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Les Droits Humains et l'État de Droit en Haïti : Principaux Développements Récents décembre 2022 à mai 2023

Depuis la dernière mise à jour de l'IJDH sur Les Droits Humains et l'État de Droit en Haïti,¹ les crises aiguës et interconnectées de gouvernance, d'insécurité et d'humanitarisme en Haïti continuent à se détériorer de façon même plus rapide. L'insécurité déjà catastrophique¹ a continué à croître en incidences, en étendue géographique et en brutalité, atteignant un niveau associé avec les conflits armés.² Les gangs ont continué à gagner du territoire³ en déployant des mesures de plus en plus inhumaines pour terroriser et pour contrôler la population: des massacres ; de la violence de plus en plus innommable, y inclus le viol et d'autres formes de violence sexuelle ; des enlèvements ; et la destruction de biens.⁴ La violence omniprésente a paralysé la plupart des activités normales,⁵ tout en exacerbant un déclin économique prolongé marqué par l'absence d'opportunités économiques, ce qui facilite à son tour le recrutement des gangs.⁶ Tout cela est exacerbé par une sécheresse prolongée⁷ et par des prix de nourriture astronomiques,⁸ qui ont mené les Haïtiens au bord de la famine, avec des nombres croissants de gens déjà à un niveau « catastrophique » de faim.⁹ L'eau potable, les services de santé et bien d'autres services essentiels restent rares, minables ou hors d'atteinte pour une grande partie de la population.¹⁰

La communauté internationale a dirigé beaucoup de son attention envers Haïti dans les mois récents, en convoquant des discussions et en nommant des experts dans le but explicite d'identifier des solutions.¹¹ Mais des acteurs internationaux continuent à soutenir le gouvernement de facto illégitime d'Haïti, qui est directement responsable de la corruption, de l'impunité et de l'incompétence qui sous-tendent presque tous les aspects des crises en Haïti.¹² Depuis plus d'une décennie des individus associés avec le *Pati Ayisyen Tet Kale (PHTK)* ont démantelé de façon délibérée les institutions démocratiques d'Haïti, corrompu ses mécanismes de responsabilité et soutenu des gangs comme instruments de violence politique.¹³ Le Premier ministre de facto Ariel Henry, qui manque l'autorité constitutionnelle pour gouverner,¹⁴ est un agent PHTK de longue date et l'héritier direct de ces politiques.¹⁵ Il reste au pouvoir – tout comme les autres régimes affiliés avec le PHTK avant lui¹⁶ – par le soutien de la communauté internationale,¹⁷ qui l'a effectivement installé en premier lieu.¹⁸ En décembre Henry a présenté le "Document de consensus national pour une transition inclusive et pour des élections justes" (**L'Accord de décembre**).¹⁹ Les Haïtiens rejettent largement l'Accord comme une tentative de consolider le pouvoir du PHTK par des changements anticonstitutionnels à la Constitution d'Haïti, par des élections injustes et par un bourrage de la cour illégale,²⁰ tandis que la communauté internationale le loue.²¹ L'Accord de décembre est une version révisée d'une proposition manquée qu'Henry avait avancée en septembre 2021,²² et qui a été critiquée même par ses signataires pour ne pas avoir tenu les promesses d'un dialogue inclusif.²³ Le soutien persistant international d'Henry lui permet d'éviter un engagement constructif avec les acteurs de la société politique et civile qui serait nécessaire pour résoudre les crises d'Haïti, et qui installe donc même plus profondément son gouvernement illégitime.²⁴

L'insécurité mortelle et les crises humanitaires ont continué à rétrécir l'espace pour la mobilisation et les protestations de la société civile,²⁵ en même temps que la situation devient de plus en plus grave et les appel pour la démission d'Henry continuent.²⁶ Au lieu de cela, une désespérance croissante et un sentiment d'abandon ont poussé des groupes de protection communautaire à prendre les armes contre ceux qui sont

¹ Institute for Justice and Democracy in Haiti (IJDH), Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2022 (2022), <http://www.ijdh.org/wp-content/uploads/2022/12/HRU-December-2022-FINAL.pdf> (hereinafter **IJDH November 2022 Update**). Toutes les mises à jour de l'IJDH sont disponibles sur le site Web de l'IJDH à *Publications: Human Rights Updates*, INSTITUTE FOR JUSTICE AND DEMOCRACY IN HAITI, <http://www.ijdh.org/news-and-resources/publications/>.

soupçonnés d'être membres des gangs, ce qui a eu pour résultat des tueries extrajudiciaires, parfois avec la collaboration de la police.²⁷ Des groupes de droits humains et des journalistes constatent que cela mène à un déclin des enlèvements et d'autres activités des gangs.²⁸ Les conséquences pour l'État de droit et pour la réconciliation communautaire pourront être catastrophiques.²⁹

En ce qui suit, cette mise à jour détaille: I) les violations des droits à la vie et à la sécurité de la personne ; II) la mauvaise conduite du gouvernement, y compris la violence institutionnalisée et la corruption ; III) le manque d'accès à la justice et l'impunité chronique ; IV) le manque de droits et de protection égale pour les individus de vulnérabilité sociale, en particulier les femmes et les filles ; V) l'effondrement de droits économiques et sociaux ; VI) les pressions de l'émigration ; et VII) les échecs continus de la communauté internationale à respecter les droits des Haïtiens.

