN report showed that guards employ “cruel and inhumane treatment” to discipline detainees, including in youth correctional facilities. Boys are often housed together with men, leaving them vulnerable and violating international standards respecting the rights of children in detention. Corruption among prison staff also remains a serious problem, making it easier for armed gangs to launch attacks and detainees to coordinate escapes. It also makes smuggling firearms and illicit substances into the prison easier, exposing detainees to additional violence and health risks.

IV. Lack of equal rights and protections for socially vulnerable individuals, especially women and girls
Conditions for vulnerable individuals, including women and girls, have continued to worsen. Women and girls remain at heightened risk of gender-based violence (GBV) and especially sexual violence by gangs. Structural inequalities, exacerbated by the acute insecurity and humanitarian crises, impede marginalized groups’ enjoyment of their fundamental rights and limit access to critical services and humanitarian aid. Poverty heights these vulnerabilities, with women and girls living in poverty at greater risk of harm and sometimes forced to engage in transactional sex or early marriage to survive. Although the perspectives of vulnerable individuals are critical in creating inclusive solutions to Haiti’s intersecting crises, women and other marginalized groups are systematically excluded from decision-making. Women’s political representation in Haiti remains one of the lowest in the world – far below even the 30 percent quota mandated by the Haitian Constitution. Nevertheless, grassroots women’s groups in particular play a key role in responding to the current crisis by mobilizing efforts to distribute humanitarian relief, advocating for policy reform, and providing critical services.

- The deteriorating conditions in Haiti have put women and girls at increased risk of GBV. There is no systematic data collection on GBV in Haiti, especially in situations of displacement, making vulnerability difficult to quantify. However, in November 2022, *Médecins Sans Frontières* (MSF) reported seeing an average of 130 GBV victims per month, approximately 100 of whom are rape victims. The actual incidence of GBV is likely to be significantly higher as gang violence and insecurity have exacerbated existing reporting challenges. Survivors of GBV fear reprisals from gang members, and many reporting sites such as hospitals, women’s centers, and police stations have been forced to close or are no longer accessible because of the violence.

- Armed gangs are increasingly using sexual violence, including rape, as a “weapon to disrupt the social fabric” to instill fear in, intimidate, punish, subjugate and control local populations. Between July 7 and August 5, 2022, BINUH reported that at least 57 women were victims of sexual violence. *RNDDH* further reported that gang members raped at least 52 women and girls between July 7 and 17 – including in public squares, some of which were being used as informal displacement sites. *RNDDH* documented numerous instances of collective rape, including of pregnant women; many were raped in front of their children, siblings, and partners. Gang members forced some women to witness the execution of their male partners, whose bodies they then had to leave behind. The intensity of the violence is forcing many women to make the impossible choice to send their children away for safety.

- Women and girls make up the majority of those living in informal displacement camps. These camps lack adequate security measures and humanitarian services and support, making displaced women and girls particularly vulnerable to GBV. The BAI reported that dozens of women and girls had been raped in displacement camps, including by humanitarian and government workers. One woman reported that a young girl living in her camp was raped by a gang member who walked into the camp freely due to the lack of security. Despite getting caught, the alleged perpetrator walked away with impunity because the girl’s family was scared of reprisals.

- Women and girls continue to lack access to adequate protection from and recourse to the police and justice system. A report prepared jointly by UN Office of the High Commissioner for Human Rights (OHCHR) and BINUH found that mounting gang violence has forced police officers and other government representatives out of marginalized neighborhoods, effectively precluding victims of GBV in these neighborhoods from seeking protection and accountability. Court closures due to insecurity have compounded the problem.

- Chronic difficulties for women and girls in accessing critical services, including with respect to healthcare, education, and employment, have been exacerbated by ongoing gang violence, road blocks and fuel shortages. Survivors of sexual violence – who require profilactic treatment for sexually transmitted infections and unwanted pregnancies within a window of 72 hours – and the 29,000 women currently pregnant in Haiti are particularly impacted. Women have also seen their access to livelihoods become even more precarious. The Madan Sara, Haiti’s female market

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2 The UN defines GBV as “harmful acts directed at an individual based on their gender,” and notes that GBV “is rooted in gender inequality, the abuse of power and harmful norms.” GBV includes “sexual, physical, mental and economic harm inflicted in public or in private” as well as “threats of violence, coercion and manipulation.” *Gender-based Violence*, UN Refugee Agency, [https://www.unhcr.org/en-us/gender-based-violence.html](https://www.unhcr.org/en-us/gender-based-violence.html).
sellers who bring produce from rural areas to urban buyers, exemplify the additional pressures on women in the current crises. The fuel crisis has complicated transportation, affecting their earnings (with extended bus delays leaving produce to rot, for example), and gang violence exposes them to more risks on the road.

- Children face distinct harms and vulnerabilities. A UN report states that social unrest, gang violence, and a resurgence of cholera will likely impact essential services for 22,100 children under five and 28,000 newborns. Children suffering from malnutrition are particularly at risk due to the resurgence of cholera, as the dehydration caused by the disease can lead to organ failure within a day. As of November 23, children accounted for 40 percent of all cholera cases. This risk is compounded by the lack of access to medical care, especially within such a short period of time. The ongoing crisis has also impacted access to education, with over 2.4 million children out of classrooms this academic year. Meanwhile, gangs continue to target children for recruitment.

- Persons with disabilities continue to face barriers to the enjoyment of basic rights due to stigma, poor infrastructure limiting mobility, and lack of adequate support. Haiti’s current crisis exacerbates these challenges, particularly as humanitarian responses often fail to address the needs of persons with disabilities. Women and girls with disabilities are disproportionately at risk of GBV due to beliefs that dehumanize them or characterize them as hypersexual. They are also sometimes less able to protect themselves due to their disability, particularly in displacement camps. Almost no reliable data exists on persons with disabilities living in Haiti.

- LGBTQI+ individuals continue to face widespread discrimination on account of their gender identity and sexual orientation and lack any political representation. The UN reported that gang members deliberately target LGBTQI+ individuals with sexual violence, including “corrective” rape. LGBTQI+ persons also face unique barriers in accessing medical care and post-rape care, with medical providers sometimes displaying discriminatory attitudes and questioning whether the sexual assault had been consensual.

V. Collapse of economic and social rights

Haiti’s social and economic landscape has deteriorated significantly since IJDH’s last Update. Unprecedented inflation and a paralyzing fuel crisis have increased the cost of living, already prohibitively high, even further, made access to food, clean water, and healthcare incredibly difficult; and forced hospitals and schools to close down. The resurgence and rapid spread of cholera is both a consequence of these challenges and an aggravating factor. Compounding the crisis, Haiti remains particularly vulnerable to the climate crisis and natural disasters, including because of the Haitian government’s inability to respond adequately and chronic problems with international aid.

Economy in decline

- Haiti’s economy is in its fourth consecutive year of decline and is facing a deficit of 34 billion gourdes (nearly USD $238 million). More than 70 percent of Haitians live below the poverty line.

- Inflation reached 38.7 percent in September, the highest it has been in a decade. The Haitian government injected 18.5 million gourdes into the market in August; intended to limit a downward spiraling of the gourde against the U.S. dollar and, in turn, help curb the rise in prices. Nevertheless, the gourde has depreciated over 20 percent since our last Update in June. As a result, the cost of living and necessities has increased dramatically, with basic food products doubling in cost over the past year.

- Haiti’s economic decline has been further exacerbated by external disruptions in international trade that have far-reaching consequences for Haitians’ financial stability and food sovereignty. For example, factories owned by or supplying foreign companies have announced mass layoffs and up to 50 percent salary cuts due to insecurity and lack of fuel, putting tens of thousands of jobs at risk and impacting Haitians’ ability to feed themselves and their families.
The lack of economic opportunities, including as a consequence of the protracted insecurity crisis, is a further driver of gang recruitment, as some young men and boys – and, to a lesser extent, women – who are in need of money or protection often see joining a gang as a means to survive.

**Fuel crisis**

In response to pressure from the International Monetary Fund (IMF), de facto Prime Minister Henry removed subsidies for diesel, kerosene, and gasoline on September 11. Overnight, the price of one gallon of gasoline rose by 128 percent, kerosene by 89 percent, and diesel by 90 percent. This has had a profound impact on Haitians’ lives, who use fuel for transportation, cooking, telecommunications, and electricity.

The immediate increase in fuel prices set off country-wide protests and plunged Haiti into what regional leaders are calling a “low-intensity civil war.” Protesters who viewed the elimination of fuel subsidies as the latest injustice from a government that has failed to protect its people and provide even minimum services called for the reversal of the price increase and for de facto Prime Minister Henry’s resignation. Civil society advocates condemned the government’s decision to raise fuel prices at a time when Haiti is experiencing some of the worst generalized insecurity it has ever seen as evidence of “the level of contempt the power in place has vis-à-vis the population.”

On September 12, the G9 gang took control of the Varreux fuel terminal, blocking access to 70 percent of Haiti’s fuel and exacerbating the acute fuel shortage and price spikes. This further paralyzed the country, as hospitals, water distributors, and other critical service providers that rely on fuel were unable to operate. Gasoline prices on the black market rose to over USD $21 per gallon. This compounds the negative social impact, as such sales are a lucrative source of income for gangs, who seize gas from pumps or tankers and resell it for the much higher price. Haitian police regained control of the Varreux terminal on November 3, allegedly after weeks of negotiations with G9 gang leader Jimmy “Barbeque” Chérizer. However, both the government and Chérizer deny that any negotiations took place. Fuel did not reach gas stations until November 12 and is still too expensive for most, including because the de facto government went through with removing subsidies in spite of the popular condemnation.

As a result of the fuel crisis, businesses and services that rely on generators to function – including schools, hospitals, and telecommunications providers – have been forced to close or reduce operations. Promises from the Haitian government and the IMF that government money saved by the removal of fuel subsidies will be redirected to social programs benefit the poor have not been kept. The combination of increased fuel prices and inflation has disproportionately and profoundly impacted poor and working-class Haitians. Public transportation has become more expensive and less available, impeding freedom of movement. This forces workers to spend more of their paycheck – which has not increased to adjust for inflation – just getting to and from work and limits access to critical services like medical care. As wages stagnate and jobs are cut because companies cannot operate without fuel, everyday consumer products – including staples like rice, maize, green beans, and cooking oil – have become unaffordable for most. Haitians working in the informal sector, who tend to earn least, are even more vulnerable to the combined effects of inflation and fuel price increases.

Densely populated areas of Port-au-Prince no longer have a way to dispose of trash due to the fuel crisis and gang violence that blocks access to dumps, compounding public health concerns. Residents in Cité Soleil and Delmas neighborhoods have reported mountains of trash blocking traffic and creating an unsanitary and dangerous environment for residents. Others report that overflowing sewage has contaminated their only water source.

**Access to water**

The fuel crisis disrupted water distribution: the National Directorate of Drinking Water and Sanitation’s water treatment services, and Haiti’s main private distributor of potable water temporarily suspended water delivery in October. Gangs continue to block key roads, ports, and other infrastructure, preventing water distribution trucks from reaching certain neighborhoods – many of which have no other access to potable water. The lack of access to clean water and sanitation has increased exposure to waterborne diseases, including cholera.
• The water shortages present an acute crisis on top of a chronic lack of access to safe drinking water, which directly impacts health.296 One in three Haitians does not have access to safe drinking water.297 This is a long-standing problem and one that the UN committed to addressing in 2016 as part of its plan to eliminate UN-introduced cholera.298 It has failed to act. Climate change and environmental degradation further reduce the availability of clean drinking water.299

Access to food
• Nearly half of Haiti’s population – 4.7 million Haitians – is now experiencing acute hunger, with 1.8 million facing acute malnutrition and associated risks, including death.300 Residents of Cité Soleil, one of the Port-au-Prince neighborhoods most affected by gang,301 are particularly impacted: the UN reported that 20 percent of children under five in Cité Soleil are suffering from acute malnutrition,302 which exacerbates their vulnerability to illnesses like cholera.303 An additional 19,000 residents are on the brink of starvation.304 There is no evidence that the government has taken any meaningful measures to address this deepening food crisis.
• Insecurity has had a profound effect on food access, as gangs control and block key routes connecting agricultural regions to central markets, which in turn increases food prices and prevents the delivery of food and critical humanitarian aid.305 A complete blockage of the main road connecting Port-au-Prince to the southern peninsula for a year has largely cut off 3.8 million people living in the country’s south.306 There are reports of gangs withholding food and water from certain neighborhoods, including Cité Soleil.307 Poor rainfall and a resurgence of African swine flu have impacted agricultural productivity, further reducing the availability of food in the market.308 As the cost of food rises, families are forced to spend more and more just to survive. Most working Haitians now spend over 60 percent of their salaries on food for themselves and their families.309 Approximately four million Haitians survive on less than two meals per day.310
• The World Food Program called Haiti’s current food crisis the most severe, unprecedented situation of food insecurity that the Americas have ever seen.311 Its food insecurity is also the entirely predictable consequence of decades of policies by foreign states and international financial institutions that severely limited Haiti’s self-sufficiency by forcing reliance on foreign food imports.312 Haiti’s ongoing vulnerability to fluctuations in the global market, which have a disproportionate impact on the cost and availability of basic goods,313 is a direct result of these policies.