I. Les Violations des droits à la vie et à la sécurité de la personne

La violence catastrophique des gangs est devenue de plus en plus prévalente et brutale.³⁰ Des meurtres, des enlèvements et des viols journaliers imposent un état de peur constant.³¹ L'insécurité envahissante a exacerbé les pressions économiques déjà existantes,³² ce qui à son tour pousse le recrutement des gangs, étant donné que les Haïtiens deviennent de plus en plus désespérés pour leurs nécessités de base.³³ Avec la violence dans les maisons, dans les rues et aux sites de déplacement, les Haïtiens n'ont aucun endroit sûr à aller.³⁴ Le gouvernement de facto continue à conspirer avec des membres des gangs, qui sont permis d'agir avec impunité.³⁵ Son échec à protéger la population a donné naissance à un mouvement d'auto-défense dirigé par des civils – *Bwa Kale*^{II} – pour combattre la violence des gangs.³⁶

La violence des gangs et les déplacements qui s'ensuivent

- La violence des gangs s'est intensifiée pendant la période considérée ici,³⁷ atteignant des zones autrefois considérées comme sûres.³⁸ Il y a plus de 200 gangs actifs³⁹ en Haïti, avec sept coalitions principales.⁴⁰ Les alliances *G9 an Fanmi (G9)*⁴¹ et *G-Pèp*⁴² sont responsables de la majorité de la violence.⁴³ Les gangs contrôlent un territoire significatif à Port-au-Prince – la plupart des rapports publics mettent le chiffre à 80 pour cent ou plus⁴⁴ – et dans le reste du pays.⁴⁵ Le Département de l'Artibonite est aussi particulièrement impacté.⁴⁶
- La violence des gangs, y inclus les meurtres de masse,⁴⁷ a eu pour résultat la mort d'au moins 1 466 personnes entre janvier et avril.⁴⁸ Selon le Bureau Intégré des Nations Unies en Haïti (BINUH), 531 individus ont été tués et 300 blessés dans des incidents liés aux gangs entre le 1er janvier et le 15 mars, ce qui a contribué à une hausse de 21 pour cent dans le taux d'homicide dans le premier quart de 2023.⁴⁹ En avril seul, des membres des gangs ont tué plus de 600 individus à Port-au-Prince.⁵⁰
- Les gangs emploient des tactiques de plus en plus brutales contre les civils,⁵¹ y inclus des coups de feu tirés au hasard des toits,⁵² le brûlage vif des individus,⁵³ le viol des femmes et des filles,⁵⁴ la publicité des actes de cannibalisme pour intimider les rivaux,⁵⁵ et des corps mutilés laissés comme avertissement aux civils, aux forces de l'ordre et à d'autres gangs.⁵⁶ Le recours des gangs à la violence sexuelle comme arme pour terroriser et punir la population a encore augmenté.⁵⁷ Les résidents des quartiers contrôlés par les gangs sont souvent tout à fait coupés des services critiques comme des groupes rivaux utilisent des barrages routiers pour assiéger certains quartiers.⁵⁸ De plus des membres des gangs ont aussi l'habitude de détourner des véhicules commerciaux et personnels tout le long des routes contrôlées par les gangs,⁵⁹ ce qui empêche même plus la liberté de mouvement et l'accès aux biens et aux services critiques.⁶⁰

^{II} Traduit du créole haïtien comme « bâton pelé » ou « massue. »

- À la mi-mars, au moins 160 000 personnes ont été déplacées par la violence,⁶¹ y inclus 127 977 dans la seule zone métropole de Port-au-Prince.⁶² Selon l'Organisation internationale pour les migrations (OIM), l'aggravation et la prolongation de la violence des gangs est à l'origine de 99 pour cent des déplacements internes dans la capitale.⁶³ L'emploi des soi-disant « campagnes sur brûlis » où des gangs mettent le feu à des quartiers entiers, a été particulièrement catastrophique.⁶⁴ La fuite ne garantit pas la sécurité, comme les gangs – et parfois la police – continuent à chasser, à tuer et à violer des individus sur les places publiques et dans la rue.⁶⁵ La plupart des déplacés internes restent avec des amis ou des parents, mais au moins un quart de ces personnes vivent dans un des sites informels de déplacement.⁶⁶ Ces sites sont situés dans des espaces en plein air, dans des écoles et dans des églises, où les gens dorment souvent par terre, exposés aux éléments.⁶⁷ Ils sont surpeuplés⁶⁸ et ils manquent l'infrastructure d'eau et d'assainissement adéquate et séparée par genre, ce qui ajoute à la vulnérabilité aux maladies et à l'infection, et qui expose les femmes et les filles à la violence.⁶⁹ Des femmes qui habitent dans ces sites ont rapporté des viols et de l'exploitation sexuelle, y inclus par des travailleurs humanitaires.⁷⁰ Il y a des rapports que les gens déplacés de quartiers qui sont contrôlés par les gangs font face parfois à la discrimination basée sur leur affiliation supposée avec ces gangs.

Une épidémie d'enlèvements qui continue

- Le nombre d'enlèvements en Haïti s'est augmenté pour la quatrième année de suite.⁷¹ BINUH a reporté au moins 395 enlèvements entre janvier et mars, une hausse de 12 pour cent depuis le quartier précédent.⁷² Le vrai nombre risque d'être bien plus haut à cause de la sous-déclaration.⁷³ Après un pic d'enlèvements en mars,⁷⁴ l'incidence s'est ralentie dramatiquement en avril et en mai.⁷⁵
- Les gangs continuent d'enlever des Haïtiens dans tous les secteurs sociaux.⁷⁶ Les enlèvements restent une source lucrative d'argent pour les gangs,⁷⁷ qui dirigent de la violence extrême⁷⁸ contre les victimes d'enlèvements pour extraire des paiements de rançon plus importants.⁷⁹ Malgré une couverture médiatique internationale disproportionnée des cas d'enlèvements d'étrangers – en particulier blancs⁸⁰ –, les victimes d'enlèvement sont en grande majorité des Haïtiens.⁸¹

L'échec du gouvernement à protéger les civils, y compris les défenseurs des droits humains et les journalistes

- Le gouvernement de facto n'est ni capable ni motivé pour régler l'insécurité croissante.⁸² Les officiels gouvernementaux de tous les niveaux continuent à comploter avec les gangs et à les utiliser comme moyen d'affermir leur pouvoir politique.⁸³ La police est également complice⁸⁴ ; selon un ancien Directeur général de la police nationale Haïtienne (PNH), tous les gangs majeurs à Port-au-Prince compte au moins un officier PNH dans ses rangs.⁸⁵
- Les officiels gouvernementaux et la police continuent d'être accusés de manière crédible de fournir des véhicules et des armes à feu aux gangs⁸⁶ et de saboter exprès l'équipement de la police.⁸⁷ Des armes et de l'équipement importés de l'étranger sont souvent volés ou détruits.⁸⁸ Les gangs continuent à être bien plus armés que la police, en partie à cause de ces défis.⁸⁹ Le trafic continu d'armes américains vers Haïti multiplie ce problème.⁹⁰
- La police haïtienne manque aussi de ressources, d'entraînement et de management qu'il faudrait pour affronter efficacement les gangs.⁹¹ Quelques opérations ont réussi, avec plus de 2 700 arrestations de membres de gangs allégés.⁹² Mais en général, la police est bien dépassée en nombre⁹³ et en armes,⁹⁴ manque un support adéquat de l'État,⁹⁵ et refuse souvent d'intervenir ou même d'entrer dans des quartiers contrôlés par les gangs, laissant les civils sans la protection de l'État.⁹⁶ À la mi-mars, le ratio police-population a été juste un peu plus d'un officier pour mille habitants.⁹⁷ Selon le dernier rapport du BINUH (d'avril), seulement 9 000 officiers de police – de 13 200 personnel actif de la PNH – sont réellement en train d'exercer des fonctions policières, et

de ce nombre seulement 3 500 sont en service de sécurité publique à un moment donné.⁹⁸ Les gangs continuent à attaquer et à détruire les stations de police, ce qui renforce même plus leur contrôle des quartiers.⁹⁹ La police elle-même est souvent la cible de la violence des gangs,¹⁰⁰ avec au moins 21 officiers tués par des gangs entre le 1er janvier et le 9 avril.¹⁰¹ Après que des gangs armés ont tué au moins 10 officiers pendant une semaine fin janvier, la police haïtienne a fait la grève pour exiger de meilleures conditions.¹⁰²

- Le 24 avril, après des échecs persistants du gouvernement à confronter la violence des gangs et d'en traduire les auteurs en justice, un groupe de résidents fâchés de Port-au-Prince a lynché 14 membres de gang soupçonnés.¹⁰³ Depuis lors bien de nombreux civils ont pris des armes improvisées pour combattre des membres de gang soupçonnés,¹⁰⁴ parfois avec la complicité ou l'encouragement de la police,¹⁰⁵ en ce qui est devenu un mouvement appelé *Bwa Kale*. Selon quelques estimations, les actions de *Bwa Kale* ont tué au moins 160 individus et sont responsables d'une baisse dans les enlèvements et dans d'autre violence de gangs.¹⁰⁶ Il y a aussi des reportages de gens qui ne sont peut-être pas affiliés avec les gangs mais qui sont ciblés à cause de leur apparence ou parce qu'un quartier ne les connaît pas.¹⁰⁷ Le mouvement est une conséquence prévisible des échecs gouvernementaux de longue durée, mais il risque aussi de blesser des gens innocents, de diminuer même plus la confiance à l'intérieur des communautés, et de saper les mécanismes judiciaires formels et l'état de droit.¹⁰⁸
- Le gouvernement de facto continue à ne pas protéger les défenseurs des droits humains, y inclus les journalistes, contre la violence des gangs, ce qui a pour résultat le rétrécissement de l'espace civil et qui empêche l'avancement et la protection des droits humains en Haïti.¹⁰⁹ Par exemple, des menaces continues contre le personnel de l'organisation féministe *Nègès Mawon* continuent à empêcher son travail pour les femmes et les filles en Haïti.¹¹⁰ Les défenseurs des droits humains qui ont été forcés de fuir Haïti à cause des menaces contre eux continuent à ne pas pouvoir revenir en toute sécurité.¹¹¹
- Haïti reste un des pays les plus dangereux du monde pour les journalistes,¹¹² ayant baissé de 29 rangs dans le Classement mondial de la liberté de la presse pour 2023.¹¹³ Au moins neuf journalistes ont été tués en 2022, faisant Haïti le troisième pays le plus dangereux pour les journalistes en cette année.¹¹⁴ Quatre journalistes ont été tués depuis le début de 2023.¹¹⁵ Le gouvernement de facto a échoué à bien protéger contre, à enquêter et à poursuivre les attaques ; les auteurs de cette violence n'ont été ni arrêtés, ni inculpés, ni jugés.¹¹⁶