Access to healthcare
• On October 1, Haitian health authorities reported a resurgence of cholera.314 Cholera had not been reported in Haiti until introduced through reckless disposal of infected human waste by UN peacekeepers in 2010.315 The resurgence has been exacerbated by chronic problems with water, sanitation, and hygiene (WASH) systems: as of 2020, at least one-third of Haitians lacked access to WASH infrastructure.316 Haiti’s dysfunctional healthcare system, in combination with insecurity and the fuel shortage that exacerbated pre-existing WASH challenges, has allowed the disease to spread virtually unchecked.317 The situation is particularly dire in Haiti’s prisons, where the lack of sanitary conditions and access to food and clean water has fueled an especially acute outbreak.318 Despite tremendous efforts from healthcare professionals,319 numbers keep rising. As of November 29, Haitian authorities have confirmed over 1,000 cases, nearly 13,000 suspected cases, and 244 deaths.320 With gang violence preventing access to certain areas and limited testing, partners on the ground report that real numbers are much higher.321 Malnutrition increases vulnerability to exposure and death, with nine out of ten cases reported in areas with severe hunger.322
• On November 20, MSF reported that if cholera continues to spread at current rates, health centers will soon be at maximum capacity, leaving the sick and injured with nowhere to turn.323 In light of the resurgence, advocates have renewed their calls on the UN to accept its legal responsibility for the outbreak, compensate victims, and keep its 2016 promise to improve Haiti’s WASH infrastructure.324
• More generally, the health sector remains perpetually under-resourced and under-staffed, largely due to government failures and corruption.325 In August, doctors at the Hôpital Universitaire de La Paix went on strike after not being paid for eleven months.326 The Ministry of Public Health and Population, which was found to have mismanaged public funds allocated to COVID-19 spending,327
has failed to pay health workers who were contracted to provide care for COVID-19 patients since June 2021.328

• Gang violence and the fuel shortage have forced many hospitals to close or reduce operations,329 further exacerbating the humanitarian crisis.330 In October, hospitals that rely on diesel-powered generators, including MSF, were saying they will no longer be able to operate if fuel is not made available soon.331 Even as many health centers have stayed open, they do so at immense risk to their staff out of commitment to ensuring that patients have somewhere to go.332 Mobile health centers have increased operations in an effort to fill gaps in services.333

• Gang blockades and the lack of fuel have also had serious impacts on hospitals’ ability to restock medicine and medical supplies, including oxygen.334 The cost of transportation, food, and security has increased dramatically for healthcare providers, resulting in higher rates of malnutrition among patients and reduced capacity for staff.335

• Violence continues to impact physical access to healthcare centers. The national ambulance service now has only three ambulances in Port-au-Prince and has reduced or entirely suspended its services elsewhere across Haiti due to the fuel shortage.336 Even where ambulances are operational, they are often unwilling or unable to go into areas under gang control, like Cité Soleil, leaving victims of gang violence unable to seek treatment.337 Meanwhile, some healthcare workers have resorted to sleeping at their work to avoid gang violence on their commutes.338

Access to education

• Increased insecurity, lack of fuel, and the resurgence of cholera have made access to education extremely difficult.339 Over 200 schools in Port-au-Prince have been forced to partially or completely close.340 The government officially pushed the start of the school year back one month, to October 3, due to concerns about violence and the fuel shortage,341 but many openings were delayed as late as the end of November.342 Higher education institutions have likewise been forced to suspend academic activities as a result of insecurity.343 Over the summer, cultural centers and libraries across the country were forced to reduce their operations or close entirely, leaving children without critical learning resources.344 Compounding these problems, over 250,000 children – more than half of those impacted by last year’s 7.2 magnitude earthquake – still lack access to adequate schools because lack of funding and insecurity have delayed reconstruction.345

• Even when schools do open, they remain unaffordable for most. Government programs that partially subsidize expensive school fees and supplies have not been operating, leaving families unable to send their children to school346 and deepening the cycle of poverty.347

VI. Emigration pressures

As a result of the challenges described in this Update, Haitians are fleeing their country in search of protection or are unable to safely return from abroad.348 States continue to expel Haitian migrants pursuant to racist policies, sometimes in violation of their own human rights obligations, including with respect to treaties governing refugees.349 For the first time since the 1990s and despite the significant rights violations that occurred there, the United States is reportedly considering expanding the use of Guantánamo Bay as a detention facility for Haitian migrants.350 Meanwhile, the Dominican Republic is employing increasingly brutal and inhumane tactics to expel Haitians.351

• The number of Haitians taking to the sea as a means of escaping the crises, boarding overloaded and ill-equipped boats that often capsize before reaching their destination,352 increased dramatically in the last year.353 As a result, many have drowned after being forced to attempt to swim to shore or when boat operators make them jump into the ocean to evade detection by law enforcement officials.354 These boats are sometimes captained by individuals with prior convictions for human smuggling and drug trafficking, exposing migrants to additional risks.355

• Countries have continued expelling Haitian migrants, despite calls from the Haitian government, various UN agencies, U.S. lawmakers, and humanitarian organizations to stop sending vulnerable Haitians back to a severe crisis.356 Expulsions by air of Haitians pursuant to the racist Title 42 policy, which the UN Refugee Agency and other humanitarian actors have repeatedly determined violates international law,357 seem to have ended in June. Deportations of Haitians based on underlying criminal convictions continued, at least until early September.358 On December 5, the U.S.
government announced its intention to redesignate Haiti for Temporary Protected Status, which will enable Haitians who arrived in the United States by November 6 (although it is possible that this date will change) to apply for protection from deportation.359 Although this is a positive step—and indicates that the Biden administration recognizes the dangers of returning Haitians to a country in crisis—it will offer no protection for Haitians arriving after the cut-off date.

- Furthermore, instead of granting Haitians interdicted at sea access to the asylum procedure, the U.S. Coast Guard is promptly repatriating them.360 This is a denial of Haitians’ right not to be returned to a country where they will face danger.361 Furthermore, possible expansion of the migrant facility at Guantánamo Bay is raising concerns among advocates, who cite the facility’s history of human rights abuses, including against Haitians held there in the 1990s; indefinite detention; and denial of due process rights.362

- The Dominican Republic has intensified expulsions of Haitians.363 Between August and October 2022, Dominican authorities expelled over 60,000 Haitians and Dominicans of Haitian descent; over a one-week period in October, Dominican authorities expelled another 5,000.364 In a hostile response to calls from the UN High Commissioner for Human Rights to halt expulsions of Haitians and improve anti-racist and anti-xenophobic measures,365 Dominican President Luis Abinader issued a decree calling for harsher immigration enforcement and the creation of a police unit to investigate foreigners living in “illegal land occupations.”366 Meanwhile, Haitians in the Dominican Republic continue to face racist violence including arbitrary arrests,367 forced evictions, arson, physical attacks and killings by Dominican authorities and civilians.368 Reflecting the racist nature of these Dominican policies, the United States issued a travel warning that “darker-skinned” Americans traveling to the Dominican Republic may be profiled and detained by Dominican authorities because of the color of their skin.369 Dominican and other human rights defenders continue to speak out against these abuses by the Dominican government against Haitian migrants.370

- Haitians deported or expelled by the United States to Haiti—some of whom left Haiti as children371—are being returned to a country in crisis that they are particularly ill-equipped to navigate.372 Returnees with prior criminal records are among the most vulnerable, as they often immediately incarcerated upon arrival in Haiti, in spite of already having served their sentences in the United States.373 Once incarcerated, returnees are subject to the horrors of the Haitian prison system described above.374 At least one incarcerated returnee has died in prison.375 Haitian authorities also sometimes demand money from returnees’ U.S.-based families, effectively holding them hostage.376

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

The challenges described in this Update are rooted in historical injustices perpetrated by foreign actors—enslavement, colonialism, and political interference—and their modern corollaries, including structural racism and neocolonial aid policies.377 The international community continues to fundamentally fail to address these harms or adopt practices that respect Haitians’ rights, including by propping up the illegal de facto regime, failing to implement policies to curb the illegal flow of weapons into Haiti, and treating Haitians seeking refuge from the crisis without dignity and in a manner violative of migrant rights.378

- De facto Prime Minister Henry officially requested a military intervention in October,379 alongside a concerted push from the international community.380 Haitians are wary of international intervention: they cite harms caused by previous deployments381 including UN peacekeeper-perpetrated civilian massacres in 2005 and 2006,382 as well as the lack of accountability and redress for such harms, including the UN’s ongoing failure to accept legal responsibility for peacekeepers’ introduction of cholera to Haiti383 and sexual exploitation and abuse of Haitian women and girls by UN peacekeepers and international humanitarian actors.384 Despite escalating humanitarian need, many Haitians have therefore rejected the push for foreign military intervention, including the majority of Haitian civil society organizations that have issued related statements.385 Many other Haitians see it as a necessary lifeline.386

- Haitians and allies have continued to demand that the international community stop propping up de facto Prime Minister Henry and his corrupt, repressive PHTK government.387 Nevertheless, the United States persists in backing his illegitimate rule even as it claims to support “Haitian-led solutions.”388 This removes any incentive for Henry to negotiate, impeding genuine Haitian solutions and disrespecting Haitians’ autonomy to decide their own future.389
In October, the UNSC adopted a sanctions regime for gang leaders and those who finance them. The UNSC – and subsequently the European Union – has thus far only sanctioned G9 gang leader Cherizier. On November 4, the United States and Canada announced sanctions against Senate leader Joseph Lambert, and former Senate leader and police commissioner Youri Latortue, citing “illicit financial and operational support to armed gangs” and involvement with drug trafficking. On December 2, the United States further sanctioned Senator Rony Celestin and former Senator Richard Lenine Hervé Fourcand, accusing them of abusing their power to facilitate drug trafficking. Canada also issued sanctions against former President and PHTK founder Michel Martelly and former PHTK government Prime Ministers Laurent Lamothe and Jean Henry Céant. Such sanctions indicate that international actors are beginning to recognize the role of powerful elites in empowering gangs and otherwise capturing Haiti’s institutions. However, Haitians emphasize that these sanctions barely scratch the surface of confronting state capture by such actors. There is also concern that such measures might be applied unevenly based on foreign policy preferences and thereby continue to distort Haitians’ ability to select their leaders. For example, the United States did not join Canada in sanctioning Martelly, who reportedly owns property in the United States, despite his own admissions of embezzling public funds and the ongoing lawsuit against him in U.S. federal court for his involvement in a separate embezzlement scheme. Persistent U.S. support for Henry, who has been credibly accused of having ties with gang members and involvement in his predecessor’s assassination, is another example of U.S. policies seeming to favor PHTK-linked individuals.

Lax U.S. gun policies make it easy to smuggle weapons and ammunition into Haiti, which enables violence. For example, several prominent members of the Haitian Episcopal Church were arrested in August on charges of weapons trafficking after weapons and ammunition were found in containers that had been shipped from the United States on behalf of the Episcopal Church. Haitian activists have called for more robust control.

The UNSC voted to renew BINUH’s mandate on July 15 amid ongoing concerns about BINUH’s effectiveness and its ability to live up to its own human rights obligations, as well as its lack of credibility and legitimacy with Haitians.

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1 See Jess DiPierro Obert, Surge in use of rape against women and rivals by Haiti gangs, NEW HUMANITARIAN (Nov. 14, 2022), https://www.thenewhumanitarian.org/investigation/2022/11/14/Haiti-gang-violence-women-gender-based-violence-war-humanitarian-needs; see further infra Section I.
2 See Luke Taylor, They have no fear and no mercy: gang rule engulfs Haitian capital, GUARDIAN (Sep. 18, 2022), https://www.theguardian.com/world/2022/sep/18/haiti-violence-gang-rule-port-au-prince; see further infra Section I.
3 See Taylor, supra note 2; see further infra Section I.
8 See Widlore Mérancourt, Kelly Kasulis Cho & Amanda Coletta, Cholera resurfaces in Haiti as gangs hinder access to water, hospitals, WASHINGTON POST (Oct. 3, 2022), https://www.washingtonpost.com/world/2022/10/03/haiti-cholera-gang-violence-water/; see further infra Section IV.
9 See Kristina Fried, New promises from Washington for Haiti as the term for its assassinated president ends Monday, MIAMI HERALD (Feb. 6, 2022), https://www.miamiherald.com/opinion/article258104658.html
(describing Henry as “a key official in previous PHTK governments”); HFAC Members Briefing with Ambassador Daniel L. Foote, House Foreign Affairs Committee (Oct. 7, 2021),

10 See Mario Joseph & Brian Concannon, The last thing Haiti needs is military intervention. It didn’t work in the past, and won’t work now, MIAMI HERALD (Sep. 19, 2022), https://www.miamiherald.com/opinion/op-ed/article266022281.html.

11 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/.


14 See infra Section II.


16 See See Biden rejecting calls for military intervention in Haiti (Oct. 31, 2022),

17 See UN’S Guterres calls for international troops to intervene in Haiti, FRANCE 24 (Oct. 10, 2022),

18 At the time of writing, the resolution has not yet been put up for a vote as the United States continues to attempt to identify troop contributors. See Michael Wilner & Jacqueline Charles, U.S. Resolution Proposing Rapid Force for Haiti Imperiled: ‘No One is Stepping Up,’ MIAMI HERALD (Oct. 25, 2022),
https://www.npr.org/2022/10/20/1129747505/haiti-un-security-council-intervention-armed-force-aid-us-mexico; Evan Dyer. As gang violence consumes Haiti, donor nations — Canada included — seem reluctant to get involved, CBC NEWS (Sep. 22, 2022),

19 These include civilian massacres under the guise of anti-gang operations, widespread sexual exploitation and abuse, and a deadly cholera epidemic. See infra Section VII.

20 See Edwidge Danticat, The Fight for Haiti’s Future, NEW YORKER (Oct. 21, 2022),
https://www.newyorker.com/news/daily-comment/the-fight-for-haitis-future; Letter to President Biden, supra note 17 (In an open letter to U.S. President Biden, a group of civil society organizations expressed concern “that the deployment of a military force now will only perpetuate and strengthen Henry’s grasp on power, while doing little to ameliorate the root causes of today’s crisis” and reminded President Biden of his 2022 commitment to “not use our military to change regimes or remake societies.”); Allan Woods, Haiti asks for Canadian soldiers to tackle gangs ‘taking the country hostage,’ PETERBOROUGH EXAMINER (Oct. 13, 2022),
https://www.thepeterboroughexaminer.com/t/news/canada/2022/10/13/haiti-asks-for-canadian-soldiers-to-tackle-gangs-taking-the-country-hostage.html?li_source=LI&li_medium=peterboroughexaminer_canada (“Some in Haiti’s opposition fear the current Haitian government will use a UN force to cement its hold on

22 See, e.g., Natalie Kitroeff, As Haiti Unravels, U.S. Officials Push to Send in an Armed Foreign Force, NY TIMES (Nov. 29, 2022); Jake Johnston, De Facto Haitian Authorities Call for (Another) Foreign Military Intervention, CEPR (Oct. 14, 2022), https://cepr.net/de-facto-haitian-authorities-call-for-another-foreign-military-intervention/. There is disagreement among local observers as to the weight of Haitian opinion regarding whether a foreign intervention is advisable. Local partners make clear that some Haitians remain vehemently opposed while others believe an intervention will at least give them some “space to breathe.” Nevertheless, there is consistent emphasis by Haitians on their right to self-determination, fear that harms characterizing past interventions will take place again, and a profound sense of injustice at corresponding failures of accountability.

23 See Jacqueline Charles, Rising homicides, kidnappings in Haiti show crisis is not over even as fuel flow resumes, MIAMI HERALD (Nov. 17, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article268849492.html; UN Humanitarian, Seven things to know about the humanitarian crisis in Haiti, UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (OCHA) (Oct. 26, 2022), https://unocha.exposure.co/seven-things-to-know-about-the-humanitarian-crisis-in-haiti; OCHA, Haiti: Impact of social unrest on the humanitarian situation - Flash Update #1 (As of 22 September 2022), RELIEFWEB (Sep. 23, 2022), https://reliefweb.int/report/haiti/haiti-impact-social-unrest-humanitarian-situation-flash-update-1-22-september-2022 (“Since June 2021, gang control in the Port-au-Prince Metropolitan Area . . . has expanded significantly.”); Taylor, supra note 2 (“[V]iolence is rippling out across the capital, reaching once-peaceful provinces, and displacing thousands of families.”); Vanessa Buschschlüter, Haiti gang violence: 209 killed in Cité Soleil in 10 days, BBC News (Jul. 26, 2022), https://www.bbc.com/news/world-latin-america-62292007 (reporting that gang violence has reached “shocking new levels” since July 8); Obert, supra note 1 (“In addition to the rampant violence in the capital, gangs have also established footholds in other densely populated urban areas, such as the northern city of Cap-Haïtien.”); Jacqueline Charles, ‘Horrific assassination.’ Well-known Haiti political leader killed in gang-plagued region, MIAMI HERALD (Oct. 31, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article268203752.html (reporting on the October 28 murders of prominent political leader Éric Jean-Baptiste and his bodyguard by gangs in Haiti’s previously peaceful Petionville neighborhoods, which has “become a battlefield in Haiti’s escalating violence”); Dave Lawler, Haiti’s gangs run the streets as fuel and water run low, AXIOS (Oct. 6, 2022), https://www.axios.com/2022/10/06/haiti-gangs-blockade-fuel-supplies-cholera (reporting that “[g]angs have long been present in certain areas, but now no matter where you live you’re likely to see ‘adolescents with big guns’ walk past your window” and that “[t]he climate of impunity, gang members feel no need to hide their identities”); Ayiti-Kriminalite: Anplwaye nan sistem Nasyon zini an pa gen dwa pran lari apati 6 zé di saa, ALTERPRESSE (Jun. 9, 2022), https://www.alterpresse.org/snip.php?article28376 (reporting that in early June, UN staff were advised not to go outside after 6 p.m. due to pervasive violence).