II. La mauvaise conduite du gouvernement, notamment la violence institutionnalisée et la corruption

Il n'y a eu aucun progrès envers la restauration du gouvernement démocratique d'Haïti depuis notre dernière mise à jour. Le Premier ministre de facto Henry a poursuivi ses efforts pour consolider son pouvoir, y inclus le bourrage inconstitutionnel du plus haut tribunal d'Haïti¹¹⁷ et la formation d'un Conseil électoral provisoire (CEP) qui est inconstitutionnel et autrement illégitime.¹¹⁸ Depuis le 10 janvier, il ne reste aucun officiel élu en Haïti.¹¹⁹ Ceci est le produit direct de la politique délibérée des gouvernements affiliés avec le PHTK, qui ont laissé un vide constitutionnel qu'Henry, comme feu le Président Jovenel Moïse avant lui¹²⁰, a utilisé pour justifier des politiques antidémocratiques.¹²¹ La corruption au plus haut niveau continue à prévaloir et elle est à la fois symptôme et cause de la crise de gouvernance haïtienne de longue date.¹²² De l'attention augmentée, domestique et internationale, à la corruption a donné comme résultat quelques étapes envers la comptabilité.¹²³ Des rapports des abus de police, y inclus leur participation dans des tueries extrajudiciaires et dans la suppression de protestations.¹²⁴ ont contribué à une méfiance des institutions de l'État et à un nouveau rétrécissement de l'espace civil.

- Le 21 décembre 2022 le Premier ministre de facto Henry a présenté l'Accord de décembre.¹²⁵ Bien des Haïtiens le critiquent en observant que ce n'est pas le produit d'un dialogue national, surtout pas

d'un consensus, comme son nom trompeur le suggérerait, et – comme le dernier accord promulgué par Henry en septembre 2021¹²⁶ – va ancrer de plus le pouvoir illégitime du gouvernement de facto.¹²⁷ L'Accord de décembre n'a pas été signé par un seul parti de l'opposition ni par une seule organisation importante de la société civile.¹²⁸ De nombreux groupes ont reporté des irrégularités dans les signatures obtenues.¹²⁹ L'Accord manque même un seul mécanisme pour le partage de pouvoir, en tenant le Premier ministre de facto au pouvoir au moins une année de plus ;¹³⁰ permet au gouvernement de facto de bourrer *la Cour de cassation* (le plus haut tribunal d'Haïti)¹³¹ et le CEP, cimentant même plus son pouvoir pour des années à venir ; et il fait revivre des efforts inconstitutionnels et impopulaires¹³² pour amender la Constitution,¹³³ qui ont été utilisés dans le passé pour consolider le pouvoir.¹³⁴ Quelques partisans de l'Accord de décembre sont depuis devenus des critiques¹³⁵ en citant le fait qu'Henry a trahi sa promesse que l'Accord servirait comme plateforme pour un dialogue inclusif, même pour ceux qui ont signé.¹³⁶

- En avril Henry a entamé le processus d'établissement du CEP,¹³⁷ alors même que la société civile haïtienne insiste que des élections libres, justes et transparentes restent impossibles dans le contexte actuel.¹³⁸ Il y a de fortes indications que le processus va ancrer le pouvoir des mêmes acteurs responsables des crises haïtiennes.¹³⁹ Par exemple, Henry a totalement exclu certains secteurs du processus.¹⁴⁰ D'autres secteurs ont rejeté ses demandes de nommer des représentants au motif qu'Henry n'agit pas de bonne foi et qu'il n'est pas fondamentalement responsable devant le peuple haïtien.¹⁴¹
- La corruption pervasive du gouvernement continue de saper la légitimité des institutions de l'état.¹⁴² Plus de 90 pour cent des fonctionnaires haïtiens ne respectent pas la loi anti-corruption d'Haïti qui les oblige à déclarer leurs biens.¹⁴³ L'Unité de lutte contre la corruption (ULCC) en Haïti a trouvé de l'évidence de corruption, de détournement de fonds, de fraude, de blanchiment d'argent et de trafic d'influence par de hauts fonctionnaires dans l'Administration générale des douanes, dans la Caisse d'assistance sociale et dans le Bureau de monétisation des programmes de l'aide au développement haïtiens.¹⁴⁴ L'ambassadeur d'Haïti à Washington, DC a été impliqué dans un stratagème de corruption visant à vendre des passeports haïtiens à des fugitifs étrangers, ce qui a eu pour résultat le rappel et le renvoi de l'ambassadeur d'Haïti aux Etats-Unis et l'ancien ministre haïtien des Affaires étrangères Bocchit Edmond.¹⁴⁵ En janvier, un examen de 61 juges et procureurs a également révélé une corruption généralisée parmi les acteurs judiciaires.¹⁴⁶ L'ULCC a pris des mesures pour traiter et poursuivre la corruption.¹⁴⁷ Par exemple, elle a initié des poursuites criminelles contre l'ancien sénateur Youri Latortue et le chef du Sénat Joseph Lambert pour corruption, détournement de fonds publics et obstruction à la justice.¹⁴⁸ Néanmoins, l'impunité pour la corruption reste la norme.¹⁴⁹
- Il y a eu encore de l'évidence que les officiels haïtiens sont complices dans le trafic illicite d'armes, ce qui alimente la crise actuelle d'insécurité. Le 5 avril, la Police judiciaire a demandé l'arrestation de l'ancien ministre de la Justice Berto Dorcé pour son implication dans le trafic d'armes de l'année dernière qui a impliqué son membre de cabinet Robinson Pierre-Louis et le magistrat Michelet Virgile.¹⁵⁰ Une enquête par la Direction centrale de la police judiciaire a révélé un régime de trafic d'armes par des agents de la PNH, de l'Office national d'assurance vieillesse et de l'Office d'assurance d'accidents du travail, maladie et maternité.¹⁵¹ Entretemps, un rapport du Bureau des affaires financières et économiques a révélé que le Parlement haïtien avait payé l'un des prêtres arrêtés l'année dernière pour son implication dans le scandale du trafic d'armes à feu de l'Église épiscopale haïtienne¹⁵² US \$1 900 chaque mois pour des raisons non divulguées.¹⁵³
- Les abus dans le système policier continuent de prévaloir. En janvier, le PNH a annoncé qu'il ferait enquête sur de nombreuses plaintes contre des officiers de police pour brutalité, pour détournement de matériel policier et pour abus de pouvoir.¹⁵⁴ Des policiers ont été impliqués dans l'assassinat, le 27 janvier, du militant politique Mackendy D'Haïti.¹⁵⁵ Des avocats sur le terrain signalent également que la police continue à supprimer de façon violente et inconstitutionnelle les protestations des