26 See Obert, supra note 1.


28 See infra Section V.

29 See, e.g., Charles, supra note 23.

have monopolized Haitian wealth and impoverished the public treasury with the complicity of certain Western
interests, to the detriment of the popular mass which languishes in abject misery”); Taylor, supra note 2
(reporting that gangs “like G9 are used to exert political power” and quoting Haitian Bridge Alliance’s Nicole
Phillips opining that “[a]s the government has grown weaker its reliance on the gangs to maintain order has
increased . . . . The reason the gangs are being allowed to proliferate is because elections are coming up”);

31 See Obert, supra note 1; Report: 96K Haitians flee homes amid spike in gang violence, AP NEWS (Oct. 28,
2022), https://apnews.com/article/violence-caribbean-united-nations-port-au-prince-haiti-
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on-Sexual-Violence-haiti-en.pdf (hereinafter BINUH/OHCHR Report on Sexual Violence); see also UN
Humanitarian, supra note 23 (“An estimated 1.5 million people in Port-au-Prince live in areas under gang
influence.”).

32 The G9 is a criminal federation of nine gangs founded in June 2020 and led by Jimmy “Barbeque” Chérizier –
a major criminal operative in Haiti implicated in several massacres. See Who is Haiti’s sanctioned gang leader

33 The G-Pé is a criminal federation and the G9’s primary rival, led by Gabriel Jean-Pierre. See Mistler-
Ferguson, supra note 12.

34 400 Mawozo controls large parts of Port-au-Prince and was also responsible for the majority of kidnappings
in 2021. Along with Chen Mechan, it was one of two warring gangs that was responsible for the Croix-des-
Bouquets massacre earlier this year. After its leader was extradited to the United States in May, 400 Mawozo
joined the G-Pé federation. See De Yonyon à Lanmò Sanjou, l’histoire du célèbre et puissant gang des « 400
Mawozo » retracée par le RNDDH, REZO NODWES (May 12, 2022), https://rezonodwes.com/?p=277896;
Mistler-Ferguson, supra note 12.

35 Chen Mechan is allegedly a member of the G9 gang alliance. See National Network for the Defense of Human
Rights (RNDHH), Violent Clashes Between armed gangs: RNDHH demands protection of the Haitian
Population (May 10, 2022), ¶¶ 1, 23, https://web rndhh.org/wp-content/uploads/2022/05/6-Rap-Plaine-du-Cul-
de-Sac-10Mai2022-ENG.pdf.

36 See Franklyn B Geffrard, Haïti : l’ONU dénonce de graves abus lors d’affrontements meurtriers entre gangs à
Port-au-Prince, RHINEWS (Aug. 3, 2022), https://www.rhinews.com/actualites/haïti-lonu-denonce-de-graves-
abus-lors-d'affrontements-meurtriers-entre-gangs-a-port-au-prince/; Taylor, supra note 2.

37 UNSG BINUH Report, supra note 24, at ¶ 39; see also Anna C, Haiti – 3,000 Deaths Under Violent Gang
Rule, NEW YORK CARIB NEWSPAPERS (Nov. 29, 2022), https://www.nycaribnews.com/articles/haiti-3000-deaths-under-
violent-gang-rule/ (according to Haitian human rights organization Defenders Plus, “[f]rom January 1 to October
30, 2022, 2,769 persons were slain in the capital’s ‘metropolitan region’”).

38 See Charles, supra note 23.


40 The UN variously reported 221 people killed and 183 injured between July and August 5; 209 killed and 254
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at ¶ 16; Buschschläger, supra note 23; Comment by UN Human Rights Office spokesperson Jeremy Laurence on
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https://www.ohchr.org/en/statements/2022/07/comment-un-human-rights-office-spokesperson- jeremy-
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Soleil, supra note 39, at ¶ 8.

news-zapping.html (reporting at least 20 dead because of clashes between the Savien “Grand Grif” and “Ti
contempt” gangs); Charles, supra note 23.

42 See OCHA, Haiti: Humanitarian situation and cholera - Flash Update # 5 (As of 7 November 2022),
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update-5-7-november-2022; Franklyn B Geffrard, Haïti : « La communauté internationale doit agir
immédiatement pour éviter une tragédie », alerte l’ONU, RHINEWS (Nov. 3, 2022),
https://www.rhinews.com/actualites/haïti-la-communaute-internationale-doit-agir-immédiatement-pour-eviter-
une-tragédie-alerte-lonu/. Haiti-Violence des gangs : 15 morts, plus de 20 familles sinistrées et près de 12
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Displacement, medical care, and electricity; and inability to attend school.”

54 by recent gang violence in capital: IOM report

55 victims must take care of the victims on Hugo Chavez square fighting/

56 formal displacement sites.

57 http://www.ijdh.org/wp

See generally

58 infradisplaced

59 triple threat of cholera, malnutrition and violence, UN child rights committee warns

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April and June, and seventeen kidnapped between July and September). Gangs targeted notary Bruno Toussaint.

Phone numbers were frequently ransomed for $200 (£164) to $1m (£819,740). See BINUH/OHCHR Report on Sexual Violence.


See OCHA, supra note 23.

See, e.g., Obert, supra note 1 (“Dozens of women and girls have been raped at some of the 33 makeshift displacement camps, according to the Haiti-based Bureau des Avocats Internationaux (BAI), a legal group trying to assist some of those who have been attacked.”); see further infra Section IV.

See Widlore Mérancourt & Amanda Coletta, Gang War Traps Thousands in Haitian Slums, WASHINGTON POST (Jul. 15, 2022), https://www.washingtonpost.com/world/2022/07/15/haiti-gang-violence-cite-soleil/ (reporting that kidnappings are no longer sporadic but regular and endemic); Orla Guerin, Haiti: Inside the capital city taken hostage by brutal gangs, BBC, https://www.bbc.com/news/world-latin-america-63707429 (“[A]rmed gangs are the greatest plague. They set the clock here. Morning rush hour - between 06:00 and 09:00 - is peak kidnapping time. Many are snatched from the streets on their way to work. Others are targeted in the evening rush hour - from 15:00 to 18:00.”).

Cellule D’observation de la Criminalité-COC, CENTRE D’ANALYSE ET DE RECHERCHE EN DROITS DE L’HOMME (CARDH), https://cardh.org/cellule-dobservation-de-la-criminalite (reporting 103 kidnappings in July, 56 in August, and 45 in September); see also Guerin, supra note 60 (reporting 1,107 kidnapping cases between January and October).


See Guerin, supra note 60 (reporting that according to CARDH’s Gedeon Jean, “[m]ost victims come back alive - if the ransom is paid - but they are made to suffer. ‘Men are beaten and burned with materials like melted plastic.’”).

See BINUH/OHCHR Report on Sexual Violence, supra note 31, at ¶¶ 43–45; Guerin, supra note 60 (reporting that to extract a ransom “[s]ometimes kidnappers call the relatives so they can hear the rape carried out on the phone”).

See, e.g., Haiti - News : Zapping…, supra note 25 (reporting that gang members demanded USD $50,000 for the release of notary Bruno Toussaint).

See Guerin, supra note 60 (“[F]or some gangs it’s a major income stream. Ransoms can run from $200 (£164) to $1m (£819,740.”).


See Cellule D’observation de la Criminalité-COC, supra note 61 (reporting 36 foreigners kidnapped between April and June, and seventeen kidnapped between July and September).
that police officers armed only with 9mm pistols are going up against gangs that have U.S.
They lack guns, bullets and body armor. How are Haiti's cops confronting gangs?, supra note 30; Milfort,
Kurmanaev & Pautler, supra note 21; Haiti: 40 à 60% des policiers ont des connexions avec les gangs, selon le
Sant Karl Levêque, LE NOUVELLISTE (Oct. 16, 2022), https://lenouvelliste.com/alaminate/23339/haiti-40-a-60-

See, e.g., Taylor, supra note 2; Geffrard, « Le gouvernement paie les gangs du G-9 qui mène des opérations de
déchauffage pour affaiblir la mobilisation populaire », selon Pierre Espérance, supra note 30; but see Milfort,
Kurmanaev & Pautler, supra note 21 (“Officials from two countries that monitor Haiti closely say politicians
and businessmen financing the gangs may be exacerbating the unrest, tapping into the general outrage to force
Mr. Henry to roll back economic measures that hurt their revenues.”).

Haiti: 40 à 60% des policiers ont des connexions avec les gangs, selon le Sant Karl Levêque, supra note 72;
see also Guerin, supra note 60 (reporting that according to RNDDH and CARDH, “some police are like a
support system for the gangs, giving them armoured cars and tear gas . . . . Other officers are gang members . . . .
Some current and former police officers actually have their own gun, called Baz Pilate. Rights campaigners say
it controls part of the main street in downtown Port-au-Prince”); Taylor, supra note 2 (reporting that according to
Haitian Bridge Alliance’s Nicole Phillips, most of the confrontations between police and gangs are just for show,
intended to mask government collaboration with gangs); but see Guerin, supra note 60 (reporting that because
“(o)fficers can earn as little as $300 a month, and some live in gang-held neighbourhoods” for some collusion
with gangs “may be a matter of survival, not choice”).

Des policiers vendent illégalement des armes à feu en Haïti, AYIBOPOST (Jun. 24, 2022),

Charles, supra note 23 reporting that Wakin was “found with 4,000, 5.56 caliber cartridges; 41 9mm
caliber cartridges, three Glock 9mm pistol magazines; a 9mm pistol caliber and $186,900 in U.S. dollars”).

See, e.g., Widlore Mérancourt, Sous menaces, les policiers qui avaient arrêté Fednel Monchery s’enfuient du
monchery-senfuient-du-pays/.

See, e.g., Murdoch Joseph, Haitian police training leader killed in daytime shooting, his driver kidnapped,
Haitian TIMES (Nov. 27, 2022), https://haitiantimes.com/2022/11/27/haitian-police-training-leader-killed-
riguadua-harington/ (reporting that “a divisional police commissioner with Haiti’s National Police (PNH), was
shot dead in the Pétion-Ville neighborhood and his driver kidnapped during an attack” in late November).

See Michael Wilner & Jacqueline Charles, US is recruiting France, Canada in plan to shore up security in
Haiti, STARS AND STRIPES (Dec. 18, 2021), https://www.stripes.com/theaters/us/2021-12-17/US-is-recruiting-

See 8 mois sans salaire pour les policiers de la 31e promotion, le MEF se dédommage de toute responsabilité,
(reporting that according to Brazil-based NGO Viva Rio, “[t]he Haitian state has no capacity, no governance, so police and state institutions cannot enter the neighborhoods to enforce order”); see also Taylor, supra note 2 (reporting that a Port-au-Prince resident said the gangs “take what they want now . . . . They have no fear and they have no mercy”).


89 See, e.g., id.

90 See, e.g., Marlyne Jean, *Haiti-Justice : Un an après, les dossiers d’assassinat de la militante politique Antoinette Duclaire et du journaliste Diego Charles traînent encore*, ALTERPRESSE (Jun. 30, 2022), https://www.alterpresse.org/spip.php?article28432 (reporting that the Association of Haitian Journalists laments “the very long list of Haitian journalists, murdered and disappeared during these last 30 years, ‘without justice having made it possible to find those who murdered them, those who financed their assassinations or plotted to assassinate them’”)

91 *See Freshfields Bruckhaus Deringer US LLP & NYU Global Justice Clinic, Submission to the Special Rapporteur on the Situation of Human Rights Defenders* (Nov. 18, 2022).

92 See *id.*

93 See *id.*

94 See *id.*

95 *See Préoccupations renforcées pour la sécurité des journalistes, dans un contexte de violence et d’impunité en Haïti, ALTERPRESSE* (Nov. 4, 2022), https://www.alterpresse.org/spip.php?article28777; OCHA, supra note 42 (as of November 7, according to RNDDH, 19 journalists have been murdered or injured since January).


98 *See How to help Haiti out of its meltdown*, WASHINGTON POST (Nov. 6, 2022), https://www.washingtonpost.com/opinions/2022/11/06/haiti-government-crisis-us-intervention/ (reporting that opposition groups “correctly argue that Mr. Henry’s administration is illegitimate and ineffective”); Letter from Bureau des Avocats Internationaux (BAI) to Dr. Carla Natalie Barnett (Nov. 4, 2022), http://www.ijdh.org/wp-content/uploads/2022/11/BAI-Letter-to-CARICOM-November-4-2022.pdf (hereinafter BAI Letter to CARICOM); Letter from Sen. Edward Markey et al to President Biden (Oct. 6, 2022), https://www.markey.senate.gov/imo/media/doc/bicameral_letter_to_president_biden_regarding_haiti--october_2022pdf.pdf; Guerin, supra note 60 (“There is no head of state (the last one was killed in office), no functioning parliament (gangs control the area around it) and the US-backed prime minister, Ariel Henry, is unelected and deeply unpopular.”).

cannot lead’’); Oberde Charles, *vers un soulevement populaire pour que règnent la paix et la stabilité, LE PROJET D’INFORMATION CANADA-HAITI* (Aug. 19, 2022), https://canada-haiti.fr/content/vers-un-soulevement-populaire-pour-que-regnent-la-paix-et-la-stabilite (reporting BAI Managing Attorney Mario Joseph as saying that “despite [the government’s] various attempts at agreement and dialogue, they are not determined to give a concrete response to the anarchy, the slumps of all kinds that are raging in the country,” and that “these men practice politics to satisfy their personal needs”); Farncklyn B Geffrard, *Le BSA rend le gouvernement responsable des troubles enregistrés ces derniers jours en Haïti*, RHI NEWS (Sep. 19, 2022), https://www.rhienews.com/actualites/le-bsa-rend-le-gouvernement-responsable-des-troubles-enregistres-ces-derniers-jours-en-haiti (reporting that the Montana Agreement Monitoring Office “stresses that ‘the only concern of those who are today at the helm of affairs is to keep a power characterized by violence, contempt for the people, their total submission and to serve the interests of powerful economic and political actors, both national and international’’”); Letter from Sen. Edward Markey et al. to President Biden, *supra* note 98 (calling on President Biden to withdraw support from Henry in light of his failed leadership and lack of constitutional legitimacy and Haiti’s worsening situation, and noting that “many Haitians . . . believe that Henry has no interest in leading Haiti closer to democracy and stability”); @DrArielHenry, TWITTER (Aug. 21, 2022, 7:46 PM), https://twitter.com/DrArielHenry/status/156140738711715844 (“On behalf of the government, I renew my firm determination to fight insecurity without respite. I instruct the forces of law and order to continue the beating of the bandits in order to put them out of action.”).

100 See Santana Salmon, *Prime Minister Henry Gives Commitment that Haiti will be in election mode before year end*, CARIBBEAN NATIONAL WEEKLY (Sep. 13, 2022), https://www.caribbeannationalweekly.com/news/caribbean-news/prime-minister-henry-gives-commitment-that-haiti-will-be-in-election-mode-before-year-end (reporting that Henry pledged in September that Haiti would be in election mode by the end of the year, with elections to be held in the first few months of 2023: “The time is over when one can attack power and impose one’s will on the Haitian people by force”).