ouvriers, y inclus ceux du parc industriel SONAPI,¹⁵⁶ où ils exigent des salaires plus élevés et de meilleures conditions de travail.¹⁵⁷

- Les groupes de défense des droits humains continuent d'être préoccupés par le fait que le commissaire du gouvernement de Miragoâne, Jean Ernest Muscadin, continue à exécuter des personnes qu'il croit être membres de gangs illégaux.¹⁵⁸ Des observateurs ont aussi exprimé des soucis au sujet de la complicité de la police dans les exécutions extrajudiciaires effectuées comme une partie du mouvement *Bwa Kale*.¹⁵⁹

III. Le manque d'accès à la justice et l'impunité chronique

Le démantèlement systématique des mécanismes de responsabilisation par une suite de gouvernements corrompus¹⁶⁰ a laissé le secteur judiciaire d'Haïti pratiquement non fonctionnel et extrêmement vulnérable à la crise aiguë d'insécurité.¹⁶¹ L'impunité chronique pour les responsables d'abus graves de droits humains et d'autres crimes violents est un moteur de plus pour la crise.¹⁶² De hauts taux continuels de détention provisoire dans des conditions carcérales inhumaines,¹⁶³ y compris celles qui résultent du dysfonctionnement judiciaire général, viole les droits des détenus à l'application régulière de la loi, à la santé et à la dignité humaine.

Le dysfonctionnement du secteur de la justice et l'impunité chronique

- L'impunité chronique est à la fois un moteur et une conséquence de l'insécurité haïtienne.¹⁶⁴ Les auteurs de graves violations des droits humains et d'autres crimes sont rarement tenus responsables pour leurs actions, ce qui enhardit les mauvais acteurs et sape la confiance publique dans les institutions.¹⁶⁵
- Le Premier ministre de facto Henry a rempli tous les postes vacants à la Cour de cassation haïtienne de manière inconstitutionnelle, nommant huit nouveaux juges le 28 février.¹⁶⁶ La cour était devenue défunte et il ne restait aucune route légale pour restaurer sa fonction. Ces deux circonstances sont une conséquence directe de la politique du Président Moïse.¹⁶⁷ Des organisations de la société civile et des partis de tout l'éventail politique ont dénoncé les nominations d'Henry du fait qu'elles manquaient des sauvegardes raisonnables démocratiques, étant donné leur nature inconstitutionnelle, sapant ainsi l'indépendance et la légitimité de la Cour comme un frein au pouvoir exécutif¹⁶⁸ et corrodant encore plus le secteur judiciaire haïtien, qui était déjà faible.¹⁶⁹
- Le 16 janvier, le Conseil supérieur du pouvoir judiciaire (**CSPJ**) a examiné les dossiers de 61 juges et procureurs,¹⁷⁰ constatant que 30¹⁷¹ d'entre eux ne pouvaient être certifiés pour des raisons d'intégrité morale.¹⁷² Certains acteurs de la société civile ont bien reçu ce développement tout en demandant plus de sanctions,¹⁷³ tandis que d'autres ont exprimé leur inquiétude quant au fait que le processus du CSPJ manquait de garanties de procédure régulière, telle qu'un mécanisme d'appel.¹⁷⁴ Le 23 février, le CSPJ a ordonné que tous les acteurs judiciaires non certifiés cessent de travailler,¹⁷⁵ mais un certain nombre sont resté actifs, surtout des procureurs, qui sont nommés et révoqués par le pouvoir exécutif.¹⁷⁶ Le 13 mars, le ministère de la Justice et de la Sécurité Publique a annoncé qu'il travaillait au remplacement des acteurs judiciaires non certifiés.¹⁷⁷ Pourtant, le 20 avril, le Premier ministre de facto Henry a tenu des entretiens pour reconsidérer les décisions du CSPJ.¹⁷⁸ Des groupes de défense des droits humains ont condamné ces entretiens comme une tentative de protéger des acteurs corrompus et d'affaiblir davantage l'indépendance judiciaire.¹⁷⁹
- Des attaques ciblées contre des acteurs judiciaires et une insécurité généralisée empêchent la fonction des cours et l'accès à la justice.¹⁸⁰ La violence des gangs a forcé le *Tribunal de Paix*¹⁸¹ à Cité Soleil de fermer en juillet 2020 ; il reste fermé.¹⁸² Le décanat du Tribunal de la cour de première instance de Port-au-Prince continue à fonctionner à partir du Tribunal de travail à Lalue,¹⁸³ où il a été transféré après avoir été attaqué par des gangs armés en juin 2022.¹⁸⁴ Des individus non identifiés sont entrés par effraction dans ce bureau le 24 mai pour voler des armes.¹⁸⁵ Le Tribunal de première

instance de Croix-des-Bouquets reste dispersé à travers plusieurs bâtiments gouvernementaux dans la ville voisine de Tabarre.¹⁸⁶ En avril, le *Réseau national de défense des droits humains (RNDDH)* a annoncé que des affaires judiciaires sont entendues dans 13 juridictions sur 18, mais que la grande majorité des tribunaux ne peuvent pas tenir de procès criminels devant jury.¹⁸⁷ Les acteurs judiciaires continuent de faire face à des menaces de violence. Par exemple, le 30 mars, un groupe armé a mis le feu à la propriété du CSPJ Juge Durin Duret Jr., tué son chauffeur et enlevé l'un de ses gardes de corps.¹⁸⁸ Le 17 mai, des motards armés ont attaqué¹⁸⁹ le Juge Jean Wilner Morin, qui enquête actuellement sur plusieurs affaires de corruption.¹⁹⁰