102 See Geffrard, *supra* note 7 (reporting on protests in Port-au-Prince, Jérémie, Les Cayes and Miragoâne “to denounce the government’s inaction in the face of the climate of terror and criminal violence maintained by armed gangs in the country” and to call for Henry’s resignation); *Thousand protest in Haiti over insecurity, rising costs*, AL JAZEERA (Aug. 22, 2022), https://www.aljazeera.com/news/2022/8/22/thousands-protest-in-haiti-over-insecurity-rising-costs (reporting that “[a] few thousand people have taken to the streets across Haiti, demanding that Prime Minister Ariel Henry step down and calling for a better quality of life in the Caribbean nation” with some chanting “If Ariel doesn’t leave, we’re going to die!”); *Insécurité, crise de l’essence : nouveau calendrier de mobilisation « tout ou rien » contre Ariel Henry*, REZO NODWES (Aug. 29, 2022), https://rezonodwes.com/?p=288492 (“From August 29 to October 17, political and social organizations including . . . trade union[s], political and popular organizations . . . are committed to intensifying popular protests against de facto Prime Minister Ariel Henry through ‘bouyon popilé,’ demonstrations, calls for strikes.”); Milfort, Kurmaneav & Pautler, *supra* note 21 (”[P]rotests quickly broadened into a general, visceral rejection of Haiti’s dire living conditions, characterized by widespread hunger, a lack of basic services, omnipresent gang violence, runaway inflation and the weak rule of a caretaker prime minister, Ariel Henry.”); Tanya Wadhwa, *Anti-government protests in Haiti enter sixth week*, PEOPLES DISPATCH (Sep. 27, 2022), https://peoplesdispatch.org/2022/09/27/anti-government-protests-in-haiti-enter-sixth-week/ (reporting that anti-government protests had been going for six weeks straight as of September 27); *Haitians protest against government call for foreign forces*, AL JAZEERA (Oct. 11, 2022), https://www.aljazeera.com/news/2022/10/11/haiti-thousands-protest-against-calls-for (”‘Thousands of people in the crisis-torn Haiti have taken to the streets of the capital Port-au-Prince against the government’s decision to seek foreign military assistance to quell gang-related violence, with police using tear gas to disperse protesters.’”); Martissant and Cité Soleil livres aux gangs tandis que la Police concentre ses efforts sur des manifestants non armés pour soutenir le pouvoir, REZO NODWES (Aug. 30, 2022), https://rezonodwes.com/?p=288583 (reporting that some demonstrators have accused the government of bribing police to suppress protests). Although the majority of Haitians exercising their right to protest have done so peacefully, there have been some instances of violence. The combination of insecurity, extreme hunger, and the Haitian government’s failure to respond adequately to the deepening humanitarian crisis has resulted in
protestors looting Word Food Program food stores intended to provide critical food support for over 100,000 highly vulnerable Haitians. For example, advocates on the ground reported seeing two women carrying a bag of rice between them and a man in a wheelchair with a bag of rice across his lap. With nearly half of Haiti’s population facing acute hunger, these acts are largely driven by hunger and a feeling of abandonment by the government and lack of humanitarian assistance. See, e.g., Jacqueline Charles, Ignited by fuel costs, Haiti looting, violence escalate, targeting charities, politicians, MIAMI HERALD (Sep. 16, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article265866251.html; Widlore Mérancourt & Amanda Coletta, Steep fuel price hikes spark violent protests in Haiti, WASHINGTON POST (Sep. 16, 2022), https://www.washingtonpost.com/world/2022/09/16/hiati-protests-fuel-ariel-henry/.


104 See Charles, supra note 12; see also Associated Press, Haiti Reveals ‘Colossal Loss’ of $4M Worth of Corruption, VOA (Aug. 26, 2022), https://www.voanews.com/a/haiti-reveals-colossal-loss-of-4m-worth-of-corruption-6718965.html (reporting that USD $4 million was lost through “a soccer field that was paid for but never built. A school that diverted resources from its students. A mayor who ran city hall out of his mother’s home and avoided property taxes.”); Fenel Pelissier, An Italian firm received hundreds of millions of gourdes from the Haitian state for zero results, AYIBO POST (Aug. 1, 2022), https://ayibopost.com/une-firma-italienne-a-recu-des-decentaines-de-millions-de-gourdes-de-letat-haitien-pour-zero-resultat/ (reporting that the Haitian government wasted more than one billion gourdes on infrastructure projects that were never completed).


107 See UNSC, 9136th meeting, UN Doc. S/PV.9136 (Sep. 26, 2022), https://www.securitycouncilreport.org/atf/cf/%7B65BFC9B-6D27-4E9C-8CD3-CF6E4EF6FF97D/S_PV_9136.pdf (UN Special Representative in Haiti Helen La Lime noted that Haiti loses USD $600 million in customs revenue each year, and that since implementing the new customs administration, “customs import collections increased fivefold between July and August”).


109 The RNDDH report alleges that Dorcé and others bribed officials more than USD $200,000 to release traffickers after they were arrested for smuggling firearms into the country. RNDDH, supra note 97; RNDDH, Dysfunction of the judicial and penitentiary systems (Nov. 11, 2022), ¶ 50–55 (hereinafter RNDDH Judicial Dysfunction Report); Francklyn B Geffrard, RNDDH: “Magistrat Michelet Virgile affirmed that Fritz Aubourg and Robinson Pierre-Louis influenced the release of Fritz Jean Rélus and Jonas Georges”, RHINews (Jul. 25, 2022), https://www.rhinews.com/actualites/rdnddh-le-magistrat-michelet-virgile-a-affirme-que-fritz-aubourg-et-robinson-pierre-louis-ont-influence-la-liberation-de-fritz-jean-relus-et-georges/; Dorcé and Interior Minister Liszt Quitel were forced to resign in November 2022 following the revocation of their U.S. visas within the framework of sanctions imposed by the U.S. See Ministers of Justice and Interior forced to resign, HAITI LIBRE (Nov. 14, 2022), https://www.haitilibre.com/en/news-38128-haiti-flash-ministers-of-justice-and-interior-forced-to-resign.html; see further infra notes 390–398.

110 See, e.g., Francklyn B Geffrard, Répression policière : La police tue au moins trois personnes et blesse plusieurs autres lors d’une nouvelle journée de protestation aux Cayes, RHINews (Aug. 24, 2022), https://www.rhinews.com/actualites/repression-policiere-la-police-tue-au-moins-trois-personnes-et-blesse-plusieurs-autres-lors-dune-nouvelle-journee-de-protestation-aux-cayes/ (reporting that police killed at least three people and injured fifteen others after firing live ammunition at protestors in Les Cayes who had erected barricaves and blocked traffic; five others were injured by police bullets at protests in Jacmel, while six officers reported
being injured by stones thrown by protesters); Geffrard, *supra* note 7 (reporting at least one person killed and nine injured after police fired tear gas at protesters in August in Petit-Goâve); Geffrard, *supra* note 103 (RNDDH Executive Director Pierre Espérance condemned the police’s excessive use of tear gas and firearms on demonstrating citizens); Jacqueline Charles, *One dead as protests in Haiti against the banking system and government turn violent*, MIAMI HERALD (Sep. 8, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article265455286.html#storylink=cpy (reporting that one person died in Port-au-Prince after police fired rubber bullets into a crowd during protests in September against gang violence and high costs of living, with three others injured; further injuries were reported in Jérémie, St. Marc, Jacmel, Cap-Haïtien, and Port-de-Paix after police fired into crowds of protesters); @madanboukman, TWITTER (Sept. 23, 2022, 3:04 PM), https://twitter.com/madanboukman/status/1573387759670132738?s=10 & t = VocZMLW3P53RoJhnOeiCA (“Young activist Diego Charles Jean Charles in southeast Haiti is one of several killed from tear gas … a chemical weapon banned in war, except for the war against the poor.”); Jérémie: *des blesses par balle, des magasins pillés*, LE NOUVELLEISTE (Sep. 7, 2022), https://lenouvelliste.com/article/238053/ jeremie-des-blesses-par-balle-des-magasins- pilles; *Journée tendue à Jacmel, plusieurs blesses par balle*, LE NOUVELLEISTE (Sep. 7, 2022), https://lenouvelliste.com/article/238042/journee-tendue-a-jacmel-plusieurs-blesses-par-balle; *Hinche-protestation: plusieurs blesses par balles*, LE NOUVELLEISTE (Sep. 22, 2022), https://lenouvelliste.com/article/238256/hinche-protestation-plusieurs-blesses-par-balles.


112 See, e.g., Franklyn B Geffrard, RNDDH: *Au moins dix-neuf (19) journalistes ont été assassinés ou blessés en Haïti de janvier à octobre*, RHINESWS (Nov. 3, 2022), https://www.rhinesws.com/actualites/mddh-au-moins-dix-neuf-19-journalistes-ont-ete-assassines-ou-blesses-en-haïti-de-jaenvier-a-octobre/ (reporting the arbitrary arrest of Robeste Dimanche, a journalist from Radio Zénith, after he inquired why police were beating up anti-government demonstrators); Jacqueline Charles, *Haïti police are still struggling. But here’s how they recently made strides against gangs*, MIAMI HERALD (Oct. 10, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article265514806.html (“[A] video being shared by journalists showed a specialized riot police officer advancing onto a man identifying himself as a journalist but ignoring the screams saying, ‘Press, press,’ as a gun goes off. The journalist, who was heard questioning police about why they were firing tear gas, later screamed, ‘He shot me!’”).

113 See, e.g., *Haitian journalist killed amid rising violence against press*, INTERNATIONAL PRESS INSTITUTE (Nov. 15, 2022), https://ipi/media/haitian-journalist-killed-amid-rising-violence-against-press/; *Another journalist killed in Haiti as violence continues*, supra note 96; Geffrard, *supra* note 103 (RNDDH Executive Director Pierre Espérance called on the police to “stop targeting journalists covering protest movements or any other citizens, stressing that this behavior is contrary to the exercise of democracy and the rule of law”);


114 See Sanon, *supra* note 96.

115 See id. (reporting that Vilsaint was shot in the head); Jacqueline Charles, *Haiti journalist dies after being hit in the head with police tear gas canister*, MIAMI HERALD (Oct. 31, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article268067482.html#storylink=cpy (reporting that Vilsaint was killed by police who fired a tear gas canister at his head).


120 See Blaise, *supra* note 13 (“Haiti’s justice system has long been dysfunctional, viewed as a corruptible branch that largely serves the interests of ruling politicians and moneyed citizens. For one, a task as simple as obtaining judicial records could be daunting. Between the inconsistent filing systems, clerks charging fees illegally to retrieve case files and prosecutors being unable to locate documents in time for trials, the integrity of the system has always been tenuous.”); Esdra Jeudy, *Haiti/Justice: Quid des asseses criminelles?*, LE NATIONAL (Jun. 9, 2022), https://www.lenational.org/post_article.php?pol=2559.

121 See, e.g., Rafael Bernal, *More than 100 groups call on Biden to drop support for Haitian prime minister*, THE HILL (Sep. 16, 2022), https://thehill.com/latino/3647076-more-than-100-groups-call-on-biden-to-drop-support-for-haitian-prime-minister/ (reporting on advocates describing the PHTK and its associates as having "systematically dismantled democratic institutions, committed crimes against humanity, performed arbitrary
arrests and dismissed legitimate judges, targeted journalists, looted the treasury, supported gangs, and generated massive inflation

\(^{123}\) See generally Tribune: La surpopulation carcérale et ses conséquences, ainsi que la détention preventive prolongée au centre de nos préoccupations, BINUH (Aug. 10, 2022), https://binuh.unmissions.org/fr/tribune-la-surpopulation-carc%C3%A9rale-et-ses-cons%C3%A9quences-ainsi-que-la-d%C3%A9tention-pr%C3%A9ventive-prolong%C3%A9e (hereinafter BINUH Report on Pretrial Detention).

\(^{124}\) See generally RNDDH Judicial Dysfunction Report, supra note 109.


On November 11, de facto Prime Minister Henry appointed Supreme Court magistrate Jean Joseph Lebrun as President of the Supreme Court. However, he did not do so in accordance with the procedure as set out in the Constitution, making the appointment illegitimate. Despite this issue, the National Association of Haitian Magistrates viewed the appointment of Lebrun as positive and excused its unconstitutionality on the ground that “it is materially impossible to implement the given procedure because the various institutions that should implement it are dysfunctional.” See *Le juge Jean Joseph Lebrun nommé président de la Cour de cassation*, LE NOUVELLISTE (Nov. 14, 2022), https://lenouvelliste.com/article/238988/le-juge-jean-joseph-lebrun-nomme-president-de-la-cour-de-cassation; Francklyn B Geffrard, *L’ANAMAH ne s’oppose pas à la nomination de Jean Joseph Lebrun à la Présidence de la Cour de Cassation, en dépit de l’inconstitutionnalité de la décision*, RHINEWS (Nov. 15, 2022), https://www.rhinews.com/actualites/lanamah-ne-soppose-pas-a-la-nomination-de-jean-joseph-lebrun-a-la-presidence-de-la-cour-de-cassation-en-depit-de-linconstitutionnalite-de-la-dcision/.


\(^{127}\) See Blaise, supra note 13 (“By influencing the process by which justices are elected, many political actors aim to find corrupt allies willing to ensure their protection and impunity for their misdeeds. If the authorities in the executive and legislative branches who are responsible for appointing and designating people in the judicial system are themselves in trouble with the law, they will only appoint in the system people who will protect them . . . . We cannot hope for an impartial, professional and well-structured justice system because the decisions of the judges are often remote-controlled.”); *Des associations de magistrats mettent en garde le Premier ministre contre la nomination des avocats à la Cour de cassation*, LE NOUVELLISTE (Jun. 9, 2022), https://lenouvelliste.com/article/236291/des-associations-de-magistrats-mettent-en-garde-le-premier-ministre-contre-la-nomination-des-avocats-a-la-cour-de-cassation (reporting that the magistrates’ associations are concerned “following the inclination of certain corporations to appoint their members to the Court of Cassation outside the law”); RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 2, 5–8 (“[I]rregularities were recorded in the process aimed at making the Court of Cassation and the CSPJ functional.”).

\(^{128}\) See, e.g., Jeudy, supra note 120; Blaise, supra note 13 (reporting that many criminal courts in Haiti have been non-functional for several years due to insecurity, particularly in Port-au-Prince where armed gangs control entire jurisdictions); *Haïti – Incendie : Le gang « 400 mawozo » met le feu au Parquet de la Croix-des-Bouquets*, REZO NODWES (Jul. 26, 2022), https://rezonodwes.com/?p=284792 (reporting that in July, gang members set fire to the prosecutor’s office in Croix-des-Bouquets); RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 65–68 (reporting attacks on the Petit-Goâve courthouse on September 14, the Les Cayes courthouse on September 23, and two Gonaïves courthouses on October 10); *Ènième cambriolage au Tribunal de première instance de Port-au-Prince*, LE NOUVELLISTE (Jun. 6, 2022), https://lenouvelliste.com/alaminate/22269/enieme-cambriolage-au-tribunal-de-premiere-instance-de-port-au-prince (reporting that the offices of several investigating judges in Port-au-Prince’s Court of First Instance were vandalized and burgled on June 5); Dorothy Derat, *Du défi d’informer la justice en Haïti*, AYIBO POST (Jun. 21, 2022), https://ayibopost.com/du-defi-dinformer-la-justice-en-haiti/ (reporting that courts are not maintained and lack basic necessities).