- Le système judiciaire haïtien reste perpétuellement sous-financé, avec des grèves des greffiers qui durent des mois pour exiger de meilleures conditions de travail et de rémunération, sapant davantage la fonction judiciaire.¹⁹¹
- Comme nous l'avons signalé dans nos mises à jour précédentes,¹⁹² l'enquête haïtienne¹⁹³ sur l'assassinat du Président Jovenel Moïse a été entachée des retards judiciaires¹⁹⁴ et de l'ingérence et de l'obstruction politiques de la part, entre autres, du Premier ministre de facto Henry.¹⁹⁵ Presque deux ans après l'assassinat, personne n'a été officiellement inculpé dans cette affaire en Haïti. Il y a eu quelques développements récents : le 9 mars, la Direction centrale de la police judiciaire a émis des mandats de fouille contre 14 suspects,¹⁹⁶ et l'actuel juge d'instruction a commencé à interroger des acteurs concernés.¹⁹⁷ Malgré des allégations crédibles indiquant qu'Henry était impliqué dans le complot d'assassinat,¹⁹⁸ il n'y a eu aucune enquête publique sur son rôle.¹⁹⁹
- L'impunité persiste également pour d'autres cas très médiatisés. L'enquête sur l'assassinat de l'ancien Bâtonnier de Port-au-Prince, Bâtonnier Monferrier Dorval, n'a pratiquement pas avancé depuis la fin du mandat de l'ancien juge en juin 2021,²⁰⁰ bien qu'un nouveau juge ait été nommé au cas en avril.²⁰¹ Il n'y a eu aucun progrès vers la comptabilité dans les tribunaux haïtiens pour le détournement de plus de \$2 milliards de fonds de développement PetroCaribe,²⁰² pour le massacre de Saline de 2018,²⁰³ ou pour les assassinats du journaliste Diego Charles,²⁰⁴ de l'activiste politique Antoinette Duclaire²⁰⁵ et de l'activiste LGBTQI+ Charlot Jeudy.²⁰⁶ Le manque de progrès dans ces cas très médiatisés est emblématique d'un système judiciaire dysfonctionnel qui perpétue l'impunité pour les auteurs de crimes graves contre d'innombrables autres Haïtiens.²⁰⁷

Les conditions inhumaines des prisons

- Le taux de détention provisoire en Haïti reste à plus de 83 pour cent.²⁰⁸ La détention provisoire prolongée touche de façon disproportionnée les Haïtiens les plus marginalisés, ceux qui manquent d'argent ou de relations pour obtenir leur libération.²⁰⁹
- En conséquence, les prisons haïtiennes restent gravement surpeuplées. Le BINUH a rapporté que les prisons fonctionnent à environ 285 pour cent d'occupation, avec seulement 0,35 mètres carrés par personne.²¹⁰ Ceci est bien en deçà des normes minimales internationales et complique encore davantage l'accès à la nourriture, à l'eau et aux médicaments.²¹¹ Des personnes sont également détenues dans des cellules de fortune dans des commissariats de police, qui sont exiguës et manquent d'infrastructures sanitaires et hygiéniques.²¹² Les mauvaises conditions laissent les individus incarcérés vulnérables de manière disproportionnée à la maladie.²¹³
- Au cours des cinq dernières années, les autorités ont continuellement et drastiquement réduit les portions de nourriture disponibles pour chaque individu incarcéré.²¹⁴ Une étude de 2022 a révélé que les individus incarcérés dans les prisons d'Haïti consommaient en moyenne seulement 454 calories par jour – un régime de famine – et que 98,8 pour cent étaient à risque de bérubéri.²¹⁵ Le BINUH a documenté vingt morts en détention entre le 17 janvier et le 14 avril, principalement à cause de la malnutrition et de l'anémie.²¹⁶
- Les individus incarcérés passent parfois des jours sans eau,²¹⁷ utilisant souvent la même eau sale pour se laver et pour boire.²¹⁸ Comme résultat de cette rareté, l'eau propre, qui devrait être disponible gratuitement, est en vente sur le marché noir.²¹⁹

- Il n'y a pour ainsi dire aucun service médical fourni par l'État dans les prisons, ce qui oblige les détenus à s'appuyer sur des organisations non-gouvernementales qui n'ont souvent qu'une capacité limitée d'offrir des soins urgents ou vitaux.²²⁰ Environ 80 à 100 détenus sont morts faute de soins médicaux ou de malnutrition en 2022.²²¹
- L'absence d'installations dédiées aux femmes et aux mineurs les expose à un niveau élevé de violence.²²² Par exemple, 16 femmes et 1 jeune fille ont été violées au cours d'une évasion armée à la prison civile des Gonaïves le 26 janvier.²²³
- Le premier décembre, le ministre haïtien de la Justice et de la sécurité publique a demandé aux procureurs de publier au moins dix actes d'accusation par mois dans un effort délibéré de baisser le taux élevé de détentions provisoires.²²⁴ Bien que cet ordre ait eu comme résultat un nombre haussé d'actes d'accusation sur le plan national,²²⁵ le nombre de détenus provisoires a en fait augmenté depuis janvier 2023.²²⁶