\(^{129}\) See Juhakenson Blaise, *Port-au-Prince courthouse proceedings still pending after gang invasion*, HAITIAN TIMES (Jun. 23, 2022), https://haitiantimes.com/2022/06/23/port-au-prince-courthouse-proceedings-still-pending-after-gang-invasion/ (reporting that “members of the “Five Segonn” gang shot a security guard as they rushed the property, broke open its windows, vandalized the judges’ courtrooms and seized court files, eyewitnesses said. The gang, based in Village-de-Dieu and led by a man who goes by Izó, also made off with several commissioner’s vehicles. Judges, lawyers, litigants and prisoners narrowly escaped injury or death. This
is the fourth attack on the courthouse since May . . . bandits have burned files and stolen a large safe used to keep important files, weapons seized and other potential evidence.”); Francklyn B Geffrard, *Attaque armée contre le Palais de justice : « Une tentative ratee pour libérer des prévenus auditionnés au parquet de Port-au-Prince »,* selon une source judiciaire, RHNEWS (Jun. 14, 2022), https://www.rhnews.com/actualites/attaque-armee-contre-le-palais-de-justice-une-tentative-ratee-pour-liberer-des-prevenus-auditionnes-au-parquet-de-port-au-prince-selon-une-source-judiciaire/ (reporting that the attack was an “operation meticulously prepared by the gangsters who had come to free the defendants at the time of their hearing at the Port-au-Prince prosecutor's office”); RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 62–64.


131 See Blaise, *supra* note 129.


133 See Derat, *supra* note 128.


135 See id. at ¶ 61.


138 See id. at ¶ 71.

139 See Bruno, *supra* note 122.

140 See, e.g., Geffrard, *supra* note 112 (RNDDH calls for the DCPJ and PNH to investigate enforced disappearances and summary executions of five anti-government activists and the murder of journalist Vilsaint); Criminal Charges Unsealed Against Haitian Gang Leaders For Kidnappings of U.S. Citizens, *supra* note 70 (the U.S. Department of Justice announced a reward for the capture of several gang members charged with kidnapping who remain free in Haiti); *Who is Haiti’s sanctioned gang leader Jimmy ‘Barbeque’ Cherizier?*, *supra* note 4 (reporting that the Jimmy “Barbeque” Cherizier, the leader of Haiti’s G9 gang, remains free despite a 2018 warrant for his arrest and repeated sanctions from the international community, and has demanded amnesty from the Haitian government and seats in the cabinet); Garry Pierre-Pierre, *Haiti’s cartels might finally be toppled, but our real work awaits*, HAITIAN TIMES (Nov. 7, 2022), https://haitiantimes.com/2022/11/07/haitis-cartels-might-finally-be-topped-but-our-real-work-awaits-opinion/ (reporting that, despite sanctions from the United States and Canada for over two decades of drug trafficking and ties to criminal gangs, Haitian Senate leader Joseph Lambert remains in his post, which he has held since 2018); RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 37–42 (reporting that Isaac Junior Salvant was released from prison after paying a bribe despite evidence showing he had engaged in money laundering).


142 See *Assassinat de Jovenel Moïse, le nouveau juge d’instruction craint pour sa sécurité*, LE NOUVELLISTE (Mar. 14, 2022), https://lenouvelliste.com/article/234684/assassinat-de-jovenel-moise-lenouveujuge-dinstruction-craint-pour-sa-securite (reporting that Judge Belabre, who was appointed to replace Judge Orélien, expressed fears for his safety and that of his family); *Le ministre de la Justice promet les moyens necessaires*


144 See How to help Haiti out of its meltdown, supra note 98; Rivers, Dupain & Gallón, supra note 143.

145 The United States has been conducting its own investigation into the Moïse assassination, but sealed the investigation in April. Report to Congress on the Assassination of Former President of Haiti Jovenel Moïse, U.S. Department of State (2022), https://www.state.gov/wp-content/uploads/2022/11/Report-Haiti-Moi%C3%88se-Assassination-004870.pdf. For more on the Moïse assassination and the investigation, see also Jacqueline Charles, Made in Miami: How a South Florida plot to oust Haiti’s Jovenel Moïse led to his murder, MIAMI HERALD (Dec. 8, 2022).

146 Report to Congress on the Assassination of Former President of Haiti Jovenel Moïse, U.S. Department of State, supra note 145.

147 See Affaire Monferrier Dorval : « C’est comme si tout a été mis en place pour empêcher l’avancement du dossier », se plaint Me Rose-Berthe Augustin, supra note 13.


149 Id. at ¶¶ 81, 93–94 (“In all likelihood, the file [for Charles and Duclaire] is misplaced at the Public Prosecutor’s Office near the Court of First Instance of Port-au-Prince, which had never transferred it to the Cabinet of instruction. To date, no attempt has been made by the said Public Prosecutor's Office for its reconstitution.”); Jean, supra note 90 (the Secretary General of the Association of Haitian Journalists states that “[e]ven the government commissioner does not know where Diego Charles’s file is and what has been done with [it]”).


151 See UDH November 2021 Update, supra note 117.


153 See Affaire Monferrier Dorval : « C’est comme si tout a été mis en place pour empêcher l’avancement du dossier », se plaint Me Rose-Berthe Augustin, supra note 13 (according to RNDDH’s Rosy Auguste Ducena, the lack of progress into the Dorval investigation “shows how systematic impunity is in the country. The worst is that we feel no will. It is the most revolting. The court office was broken into. They stole corpus delicti from Me Dorval’s file twice. The second time the people involved were not even able to tell what the thieves had taken since the inventory of parts was inside the safe that had been removed. It’s as if everything has been concocted (implemented) so that the case does not move forward. Also so that if there was a trial, it would be a sham.”) Blaise, supra note 13 (“Haïti’s disorganized judicial branch obstructs cases big and small, including the Moïse assassination, hampers livelihoods and stymies justice for all Haitians.”).

154 RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 102.

See Jeudy, supra note 120; Dánica Coto, Concerns grow as cholera spreads through Haiti’s prisons, AP NEWS (Oct. 11, 2022), https://apnews.com/article/health-prisons-caribbean-united-nations-port-au-prince-daad0ad4ba882fc67e5b1c4fa75cd68; Derat, supra note 128.


See BINUH Report on Pretrial Detention, supra note 123.

See Coto, supra note 156; Haiti: dozens of inmates starve to death as malnutrition crisis engulf prisons, supra note 157.


See RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 103. Other organizations have arrived at different numbers. An as-yet unpublished letter from the UN Secretary-General claimed that over 180 incarcerated individuals have died this year just from malnutrition. L’inquiétude grandit alors que le choléra se propage dans les prisons d’Haïti, L’ACTUALITE (Oct. 11, 2022), https://lactualite.com/actualites/linquietude-grandit-alors-que-le-cholera-se-propage-dans-les-prisons-dhaiti/.

RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 103.

See L’inquiétude grandit alors que le choléra se propage dans les prisons d’Haïti, supra note 161.

See also Willofre Mérancaout, At the national penitentiary, the “Dubai” zone raises fears of an increase in cholera cases. AYIBO POST (Oct. 13, 2022), https://ayibopost.com/at-the-national-penitentiary-the-dubai-zone-raises-fears-of-an-increase-in-cholera-cases/ (reporting that detainees who show symptoms of cholera are not being tested for the disease).

See Haiti: dozens of inmates starve to death as malnutrition crisis engulfs prisons, supra note 157.


See id.; RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 102; RNDDH also reported skin diseases as common among incarcerated individuals); Hannan Adely, ‘Being held for ransom’: Deported NJ man now jailed in notorious Haitian prison, NORTH JERSEY (Jul. 20, 2022), https://eu.northerjersey.com/story/news/2022/07/20/american-deportees-ransom-prison-haiti-ice-detainees-patrick-julney/65370742007/ (reporting that guards refused to provide asthma inhalers and blood pressure medicine to incarcerated individuals).


BINUH Report on Pretrial Detention, supra note 123.


See Mérancaout, supra note 164 (in October, one individual incarcerated in the National Penitentiary reported not having anything to eat for five days); Hannan Adely, ‘It’s beyond hell up there’: Families to rally for freedom not deportees in Haitian prison, NORTH JERSEY (Aug. 19, 2022), https://eu.northerjersey.com/story/news/2022/08/19/nj-men-ice-deportation-haiti-imprisonment-nyc-rally/65403859007/ (reporting that the family of one incarcerated returned migrant was paying “about $100 a day to bring him food and clean water — money used for food and to pay off gangs and police to ensure the meals get to him. A family friend, Ricardo David, is delivering meals to him, but if he wants to see him in person, he has to pay another $50.”); Adely, supra note 167 (the same incarcerated returned migrant reported that “[t]here is no food or clean water, except what visitors bring him with money provided by his wife” and that “a bucket in the corner ... contains the men’s only supply of drinking and bathing water”); Evens Sanon & Dánica Coto, Official: 8 more die as Haiti prisons lack food, water, AP NEWS (Jun. 23, 2022), https://apnews.com/article/politics-prisons-caribbean-haiti-treatment-of-prisoners-f5710b6b086e8585578941c888e-b12; RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 102; Henry Shuldiner, Haitian Prisoners Face Starvation and Death, INSIGHT CRIME (Sep. 19, 2022), https://insightcrime.org/news/haitian-prisoners-face-starvation-death/.

See RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 102.

See id.; BINUH Report on Pretrial Detention, supra note 123 (reporting that 84 individuals incarcerated in the prison in Cap-Haïtien are in a state of advanced malnutrition).

See Shuldiner, supra note 171.

Gender Analysis assessing the impact of hunger in a community in the Southeast of Haiti revealed that women and children are more vulnerable because of the political insecurity; OCHA, BINUH/OHCHR Report on Sexual Violence, supra note 109, at ¶ 102; Shuldiner, supra note 171 (reporting that incarcerated individuals “use buckets for bathrooms and rarely get to leave their cells”).


See BINUH Report on Pretrial Detention, supra note 123; Adely, supra note 171 (reporting that detainees are “sleeping on the floor but barely able to stretch their legs due to lack of space); Adely, supra note 167 (reporting that detainees have “no room to lie down . . . [and sleep] standing or sitting”); RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 102.


See RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 102.

See Haiti: dozens of inmates starve to death as malnutrition crisis engulfs prisons, supra note 157; RNDDH Judicial Dysfunction Report, supra note 109, at ¶ 102; Shuldiner, supra note 171; Adely, supra note 171 (reporting that incarcerated individuals “use buckets for bathrooms and rarely get to leave their cells”).

Merancourt, supra note 164.

See, e.g., Jameson Francisque, Le pénitencier national est un vaste supermarché, AYIBO POST (Jun. 5, 2022), https://ayibopost.com/le-penitencier-national-est-un-vaste-supermarche/ (“Six employees of the prison administration were locked up on June 3, 2022. They are accused of embezzlement, breach of trust and fraud. Among them is Julien Victor, policeman and director of the national penitentiary. These arrests shine the spotlight on the Haitian prison system, filled with flaws of all kinds.”).

See, e.g., Geffrard, supra note 129.


See BINUH/OHCHR Report on Sexual Violence, supra note 31 (describing the weaponization of sexual violence by gangs); IACHR Submission Re Sexual Violence and Displacement, supra note 53.

For example, poor women are less able to afford expensive transportation and food. As the fuel shortage impacts the availability and cost of transportation, poor rural women are additionally vulnerable because of the lack of services in rural areas. See WGVAW Submission Re Gender and Poverty, supra note 188.

Plan International, Women and children bear brunt of hunger crisis in Haiti, RELIEFWEB (Oct. 6, 2022), https://reliefweb.int/report/haiti/women-and-children-bear-brunt-hunger-crisis-haiti (explaining that a Rapid Gender Analysis assessing the impact of hunger in a community in the Southeast of Haiti revealed that women and girls were used as “tools” to help their families cope with the food crisis, being forced to engage in transactional sex and being pressured into early marriage: “Sex work has become a brisk business option, but also a risky one that is exposing girls and women to sexually transmitted infections, and unwanted pregnancies”).

See WGVAW Submission Re Gender and Poverty, supra note 188.
are currently displaced); 60% of internally displaced persons (reporting that in some camps, more than 60% of the displaced are women and girls); BINUH/OHCHR Report on Sexual Violence, supra note 188 (reporting the low percentages of women in elected and public office); Freedom in the World 2022, Haiti, FREEDOM HOUSE, https://freedomhouse.org/country/haiti/freedom-world/2022 (stating that there are penalties for noncompliance with the constitutional mandate that 30 percent of public officials be women).

See IACHR Submission Re Sexual Violence and Displacement, supra note 53 (describing the lack of efforts to include grassroots women’s perspectives in leadership and policy making related to confronting and preventing sexual violence); WGVAW Submission Re Gender and Poverty, supra note 188 (describing the critical role of grassroots women’s organizations as well as their exclusion from the established women’s movement and the broader political sphere).

See One year after the earthquake, women in Haiti continue to face severe hardships, UN WOMEN (Aug. 12, 2022), https://fic.unwomen.org/en/stories/noticia/2022/08/un-ano-despues-del-terremoto-las-mujeres-de-haiti-siguen-atravesando-serias-dificultades (describing the low percentages of women in elected and public office); Freedom in the World 2022, Haiti, FREEDOM HOUSE, https://freedomhouse.org/country/haiti/freedom-world/2022 (stating that there are penalties for noncompliance with the constitutional mandate that 30 percent of public officials be women).

See IACHR Submission Re Sexual Violence and Displacement, supra note 53 (describing the lack of efforts to include grassroots women’s perspectives in leadership and policy making related to confronting and preventing sexual violence); WGVAW Submission Re Gender and Poverty, supra note 188 (describing the critical role of grassroots women’s organizations as well as their exclusion from the established women’s movement and the broader political sphere); see also One year after the earthquake, women in Haiti continue to face severe hardships, supra note 194 (“79% of the population perceives that women are highly involved in the response process, but 22% note that their presence in decision-making is weaker.”); UN Funding Mechanism Launches Urgent Appeal to Support Haitian Women’s Civil Society, Respond to Catastrophe, WOMEN’S PEACE & HUMANITARIAN FUND (Sept. 30, 2022), https://wphfund.org/2022/09/30/global-un-funding-mechanism-launches-urgent-appeal-to-support-haitian-womens-civil-society-respond-to-catastrophe/ (“Women civil society leaders have long been at the forefront of peacebuilding and humanitarian response in Haiti.”).

See IACHR Submission Re Sexual Violence and Displacement, supra note 53 (explaining women and girls’ vulnerability to GBV in the context of the crisis); Obert, supra note 1 (reporting that women and children are increasingly targeted by gangs for rapes, torture, kidnappings and killings); see also Nègès Mawon, Programme : Marrainage (prise en charge et accompagnement de femmes victimes de violences) (Apr.-Nov. 2022) (Haitian feminist organization Nègès Mawon recorded 21 femicides between April and November 2022).

See IACHR Submission Re Sexual Violence and Displacement, supra note 53, at 3 (“There is little systematic data collection on GBV in Haiti, especially in situations of displacement.”); BINUOH/CHCHR Report on Sexual Violence, supra note 31, at ¶ 58–60 (describing the data deficit on the extent and impact of sexual violence involving armed gangs, and noting that no state-run services or international organizations systematically collect such data).

Obert, supra note 1.

See id. (“Getting official numbers on sexual or gender-based violence in Haiti has never been easy, but the recent gang violence has compounded the problem.”). Long-term challenges include stigma, social pressure, threats, and lack of resources and effective recourse for survivors. See IACHR Submission Re Sexual Violence and Displacement, supra note 53, at 4 (stating that the prevalence of GBV is almost certainly higher than most reports suggest, due to stigma, threats, social pressure, lack of resources and effective recourse); BINUOH/CHCHR Report on Sexual Violence, supra note 31.