IV. Le manque de droits et de protection égale pour les individus de vulnérabilité sociale, en particulier les femmes et les filles

Au fur et à mesure que la crise aiguë haïtienne s'aggrave, les individus aux identités marginalisées restent plus vulnérables et subissent des dommages supplémentaires.²²⁷ Les femmes et surtout les filles continuent de confronter un risque élevé de VBG,^{III} surtout par des gangs, malgré l'attention internationale accrue portée à ce sujet.²²⁸ Parmi d'autres causes interdépendantes de vulnérabilité figurent le handicap,²²⁹ l'orientation sexuelle,²³⁰ la pauvreté,²³¹ le déplacement²³² et l'incarcération.²³³ Les personnes vulnérables ont plus de difficulté à accéder aux ressources, à cause de l'absence presque totale de protection et de soutien du gouvernement.²³⁴ Sous cette dynamique se cachent des inégalités structurelles et leurs moteurs, qui restent négligés puisque les gouvernements corrompus et répressifs successifs ont empêché toute possibilité de progrès.²³⁵ Ces facteurs comprennent des divisions de classe de longue date²³⁶ et l'exclusion continue des groupes marginalisés de rôles de prise de décision et de leadership.²³⁷

- Le risque de VBG reste élevé, la Banque mondiale rapporte qu'une femme et une fille haïtienne sur trois en ont l'expérience.²³⁸ L'ONU a documenté 2 645 incidents de violence sexuelle au cours de l'année dernière, une augmentation de 45 pour cent par rapport à 2021.²³⁹ Une étude de la violence sexuelle à Cité Soleil a révélé que 80 pour cent des femmes et des filles interrogées avaient subi des violences sexuelles.²⁴⁰ La sous-déclaration chronique due à la stigmatisation, la peur des représailles et le scepticisme à l'égard des recours ou des services – y compris un manque de confiance dans le système judiciaire – amène les défenseurs à croire que les chiffres réels sont bien plus élevés.²⁴¹
- Les gangs continuent d'utiliser le viol et d'autres formes de violence sexuelle comme arme de conflit.²⁴² L'ONU a documenté au moins 93 cas de viol impliquant des membres de gangs entre janvier et avril 2023.²⁴³ L'Office de la protection du citoyen et de la citoyenne d'Haïti a signalé que 29 femmes et filles ont été victimes de viols de gang pendant une période de seulement 4 jours en avril.²⁴⁴ Ces agressions ont souvent lieu en public²⁴⁵ et devant les familles et les enfants, entraînant un traumatisme supplémentaire.²⁴⁶ Un rapport du BINUH a révélé que les membres de gangs ont l'habitude de forcer les jeunes femmes et les filles à avoir des relations intimes, en abusant sexuellement, exploitant et même tuant celles qui refusent.²⁴⁷

^{III} L'ONU définit la violence basée sur le genre comme « des actes nuisibles dirigés contre un individu sur la base de son genre, » et note que la VBG « est enracinée dans l'inégalité entre les sexes, l'abus de pouvoir et les normes nuisibles. » VBG comprend, mais n'est pas limité à, « maux sexuels, physiques, mentales et économiques infligés en public ou en privé » ainsi que « les menaces de violence, la contrainte et la manipulation. » *Gender-based Violence*, UN REFUGEE AGENCY, <https://www.unhcr.org/en-us/gender-based-violence.html> (dernière visite le 6 juin 2023).