See BINUOH/CHCHR Report on Sexual Violence, supra note 31, at ¶ 86 (reporting that fear of reprisals or retaliation for reporting GBV is high among both survivors and police officers).

See Obert, supra note 1 (“Getting official numbers on sexual or gender-based violence in Haiti has never been easy, but the recent gang violence has compounded the problem. Women are often too afraid to report it, and many traditional reporting points such as hospitals, women’s centres, and police stations have now shut because of the violence.”).


UNSG BINUH Report, supra note 24, at ¶ 42.

RNDHH Report on GBV in Cité Soleil, supra note 39 (reporting that gang members beat those who tried to resist and threatened them with death); BINUOH/CHCHR Report on Sexual Violence, supra note 31.

RNDHH Report on GBV in Cité Soleil, supra note 39.

RNDHH Report on GBV in Cité Soleil, supra note 39; Obert, supra note 1.

See Obert, supra note 1 (reporting the story of “Madeline” who sent her six children away due to the increasing violence, before being raped by more than a dozen gang members, witnessing the execution of her husband and being forced to run, leaving his body behind).

See id. (reporting that in some camps, more than 60% of the displaced are women and girls); IOM Response to Internally Displaced Persons in Haiti, International Organization for Migration (IOM) (Aug. 10, 2022), https://reliefweb.int/report/haiti/iom-response-internally-displaced-persons-haiti-10-august-2022 (reporting that 60% of internally displaced persons living in the Kay Castor site were women and girls); see also WGVAW Submission Re Gender and Poverty, supra note 188 (stating that a disproportionate number of women and girls are currently displaced); Rapid Gender Analysis, CARE AND UN WOMEN HAITI (Sep. 12, 2021),
Pregnant women and girls continue to face unique challenges due to Haiti’s multiple crises, including access to food and reproductive care. Maternal and infant mortality rates remain the highest in the Latin American and Caribbean region and abortion remains illegal in all circumstances. Haiti: ‘Bearers of hope’, saving newborn lives, amid growing turmoil. UN NEWS (Oct. 13, 2022), https://news.un.org/en/story/2022/10/1129527 (reporting that Haiti’s 29,000 pregnant women and their newborns are among the most at risk of not receiving the critical care they need, and a further 10,000 women face obstetric complications); Plan International, Pregnant women and girls among those most impacted in Haiti’s hunger crisis says Plan International, RELIEFWEB (Jul. 20, 2022), https://reliefweb.int/report/haiti/pregnant-women-and-girls-among-those-most-impacted-haitis-hunger-crisis-says-plan-international (stating that pregnant women suffer from malnutrition and are among the most vulnerable populations during this crisis); Amid gruelling violence and economic collapse, women and girls in Haiti need urgent support, UNFPA (Aug. 16, 2022), https://www.unfpa.org/news/amid-gruelling-violence-and-economic-collapse-women-and-girls-haiti-need-urgent-support (“Access to the few health centres and hospitals that are still functioning has become treacherous if not impossible.”).

BINUH/OHCHR Report on Sexual Violence, supra note 31, at ¶ 10 (“[V]ictims generally do not have access to available post-rape treatment kits which must be administered within a window period of 72 hours after the aggression, which exposes them to a higher risk of contracting HIV or sexually transmitted diseases and to unwanted pregnancies.”).
220 See WGVAW Submission Re Gender and Poverty, supra note 188; Haitian violence has ‘disproportionate impact’ on women, UCA NEWS (Oct. 25, 2022), https://www.ucanews.com/news/haitian-violence-has-disproportionate-impact-on-women/99182 (reporting that gang violence and the fuel crisis put poor women, including the Madan Sara, at risk because they struggle to find safe transportation to make a living).

221 See Haitian violence has ‘disproportionate impact’ on women, supra note 220 (reporting that the Madan Sara are particularly affected by the fuel crisis, having to wait between two days and a week to get a bus to the city, which means their produce rots and they have to resell it at very low prices).

222 See id. (reporting that the Madan Sara are vulnerable to “bandits and rapists” due to the current crises).


224 See Natalie Kitroeff, Gang Warfare Cripples Haiti’s Fight Against Cholera, NY TIMES (Nov. 19, 2022), https://www.nytimes.com/2022/11/19/world/americas/haiti-cholera-gang-violence.html (“The disease can kill its victims within a day, especially children suffering from malnutrition who can quickly progress from dehydration to organ failure.”); see further infra notes 314–324.


226 See Kitroeff, supra note 224 (“All the severe cases arrive in the morning, because they cannot travel at night,” said Dr. Mouna Hanebali, a physician helping oversee the hospital. “There are many already dead when they arrive.”).


233 Are the “restavèk” really slaves?, supra note 230.

234 See WGVAW Submission Re Gender and Poverty, supra note 188; Coalition RANIPH SUD et al., Rapport Alternatif sur la Mise en Œuvre de la Convention Relative aux Droits des Personnes Handicapées (2017) (describing the challenges faced by persons with disabilities in accessing services due to the lack of sensitivity and infrastructure, such as the lack of indications in braille on official documents, the lack of accessible ramps and adequate sidewalks, the lack of interpretation services in the justice system for persons who are deaf, the lack of accommodations in the education system, etc.).


237 Haiti Funders Conference 2016: Empowering Women and Girls with Disabilities, DISABILITY RIGHTS FUND (Nov. 17, 2016), https://disabilityrightsfund.org/haiti-funders-conference-2016-empowering-women-and-girls-with-disabilities/ (“They are often believed to be a curse from God, hyper sexual, and in some cases, people believe Deaf women turn into werewolves at night.”).

238 Women and girls with disabilities among most affected by Haiti earthquake, HANDICAP INTERNATIONAL (Sep. 27, 2021), https://www.hi.org/en/news/women-and-girls-with-disabilities-among-most-affected-by-haiti-earthquake. (“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.


UNSG BINUH Report, supra note 24, at ¶ 42.


BINUH/OHCHR Report on Sexual Violence, supra note 31, at ¶ 75 ("LGBTI+ persons, spoke about discriminatory attitudes by medical providers who, in some cases, questioned whether the sexual assault had not been consensual."); Building Safe Spaces for Trans People in Haiti, UNDP (Apr. 11, 2022), https://www.undp.org/latina-america/stories/building-safe-spaces-trans-people-haiti (finding that transgender persons face violence from health care providers and are sometimes denied medical treatment).

See IDH June 2022 Update, supra footnote 1; UN Humanitarian, supra note 23.


See Sooaring violence, fuel crisis and a cholera outbreak: Haiti in the grip of a “humanitarian catastrophe,” supra note 52.

See UN Humanitarian, supra note 23 (concluding that although gang violence now displaces more people than natural disasters, there are still about 2,500 people in earthquake-related displacement sites in Haiti’s south); Ground Truth Solutions, Trust must be earned: Perceptions of aid in Haiti - A reality check on post-quake accountability to affected people, April 2022 [EN/HT], RELIEFWEB (Apr. 5, 2022), https://reliefweb.int/report/haiti/trust-must-be-earned-perceptions-aid-haiti-reality-check-post-quake-accountability (discussing systemic problems with international aid in the context of the 2021 earthquake).


See Haiti Country Report 2022, BTL, https://bti-project.org/en/reports/country-report/HTH1#:~:text=More%20than%2070%25%20of%20the,less%20than%20241.25%20per%20day (reporting further that approximately 50 percent of Haitians live on less than USD $1.25 per day).


256 See 1 HTG to USD – Convert Haitian Gourdes to US Dollars, XE, https://www.xe.com/currencyconverter/convert/?Amount=1&From=HTG&To=USD (last visited Dec. 8, 2022); Haïti : Une économie asphyxiée par la crise du carburant et les actes criminels des gangs armés, ALTERPRESSE (Nov. 3, 2022), https://www.alterpresse.org.translate.goog/spip.php?article287744&x_tr_sl=auto&x_tr_tl=en&x_tr_hl=en&x_tr_pto=wapp (reporting that the injection of U.S. dollars into the economy by the Bank of the Republic of Haiti since August 2022 has not prevented the gourd’s depreciation).


259 See, e.g., Onz Chéry, US to stop importing mangos from Haiti, official says, HAITIAN TIMES (Oct. 26, 2022), https://haitiantimes.com/2022/10/26/us-to-stop-exporting-mangos-from-haiti-official-says/ (reporting that in the United States, October announced it will stop importing mangos from Haiti, citing inability to carry out safety inspections due to insecurity).

260 See @Jacquiecharles, TWITTER (Sept. 26, 2022, 4:43 PM), https://twitter.com/Jacquiecharles/status/1574499840343654428?s=20&t=XTJZOeRG0HI-XcQLnurjA (according to Haiti’s Foreign Minister, the country risks losing 12,000 jobs after Caracol Industrial Park announced it could not operate due to a lack of fuel); Thomas Peralte, Caracol: Workers will be laid off, HAITI LIBERTE (Jul. 13, 2022), https://haitiliberte.com/caracol-des-travailleurs-seront-licenciés/; Haiti : Une économie asphyxiée par la crise du carburant et les actes criminels des gangs armés, supra note 256 (reporting that companies have reduced operating hours and cut salaries by up to 50 percent); Fenel Pélissier, The economic crisis in the United States causes dissimalls in Haiti, AYIBO POST (Aug. 22, 2022), https://ayibopost.com/la-crise-economique-aux-etats-unis-occasionne-des-revocations-en-haiti/ (according to the National Coordination of Haitian Workers, nearly 15,000 workers may be dismissed in the coming days in SONAPI, and S&H Global SA of the Caracol Industrial Park plans to close 3 factories by the end of 2022, laying off 4,000 employees); Juhakenson Blaise, Haiti industry official: 10,000 factory workers may lose jobs due to violence, HAITIAN TIMES (Jun. 24, 2022), https://haitiantimes.com/2022/06/24/haiti-industry-official-10000-factory-workers-may-lose-jobs-due-to-violence/ (reporting that violence is threatening 10,000 jobs); OCHA, supra note 42 (“[W]eeks of shutdown have resulted in the closure of some companies. The textile sector appears to be particularly affected. Digneron Manufacturing, like many other textile companies, was forced to lay off over 1,700 people without pay.”).

261 See Obert, supra note 1 (“[W]omen have been forcibly recruited or have reluctantly joined for protection or work, earning money by collecting information or stealing from homes.”).

262 See id. (“With more than 60% of the population unemployed and nearly 77% living with less than $2 a day, much of the youth turn to gangs as a means of survival.”); Jess DiPierro Obert, Stolen future: Haiti’s gangs and its children, NEW HUMANITARIAN (Feb. 14, 2022), https://www.thenewhumanitarian.org/video/2022/2/14/Stolen-future-Haiti-gangs-children-film (“With few work or educational opportunities, many gang members say they have turned to the armed groups as a way of earning quick cash or gaining power. Some even say they are doing what the government has failed to do – taking care of its population.”).

263 See Shellenberger, supra note 6 (citing advocacy from international financial institutions including IMF, World Bank and World Economic Forum as reason for Haiti’s fuel decision); @madanboukman, TWITTER (Nov. 26, 2022, 12:07 PM), https://twitter.com/madanboukman/status/15965511111112286208?s=51&t=-vCt1vR9q1EcXulNA ("Haiti’s Sept 5, 2022 - June 30, 2023 academic school year has yet to begin, because of harsh IMF austerity measures imposed by @DrArielHenry's regime. Yet he's subsidizing World Cup activities to distract the population."); UNSG BINUH Report, supra note 24, at ¶ 51; En réponse à Antonio Gutерres, des organisations haïtiennes pointent du doigt la responsabilité de l’Onu dans la « gangstérisation d’Haïti », ALTERPRESSE (Sep. 25, 2022), https://www.alterpresse.org/spip.php?article28648; Onz Chéry, ‘We can’t all be prime ministers, HAITIAN TIMES (Sep. 28, 2022), https://haitiantimes.com/2022/09/28/we-cant-all-be-prime-ministers/.


Critical Haiti gas terminal freed after weeks of talks with G9 leaders

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After months of gridlock, Haiti's government has lifted a blockade at the key fuel depot that has stalled gasoline and diesel movements in the country, the ABC News affiliate in Puerto Rico reports.

The terminal was opened Monday in time for the current heat wave. The stoppage has led to gasoline shortages in rural areas, power outages in the capital, Port-au-Prince, and transportation issues.

With the terminal open, trucks will be able to fill up at the port and move to rural towns. 

There are reports, however, that the police are blocking the entrance to the terminal, which could disrupt the flow of fuel.

The government's announcement last Sunday that it would raise the country's highly subsidized fuel prices, has coalesced into the largest wave of protests in years. This is the Worst Crisis I've Seen in Haiti, Newsweek (Nov. 1, 2022), https://www.newsweek.com/this-worst-crisis-ive-seen-haiti-opinion-1755890 (Action Against Hunger’s Haiti Country Director Roseval Supreme on the current crisis: “This the most desperate and violent situation I’ve ever seen in my country, and I say that as a Haitian who lived through 2010’s disastrous earthquake and subsequent cholera epidemic, through hurricanes and less-than-smooth changes in government.”)

Geoffrard, supra note 99.


See Yves, supra note 272.

See Charles, supra note 267.


It is unclear whether the police took the terminal back by force or whether it was given up freely by G9 leader Chérizier. On November 6, Chérizier announced he was lifting the blockade and allowing trucks to fill up at the terminal. On November 7, the Haitian government announced that “soldiers and police seized the fuel terminal after 16 operations.” See Pierre-richard Luxama, Key fuel depot in Haiti reopens for 1st time since September, CTV News (Nov. 8, 2022), https://www.ctvnews.ca/world/key-fuel-depot-in-haiti-reopens-for-1st-time-since-september-1-6144640.

Misery deepens in Haiti as unrest rages and water shortages bite, AP News (Oct. 27, 2022), https://apnews.com/article/health-caribbean-business-haiti-cholera-622eaf13bdaa34224c56db7d3d4689a1

There are calls to resupplying some neighborhoods, and fuel is also needed to make city water pumps work.

“Gang blockades have prevented water trucks from resupplying some neighborhoods, and fuel is also needed to make city water pumps work.”

Statistics of cholera in Haiti are reported as follows: nearly 100 deaths and 8,500 cases, MSN (Nov. 20, 2022), https://www.msn.com/en-in/health/health-news/msf-announces-%C2%ABalarming-increase%C2%BB-in-cholera-in-haiti-after-reporting-nearly-100-deaths-and-8500-cases/ar-AAl4kngv.

There are also calls for fuel to be delivered to Haiti to alleviate the situation of the Haitian people.

“spiraling living costs sustain their labor.

Economist Eddy Labossière “assured that the argument put forward by the Government to justify the increase in prices of fuel is not sustainable, because ‘the Haitian authorities do not have the instruments to spend money from the subsidy of petroleum derivatives’.”

“the Haitian authorities do not have the instruments to spend money from the subsidy of petroleum derivatives”

More impacts of inflation are reported as follows: Haitian garment workers need four times their wages to get by, https://www.solidaritycenter.org/category/americas/haiti/.

“Haitian economist Eddy Labossière “assured that the argument put forward by the Government to justify the increase in prices of fuel is not sustainable, because ‘the Haitian authorities do not have the instruments to spend money from the subsidy of petroleum derivatives’.”

“that workers spend almost one third of their take home pay on transportation to and from work and on lunch to sustain their labor.

The minimum wage has not been increased since February 21, 2021, when the government instituted a 54 percent increase in response to widespread protests. Minimum wages remain far below what is needed to survive.


See, e.g., Mérancourt, Cho & Coletta, supra note 8; Sanon, supra note 292 (one Port-au-Prince resident reported that “sewage-contaminated waters that ran through a nearby ravine . . . [were] the only source of water for hundreds in that area”); Misery deepens in Haiti as unrest ages and water shortages bite, supra note 293 (reporting that according to one Port-au-Prince resident, “[f]inding clear water “is a problem. We look for it everywhere and we can’t find it. We put Clorox in the water to be able to drink it, you can’t find water,” he said.”). See Haiti: Urgently Address Cholera Outbreak, supra note 160 (“[C]holera transmission is closely linked to inadequate access to clean water and sanitation facilities.”).

296 The lack of access to clean water and sanitation increases exposure to waterborne diseases, including cholera. See Haiti secur[es] $4.5 million from LDCF towards improved water management, GfF (Oct. 18, 2022), https://www.thegef.org/newsroom/news/haiti-secures-4-5-million-lDCF-towards-improved-water-management; see further infra note 316. The Integrated Food Security Phase Classification (IPC) defines “acute hunger” as “food deprivation that threatens lives or livelihoods, regardless of the causes, context or duration.” Within that classification, the 1.8 million Haitians experiencing a “food emergency” either “[h]ave large food consumption gaps which are reflected in very high acute malnutrition and excess mortality; or [a]re able to mitigate large food consumption gaps but only by employing emergency livelihood strategies and asset liquidation.” See IPC, Understanding the IPC Scales, https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/communication_tools/brochures/IPC_Brochure_Understanding_the_IPC_Scales.pdf; Nearly half the people in Haiti don’t have enough to eat and cholera makes it worse, NPR (Oct 2022), https://www.npr.org/2022/10/19/1129846184/nearly-half-the-people-in-haiti-dont-have-enough-to-eat-and-cholera-makes-it-wor; UN Humanitarian, supra note 23.


302 See Sanon, supra note 292.

303 The IPC classifies these residents as having “an extreme lack of food and/or other basic needs even after full employment of coping strategies,” with “[s]tarvation, death, destitution and extremely critical acute malnutrition levels . . . evident.” See Nearly half the people in Haiti don’t have enough to eat and cholera makes it worse, supra note 296; ’Catastrophic’ hunger recorded in Haiti for first time, UN warns, supra note 353.  

cholera treatment centres are overwhelmed as cases surge, 323 suspected cases (2022), raising gang violence will worsen hunger, warns WFP. fhnews (Jul. 2022), https://www.fhnews.com/actualites/haiti-des-cires-multiples-et-la-montee-de-la-violence-des-gangs-vont-agraver-la-faim-alerte-le-pam; OCHA, supra note 23 (“Access to affected, persistent challenge over the past year that has severely hindered the delivery of humanitarian assistance to communities in southern Haiti devastated by the earthquake on 14 August 2021.”).

300 See Hunger to worsen in Haiti as gang violence escalates, UN warns, AL JAZEERA (Jul. 12, 2022), https://www.aljazeera.com/news/2022/7/12/hunger-to-worsen-in-haiti-as-gang-violence-escalates-un-warns; OCHA, supra note 42; UN Humanitarian, supra note 23 (“Gangs control the main road to Haiti’s southern departments, which were struck by a devastating earthquake in August 2021, making it impossible to reach affected people by road.”).

301 See Taylor, supra note 2.


303 See Delva & Moloney, supra note 288.

304 See id.

305 See Nearly half the people in Haiti don’t have enough to eat and cholera makes it worse, supra note 300.


308 See Cholera Communique #1, Ministere de la Sante Publique et de la Population (Oct. 1, 2022), https://www.mspp.gouv.ht/wp-content/uploads/Cholera-communique-1-.pdf; Mérancourt, Cho & Coletta, supra note 8 (reporting that the resurgence stoked “fear of an outbreak as widespread gang control over vast swaths of the country hinders access to fuel, clean drinking water and medical care”).


310 See Haiti, WHO UNICEF, supra note 298.

311 See Haiti: Urgently Address Cholera Outbreak, supra note 160 (“Lack of access to clean water and sanitation, pervasive food insecurity, and inadequate health care create perfect conditions for a dangerous cholera outbreak.”); Soaring violence, fuel crisis and a cholera outbreak: Haiti in the grip of a “humanitarian catastrophe,” supra note 52 (“Now amid an almost complete lack of basic services, including functioning health centres, access to safe drinking water, sanitation facilities and refuse collection, a cholera outbreak is threatening the health and lives of millions of already vulnerable and impoverished people.”).

312 See Haiti: Urgently Address Cholera Outbreak, supra note 160; see further supra notes 314–324.

313 See ‘Haïtians are coming together to tackle the cholera crisis’: A UN Resident Coordinator Blog, UN NEWS (Oct. 25, 2022), https://news.un.org/en/story/2022/10/1129847; Stewart, supra note 281 (as of late November, Médecins Sans Frontières (MSF) facilities were receiving approximately 270 cholera patients each day).


316 See Evans Sanon & Dânica Coto, UN: Children in Haiti hit by cholera as malnutrition rises, AP NEWS (Nov. 23, 2022), https://apnews.com/article/health-caribbean-united-nations-port-au-prince-haiti-e59a4068b1c574f994092cb4a0ad38c53. This makes children, who have high rates of malnutrition, particularly vulnerable. See further supra Section IV.

317 Stewart, supra note 281 (reporting that all six MSF treatment centers are nearly full); Luke Taylor, Haiti’s cholera treatment centres are overwhelmed as cases surge, BMJ (Nov. 23, 2022), https://www.bmj.com/content/379/bmj.o2831.


See Haiti hospitals prepare to close as gangs blockade fuel supplies, supra note 246 (in late September, “[h]ospitals that rely on fuel-powered generators for electricity in Haiti’s capital . . . warned they could be forced to close”); Haití-Crise : L’approvisionnement des hôpitaux en carburant, la plus grande urgence pour sauver des vies, alerte la Croix-Rouge Haïtienne, ALTERPRESSE (Oct. 20, 2022), https://www.alterpresse.org/spip.php?article28730 (reporting that the Haitian Red Cross warned that “the supply of diesel to hospitals currently poses the greatest barrier to saving lives in Haiti”); Les hôpitaux en état d’alerte maximale, LE NOUVELLISTE (Oct. 13, 2022), https://lenouvelliste.com/article/238524/haiti-les-hopitaux-en-etat-dalerte-maximale (reporting that some hospitals are “requiring patients to bring their own fuel for surgeries”); Haiti is facing a major health disaster, MSF (Oct. 21, 2022), https://www.doctorswithoutborders.org/latest/haiti-facing-major-health-disaster (MSF reports that the organization “will not be able to operate our medical facilities for more than a few weeks if we do not have access to fuel. In addition, medical equipment, which we also need to continue to treat cholera cases and provide care, is currently blocked at the port.”); see also J.O. Haselthoef, Healthcare in Haiti suffering from gang problem too, survey shows, HAITIAN TIMES (Jul. 6, 2022), https://haitiantimes.com/2022/07/06/healthcare-in-haiti-suffering-from-gang-problem-too-survey-shows/ (“A recent survey of 211 facility members active in the Haiti Health Network found that insecurity and violence have changed the work habits of its 5,000 healthcare workers and the daily lives of the 3.4 million people they serve across the country. From how medicine is trucked to a hospital to where a mother delivers her baby — the violence has affected all levels of healthcare service.”).

See, e.g., Lives being lost in Haiti as life-saving health services risk coming to “standstill,” supra note 223 (according to the UN, the fuel shortage has affected three-quarters of Haiti’s major hospitals: “Some hospitals are unable to admit new patients and are preparing to close. Providing sterile conditions for medical interventions is becoming more challenging and conserving vaccines due to the disruption to cold-chain facilities has become problematic.”).


See Haselthoef, supra note 329.


See Lives being lost in Haiti as life-saving health services risk coming to “standstill,” supra note 223; Haselthoef, supra note 329 (reporting that suppliers are no longer able to truck supplies to hospitals “without paying a fee to gangs for passage” and that health providers had not been transporting supplies “for about a year or so”); Haiti - Drama : Oxygen shortage announced in hospitals, patients on borrowed time, HAITI LIBRE (Oct. 23, 2022), https://www.haitilibre.com/en/news-37954-haiti-drama-oxygen-shortage-announced-in-hospitals-patients-on-borrowed-time.html (reporting that blockages at the port have impacted oxygen supply to the General Hospital – which estimated on October 23 that it had enough oxygen for one to two weeks – and University Hospital, while the fuel shortage has prevented oxygen concentrators from producing oxygen at the Saint-Luc and Saint-Damien Foundation and other hospitals).

See Haselthoef, supra note 329 (reporting that many health centers have resorted to using expensive barges transport supplies as gangs block key routes).
See Lives being lost in Haiti as life-saving health services risk coming to “standstill,” supra note 223; Haselhöfer, supra note 329 (according to the Haiti Health Network, “people further out [from Port-au-Prince] are suffering incredibly, because they’re just cut off”); Haiti is facing a major health disaster, supra note 329.

See Affrontements entre gangs à Cité Soleil: la terreur atteint son comble, LE NOUVELLELISTE (Jul. 12, 2022), https://lenouvelliste.com/article/236969/affrontement-entre-gangs-a-cite-soleil-la-terreur-atteint-son-comble (reporting that people injured in the gang wars are often trapped).

See Haselhöfer, supra note 329. A recent study of healthcare providers in Haiti found that “more than 95% of respondents reported gang activity, violence or threats of kidnapping led to changing travel policies and travel patterns in their organization. And 65% of facilities reported that violent conditions led to employees leaving the country.” Id.

See, e.g., Garry Pierre-Pierre, With school closures, Haiti is losing entire generations, HAITIAN TIMES (Oct. 24, 2022), https://haitiantimes.com/2022/10/24/with-school-closures-haiti-is-losing-entire-generations-opinion/ (journalist Garry Pierre-Pierre describes a “dysfunctional school system . . . mired in poverty and chaos . . . [that] has been backsliding for generations as people migrate out of the country”); see also Jacqueline Charles, Haiti’s brain drain: Educated youth are leaving the country as fast as they can, MIAMI HERALD (Jul. 1, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article262027777.html (reporting that the lack of education and employment opportunities in Haiti contribute significantly to the phenomenon known as “brain drain,” wherein most young Haitians emigrating “were those who had at least some secondary education and more”); Increase in violence and resurgence of cholera in Haiti may leave more than 2.4 million children unable to return to school, supra note 246 (reporting that in September and October, 27 schools were attacked and looted by armed groups, which occupy nearly one in four schools).

See Increase in violence and resurgence of cholera in Haiti may leave more than 2.4 million children unable to return to school, supra note 246.

See Murdith Joseph, School fail: Parents in Haiti keep children home amid violence, Part I, HAITIAN TIMES (Oct. 5, 2022), https://haitiantimes.com/2022/10/05/school-fail-part-1/ (reporting that parents were unwilling to send their children back to school on October 3 because they could not do so safely).

See @madanboukman, TWITTER (Nov. 26, 2022, 12:07 PM), https://twitter.com/madanboukman/status/1596551111112286208?s=51&t=-vCt1yR9q1EcXulNA-S2AA. As of December 6, 53 percent of schools were open. See 53% d’écoles ont fonctionné sur le territoire national, selon le ministère de l’education nationale, LE NOUVELLELISTE (Jun. 12, 2022), https://lenouvelliste.com/article/239342/53-decoles-ont-fonctionne-sur-le-territoire-national-selon-le-ministere-de-leducation-nationale.

See Pierre Philor Saint-Fleur, Insecurity: Stop of activities at the Faculty of Sciences of the UEH, ZOOM HAITI NEWS (Jul. 1, 2022), https://zoomhaiti.news/insecurite-arret-des-activites-a-la-faculte-des-sciences-de-lueh/ (reporting that the Faculty of Sciences of the State University of Haiti suspended activities in July); Haiti – News : Zapping..., HAITI LIBRE (Aug. 4, 2022), https://www.haitilibre.com/en/news-37321-haiti-news-zapping.html (reporting that classes at the General of the National School of Arts were been suspended in August).


See One year after devastating earthquake, more than 250,000 children in southwest Haiti do not have access to adequate schools – UNICEF, UNICEF (Aug, 17, 2022), https://www.unicef.org/lac/en/press-releases/one-year-after-devastating-earthquake-more-250%2C000-children-do-not-have-access-to-adequate-schools-in-haiti#:~:text=Download%20multimedia%20package%20here_%20adequate%20schools%2C,0%20UNICEF%20warm%20today%20that%20as%20of%20August%2016%2C%20over%20250%2C000%20children%20are%20more%20than%20half%20of%20those%20impacted%20by%20the%20earthquake%20%20still%20lacked%20access%20to%20adequate%20schools%20because%20of%20lack%20of%20funding%20and%20insecurity%20has%20delayed%20reconstruction.

School fees for private schools – which make up the vast majority of Haiti’s education system, range from USD $300 to $1,000 per school year. Public schools cost less, but are still not free. See Joseph, supra note 341 (“Parents say the lack of labor-intensive work programs, a government traditional offering to subsidize schools and support families, has crushed the last hope they had for cash before school starts.”).

See WGVSA Submission Re Gender and Poverty, supra note 188.


353 The U.S. Coast Guard interdicted 7,137 Haitians at sea between October 1, 2021 and September 1, 2022, compared to 1,527 in all of fiscal year 2021 and just 418 in fiscal year 2020. See Tom Ricker, Between Del Rio and the deep blue sea, QUIXOTE CENTER (Sep. 9, 2022), https://quixote.org/posts/between-del-rio-and-the-deep-blue-sea; Coast Guard repatriates 83 Haitians to Haiti, COAST GUARD NEWS (Sep. 1, 2022), https://coastguardnews.com/coast-guard-repatriates-83-haitians-to-haiti/; see also David Goodhue, Gwen Filosa & Jacqueline Charles, More than 150 migrants on an overloaded sailboat grounded off Miami-Dade, Coast Guard says, MIAMI HERALD (Jul. 24, 2022), https://www.miamiherald.com/news/local/community/florida-keys/article263686918.html (describing it as “the largest maritime exodus from Haiti in two decades”); Charles, supra note 339 (reporting in July that over 6,000 Haitians had escaped the country on boats aimed for Florida and Puerto Rico over the past few months); Joseph Gedeon, Haitians want a ‘Haitian-led solution,’ POLITICO (Nov. 4, 2022), https://www.politico.com/newsletters/the-recount/2022/11/04/haiti-immigration-biden-administration-00065196; Dozens of Haitian migrants were rescued while trying to reach the Florida Keys, NPR (Nov. 22, 2022), https://www.npr.org/2022/11/22/1138555844/dozens-of-haitian-migrants-were-rescued-while-trying-to-reach-the-florida-keys.

354 See, e.g., Ortiz-Blanes & Jacqueline Charles, supra note 352.


See Advocates tracking expulsion flights reported six flights in June, two in July, three in August, one in September, and none since. ICE Air to Haiti – Mass Expulsion Flight Data, Google Sheet, https://docs.google.com/spreadsheets/d/1mpP0vISRYTNEg7Mzk7nmZsk3PG0_4w4+yXVJ3oDMms/edit#gid=0. US Customs and Border Protection reported expelling 3,420 Haitians in May 2022, 18 in June, and 30 in July. These numbers also correspond to an increase in the application of Title 42 exemptions to Haitians at the border in June and July. SouthWest Land Border Encounters, CUSTOMS AND BORDER PATROL, https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters (last visited Dec. 8, 2022).


See, e.g., Do Not Send Haitians or Other Displaced People to Detention at Guantánamo Bay, ADVOCATES FOR HUMAN RIGHTS (Nov. 4, 2022), https://www.theadvocatesforhumanrights.org/News/A/Index?id=332.


See DR expels up to 700 Haitians daily, vows to return even more, supra note 351.

Id.


See Dominican Republic steps up Haitian deportations, raising tensions, supra note 351.

See Des organisations en République dominicaine dénoncent ‘la violence raciste’ envers les haïtiens, supra note 365.


Gangs, Decree Says

To the crisis expelled suffering, 378 Monitored Program, gangstérisation d’Haïti », supra that have immediate and devastating impacts on poor and vulnerable Haitians. The most recent example is an influence over Haiti by imposing conditions mas

Ce que les Français doivent vraiment à Haïti, supra that development assistance was not coordinated with other large international or bilateral donors (e.g., the Euro that August, “30 men . . . were immediately imprisoned upon their arrival in Haiti” and that “Haitian authorities have routinely put criminal deportees — immigrants who completed sentences in the U.S. for a wide range of crimes — into prison over the past six months”); Hannan Adely, ‘Prison is death’: NJ deportees freed from Haitian Jail after suffering deplorable conditions, NORTH JERSEY (Oct. 27, 2022), https://eu.northjersey.com/story/news/2022/10/27/haiti-prison-free-patrick-julney-nj-billy-balisage/69593500007/ (reporting that several of the men were released in late October, after a concerted effort from activists and family members, but that as of October 27, at least seventeen men are still believed to be incarcerated).

See Adely, supra note 171 (a family friend of an incarcerated returnee describes the prison as “hell on earth”); Adely, supra note 167 (reporting that “deportees are paying a disproportionate price for past crimes, condemned to one of the world’s most overcrowded prison systems” with advocates fearing “it might be a death sentence”); Request for Thematic Hearing on Deportations, supra note 373; see further supra Section III.

See Adely, supra note 373.

See Adely, supra note 167. See Statement of the OAS General Secretariat on Haiti, ORGANIZATION OF AMERICAN STATES (Aug. 8, 2022), https://www.oas.org/en/media_center/press_release.asp?Codigo=E-045/22 (admitting that “the institutional crisis that Haiti is experiencing right now is a direct result of the actions taken by the country’s endogenous forces and by the international community”); The Crisis in Haiti, supra note 125; Page, supra note 17 (Susan Page discusses problematic international aid: “While the United States has not consistently promoted the growth of democratic institutions or equitable development in Haiti, it has provided vast sums of funding and support for wide-ranging governance, humanitarian, and philanthropic ‘vanity projects’ over the years. Much of that development assistance was not coordinated with other large international or bilateral donors (e.g., the European Union, World Bank, United Nations, and Canada) and failed to consider the Haitian government’s or citizens’ input in planning, programming, or funding.”). The 1825 independence debt unjustifiably extracted by France in exchange for Haiti’s freedom and subsequent neocolonial lending agreements are largely to blame for Haiti’s entrenched debt and dependence on foreign aid, which in turn makes the country vulnerable to further foreign interference and abuse. See Wisner, supra note 15; The Crisis in Haiti, supra note 125; Marlene L. Daut, Ce que les Français doivent vraiment à Haïti, AYIBO POST (Jun. 16, 2022), https://ayibopost.com/ce-que-les-francais doivent-vraiment-a-haiti/; Romorom Chantal, Haïti : Oui, les États-Unis ont essayé et renversé le président Jean-Bertrand Aristide, ALTERPRESSE (Jun. 3, 2022), https://www.alterpresse.org/spip.php?article28356. International financial institutions continue to exert coercive influence over Haiti by imposing conditions masked as economic policy recommendations on much-needed aid that have immediate and devastating impacts on poor and vulnerable Haitians. The most recent example is an IMF Staff-Monitored Program that requires the removal of fuel subsidies as a precondition to further loans. En réponse à Antonio Guterres, des organisations haïtiennes pointent du doigt la responsabilité de l’Onu dans la « gangstérisation d’Haïti », supra note 263; Chéry, supra note 263; Shellenberger, supra note 6; IMF Staff-Monitored Program, supra note 108.

See, e.g., Julia Neusner, Asylum after Del Rio, Haitian asylum seekers expelled under Title 42 are still suffering, Human Rights First, https://humanrightsfirst.org/library/a-year-after-del-rio-haitian-asylum-seekers-expelled-under-title-42-are-still-suffering/ see further supra Section IV.

authorized Prime Minister Ariel Henry to ask the international community for a "specialized armed force" to address a crisis caused by a blockade of the country's main fuel port that has led to crippling shortages.

380 See supra note 18.

381 See, e.g., Widlore Mérancourt & Amanda Coletta, The U.N.is mulling another mission to Haiti. Haitians are skeptical., WASHINGTON POST (Nov. 12, 2022), https://www.washingtonpost.com/world/2022/11/12/haiti-cholera-united-nations/ (reporting on opposition to an international force in light of the UN’s introduction of cholera to Haiti and its failure to take responsibility for harms caused); Joseph & Concannon, supra note 10 (Haitian human rights lawyer Mario Joseph and his U.S. colleague Brian Concannon call the last military intervention “an expensive, deadly failure”); BAI Letter to CARICOM, supra note 98 (Haitian human rights law firm BAI denounces the many harms of past interventions as it calls for CARICOM not to support calls for intervention); Pooja Bhatia, US-Backed Foreign Intervention Has Led to the Disaster in Haiti, GUARDIAN (Oct. 19, 2022), https://www.theguardian.com/commentisfree/2022/oct/19/us-backed-foreign-intervention-disaster-haiti-un; Danticat, supra note 21; Letter to President Biden, supra note 17.

382 See UNGA, Implementation of General Assembly Resolution 60/251 of 15 March 2005 Entitled “Human Rights Council,” UN Doc. A/HRC/5/NGO/39 (Jun. 7, 2007), http://www.ijdh.org/wp-content/uploads/2010/02/HRC-Report-on-HR-Abuses-by-UN-peacekeepers.pdf; Joseph & Concannon, supra note 10 (“In one July 2005 attack, ‘peacekeepers’ sprayed more than 22,000 bullets, 78 grenades and five mortars into the thin-walled and densely packed houses of the Cité Soleil neighborhood. The United Nations claimed that all these bullets killed six gang members. But hospitals and journalists reported that the bullets also killed at least a dozen people who were not gang members, including women and children. MINUSTAH commander Gen. Augusto Heleno later bragged about the extrajudicial executions, proclaiming, ‘We must kill the bandits.’”).

383 The UN apologized for its role in the outbreak in 2016, but has not accepted legal responsibility, provided redress to victims, or kept its promises to improve Haiti’s WASH infrastructure in order to prevent future outbreaks – like the one happening now. See 10-Year Anniversary of Cholera Introduction in Haiti, IJDH (Oct. 31, 2020), https://www.ijdh.org/2020/10/accountability/10-year-anniversary-of-cholera-introduction-in-haiti/.


385 See, e.g., Haitians protest against government call for foreign forces, supra note 102 (reporting that protesters gathering against interference in Haiti’s internal affairs said “[w]e certainly need help to develop our country, but we don’t need boots [on the ground],” and emphasized that the government has “no legitimacy to ask for military assistance”); Crise : La demande d’intervention militaire en Haïti, en crime et une trahison, estiment plusieurs organisation, ALTERPRESSE (Oct. 10, 2022), https://www.alterpresse.org/spip.php?article28696 (the Military Association of Haiti denounced Henry’s call for intervention as “a criminal act and treason”); Politique : Plusieurs organisations feminists et de femmes s’opposent à la mise en place d’une nouvelle mission de paix des Nations unies en Haïti, ALTERPRESSE (Jul. 12, 2022), https://www.alterpresse.org/spip.php?article28458 (Haitian feminist organizations reject intervention and question the real will of the international community to contribute to resolving the crisis in Haiti); Eyder Peralta, Many people living in Haiti are actively resisting international intervention, NPR (Oct. 27, 2022), https://www.npr.org/2022/10/27/1132041996/many-people-living-in-haiti-are-actively-resisting-international-intervention; Protesters Reject Call for Deployment of Foreign Forces to Haiti, DEMOCRACY NOW! (Oct. 11, 2022), https://www.democracynow.org/2022/10/11/headlines/protesters_reject_call_for_deployment_of_foreign_forces_to_haiti; Haiti – Politic : The Senate asks the PM to postpone the intervention of a foreign armed force in Haiti, HAITI LIBRE (Oct. 10, 2022), https://www.haitilibre.com/en-news-37847-haiti-politic-the-senate-asks-the-pm-to-postpone-the-intervention-of-a-foreign-armed-force-in-haiti.html (reporting that Haiti’s Senate asked Henry to postpone his request for foreign intervention until Haitians could reach a consensus on a solution to the crisis); see also A coordinated effort for Haiti is proposed to China by the US, DOMINICAN TODAY (Nov. 1, 2022), https://dominicantoday.com/dr/world/2022/11/01/170210/ (China “expressed reluctance to send a mission because not all parties in Haiti will be in favor of it.” China’s Security Council representative asked whether “sending such a quick-reaction force to Haiti [will] receive the understanding, support, and cooperation of the parties in Haiti at a time when the Haitian government lacks legitimacy and is incapable of governing, or will it encounter opposition or even spark a violent confrontation?”).
See Joseph & Concannon, supra note 10; Bernal, supra note 121; Brian Ellsworth, Haiti activists rally at White House seeking end of U.S. support for Henry, REUTERS (Oct. 9, 2022),


expressing concern “that the United States’ continued support for de facto Prime Minister Ariel Henry despite strong evidence of his government’s involvement in this violence is reinforcing impunity and hindering a Haitian-led solution to the worsening political crisis” and calling on the U.S. government to withdraw that support).

See, e.g., Letter to President Biden, supra note 17; Page, supra note 17 (opining that “[a] lack of robust support for the most credible Haitian plan on the table promotes the belief that foreign actors support an interim and future government only with Ariel Henry in the lead, rather than one led by civil society through its transition plan”); see also St Dic, supra note 101 (Haitian economist Jacques Ted St Dic said that “Henry must not be allowed to use his support from the international community to continue to concentrate all powers under his exclusive — and failing — leadership”).

Security Council approves sanctions package for Haiti to quell gang violence, UN NEWS (Oct. 21, 2022),

(last visited Dec. 8, 2022). It is worth noting that United States sanctions against Chérizier imposed in 2020 had no impact on his activities. See BAI et al., Justice Sector Challenges in Haiti (2021),

Press Release, Global Affairs Canada, Canada imposes sanctions against Haitian political elites, (Nov. 4, 2022),
https://www.state.gov/designation-of-haitian-senate-president-joseph-lambert-for-involvement-in-significant-corruption-and-a-gross-violation-of-human-rights/ (the United States additionally designated Lambert and his spouse as ineligible for entry to the U.S. due to “his involvement in significant corruption and a gross violation of human rights . . . namely an extrajudicial killing, during his government tenure”).

See I.O. Haselhoef, US sanctions 2 more Haitian politicians with alleged drug, gang ties, HAITIAN TIMES (Dec. 5, 2022),
https://haitiantimes.com/2022/12/05/u-s-sanctions-haitian-politicians/.

Lamothe served under Martelly from 2012-2014, and Céant served under former President Jovenel Moïse from 2018-2019. See Evan Dyer, “It’s not just low-hanging fruit”: Canada’s Haiti sanctions are hitting some big names, CBC (Nov. 23, 2022),

See Pierre-Pierre, supra note 140.
accused the UN and entretenir perpétuer la crise, opposition is grounded in concern that BINUH instigates gangs and reflects "renouvellement du mandate du BINUH accuse d’avoir

opposition to BINUH is grounded in concern that BINUH instigates gangs and reflects "renouvellement du mandate du BINUH accuse d’avoir

reported that three former presidents, including Jovenel Moïse and Jocelerme Privert, are being sued for embezzling money from a program designed to subsidize school fees for Haitian children); Emmanuel Marino Bruno, Haïti-Corruption/Psugo : Joseph Michel Martelly et Jocelerme Privert dans le collimateur de la justice américaine, ALTERPRESSE (Apr. 4, 2022),

See also supra note 145.

See Armes et violence, comment les USA vont-ils aider Haïti?, LE NOUVELLISTE (Jul. 7, 2022), https://lenouvelliste.com/article/237145/armes-et-violence-comment-les-usa-vont-ils-aider-haiti; Jacqueline Charles & Jay Weaver, How U.S. gun laws and South Florida ports help fuel Haïti’s escalating gang violence, MIAMI HERALD (Aug. 18, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article264549751.html (reporting that “the vast majority of the illegal weapons [are] coming from South Florida” largely because “straw buyers with no criminal history can easily pass a background check and declare that they are the actual purchasers . . . [and] licensed vendors aren’t required to run background checks on buyers of bullets to make sure they’re allowed to do so. In addition, the buyers don’t have to fill out a federal form declaring they’re purchasing the ammunition, so there’s no way to trace the transaction.”).

See, e.g., Arms trafficking, Father Frantz Cole in custody, HAITI LIBRE (Aug. 18, 2022), https://www.haitilibre.com/en/news/377427-haiti-flash-arms-trafficking-father-frantz-cole-in-custody.html (reporting that “18 assault rifles (AK-47, Galil and M4), a 12-caliber rifle, 4.9-mm caliber pistols, near 20,000 [rounds of] ammunition of different calibers, 120 magazines, 1 sight and counterfeit notes for the amount of 50,000 US dollars” were found, resulting in the arrest of Father Frantz Cole); Another religious man arrested for arms trafficking to Haiti, DOMINICAN TODAY (Aug. 26, 2022) https://dominican todays.com/dr/world/2022/08/26/another-religious-man-arrested-for-arms-trafficking-to-haiti/ (reporting the arrest of Jean Gilles Jean Mary, the Episcopal Church’s accountant, in connection with the trafficking incident); Warrant to bring against the President of the Episcopal Church of Haiti in the case of arms trafficking, HAITI LIBRE (Sep. 24, 2022) https://www.haitilibre.com/en/news/37718-haiti-flash-warrant-to-bring-against-the-president-of-the-episcopal-church-of-haiti-in-the-case-of-arms-trafficking.html (reporting that a warrant for the arrest of Father Jean Madocê Vil was issued in connection with the trafficking incident); see also Des prêtres épiscopaliens appelant à la démission des membres du comité permanent de l’Église épiscopale d’Haïti, LE NOUVELLISTE (Aug. 25, 2022), https://lenouvelliste.com/article/237772/des-pretres-episcopaliens-appellent-a-la-demission-des-membres-du-comite-permanent-de-leglise-episcopale-dhaiti (reporting that a group of senior Episcopal priests demanded the resignation of the Episcopal Church’s standing committee in response to their involvement with the trafficking incident); see also Derat, supra note 97 (reporting that Father Jean Madocê Vil has also faced serious allegations of sexual abuse).

See, e.g., Armes et violence, comment les USA vont-ils aider Haïti?, supra note 399.


404 See, e.g., ‘We are not here forever,’ says UN as Haiti searches for path to election, CNN (Sep. 15, 2022), https://www.cnn.com/2022/09/15/americas/binuh-un-haiti-intl-latam/index.html (reporting that some Haitians “view [BINUH head Helen] La Lime and other outsiders with skepticism, in a country where imperialism, occupation and even well-meaning intervention have a long and brutal history”).