- Les femmes et les filles continuent d'avoir de la difficulté à accéder aux services essentiels et à demander réparation en cas de préjudice.²⁴⁸ Les victimes de violence sexuelle n'ont souvent pas accès aux soins médicaux en cas de traumatisme physique, de grossesse et d'infections sexuellement transmissibles.²⁴⁹ Les obstacles à l'accès aux soins de santé comprennent des problèmes d'accès physique à cause de la violence des gangs et des barrages routiers²⁵⁰, le coût élevé des transports²⁵¹ et la réduction des soins hospitaliers causée par l'insécurité.²⁵² L'intimidation par les membres de gangs, la stigmatisation des victimes et les dysfonctionnements judiciaires généralisés sont autant d'obstacles à la justice.²⁵³ Néanmoins, des organisations de base et des groupes féministes haïtiennes continuent de lutter pour les droits des victimes.²⁵⁴
- Les femmes enceintes sont particulièrement touchées par le manque de soins de reproduction appropriés en Haïti.²⁵⁵ La violence des gangs empêche souvent les femmes en travail d'aller à l'hôpital, ce qui peut rendre mortelles les grossesses à haut risque.²⁵⁶ L'avortement continue d'être illégal en toutes circonstances, obligeant les femmes à le rechercher en dehors du système de santé formel, les exposant à des risques médicaux et à des répercussions juridiques,²⁵⁷ y compris la réclusion à perpétuité.²⁵⁸
- Les crises en Haïti ont un impact distinct sur les enfants, dont 2,6 millions ont un besoin urgent d'assistance vitale en 2023, en raison d'un accès insuffisant à l'eau potable, à une alimentation abordable, aux soins de santé de base et à la protection contre la violence.²⁵⁹ Les effets de la faim et de la malnutrition chroniques – qui comprennent une immunité affaiblie et une vulnérabilité accrue aux problèmes de santé – sont particulièrement prononcés chez les enfants.²⁶⁰ L'UNICEF estime que plus de 115 600 enfants souffriront d'émaciation sévère^{IV} en 2023.²⁶¹ Près de 36 pour cent des cas de choléra concernent des enfants de moins de 9 ans.²⁶² Les fermetures généralisées d'écoles au cours de l'année écoulée²⁶³ ont bloqué l'accès à l'éducation tout en augmentant la vulnérabilité des enfants au recrutement par des gangs,²⁶⁴ ce qui a conduit le directeur régional de l'UNICEF à avertir que la situation « crée un pipeline pour les gangs. »²⁶⁵ De plus, les gangs dirigent une violence brutale contre les enfants, violant des filles et des garçons dès l'âge de dix ans.²⁶⁶ La violence et la situation humanitaire extrêmement difficile pèsent lourdement sur la santé mentale des enfants.²⁶⁷ En plus de ces graves dommages, la pratique de longue date consistant à envoyer des enfants – pour la plupart de familles pauvres et principalement des filles – travailler comme domestiques, ou *restavèks*, se poursuit avec environ 207 000 à 250 000 enfants en situation de *restavèk*.²⁶⁸ Ceci a souvent pour résultat la privation de soins familiaux²⁶⁹ et d'éducation,²⁷⁰ aussi bien qu'un risque élevé d'abus physique et sexuel (surtout pour les filles).²⁷¹
- Les agriculteurs ruraux d'Haïti – « peyizan » – environ 30 pour cent de la population²⁷² – restent vulnérables aux attaques, aux expulsions à grande échelle et à l'accaparement des terres par les gangs et les élites économiques et politiques.²⁷³ Certaines accaparements de terres sont le résultat d'une collusion entre les gangs et le gouvernement pour créer des zones libres pour l'exploitation minière dans les communautés rurales d'Haïti.²⁷⁴
- Il y a peu de données disponibles sur le statut des droits humains de nombreux autres groupes marginalisés en Haïti. Comme nous l'avons signalé dans notre mise à jour précédente,²⁷⁵ la marginalisation et la stigmatisation chroniques des personnes LGBTQI+ en Haïti les rendent particulièrement vulnérables à la violence.²⁷⁶ Les gangs continuent de cibler délibérément les personnes LGBTQI+.²⁷⁷ La crise aiguë de l'insécurité aggrave la stigmatisation de longue date et

^{IV} L'Organisation mondiale de la santé définit l'émaciation comme un « faible rapport poids/taille » qui est souvent « due au fait qu'une personne n'a pas ingéré assez d'aliments et/ou qu'elle a été atteinte d'une maladie infectieuse. » *Malnutrition*, ORGANISATION MONDIALE DE LA SANTE, <https://www.who.int/fr/news-room/fact-sheets/detail/malnutrition> (dernière visite le 21 juillet 2023). L'émaciation sévère est la forme de sous-nutrition la plus fatale et elle transforme les affections courantes en maladies mortelles car les corps des enfants n'ont pratiquement aucune protection contre les infections et sont incapable d'absorber les nutriments. *Child alert: Severe wasting*, UNICEF, <https://www.unicef.org/child-alert/severe-wasting> (dernière visite le 26 juillet 2023).

la discrimination²⁷⁸ à l'encontre des personnes handicapées, ce qui expose leur vulnérabilité à la violence et au harcèlement.²⁷⁹ Les personnes handicapées en Haïti sont également confrontées à des taux de chômage plus élevés, ce qui les rend disproportionnellement vulnérables au déclin économique d'Haïti.²⁸⁰

V. L'effondrement de droits économiques et sociaux

Le paysage économique et social d'Haïti continue d'être catastrophique et cela comprend une faim sans précédent,²⁸¹ un manque d'accès à l'eau et aux soins médicaux,²⁸² la fermeture d'hôpitaux et d'écoles,²⁸³ un manque continu de carburant,²⁸⁴ et une épidémie de choléra qui continue d'infecter et de tuer des Haïtiens.²⁸⁵ Ces défis sont enracinés dans un sous-développement à long terme, en partie à cause des politiques et des pratiques extractives étrangères aggravées par la corruption et la mauvaise gestion de la part des gouvernements haïtiens.²⁸⁶ La centralisation excessive des services, un autre héritage de l'intervention étrangère,²⁸⁷ exacerbe encore les défis pour les Haïtiens ruraux.²⁸⁸ La gouvernance actuelle et les crises d'insécurité décrites dans cette mise à jour causent des dommages importants en plus de ces facteurs structurels.²⁸⁹ La vulnérabilité d'Haïti au changement climatique et aux désastres naturels,²⁹⁰ en partie à cause de l'incapacité chronique du gouvernement haïtien à répondre de façon adéquate à ces facteurs de stress et aux pratiques d'aide internationale qui minent la résilience, aggrave la crise.²⁹¹

Économie en déclin

- L'économie haïtienne fait face à sa cinquième année consécutive de déclin.²⁹² La récession économique persistante a poussé les Haïtiens de plus en plus dans l'extrême pauvreté.²⁹³ En avril, près de 90 pour cent des Haïtiens vivaient en dessous du seuil de pauvreté.²⁹⁴ Parmi ceux-ci, près d'un tiers survivaient avec moins de 2,15 dollars par jour, ce qui est classé dans la « pauvreté extrême. »²⁹⁵
- L'inflation a atteint un niveau record de 49,3 pour cent en janvier,²⁹⁶ rendant la nourriture et les services essentiels inabordable pour de nombreux citoyens.²⁹⁷ Par exemple, le prix des denrées alimentaires essentielles comme le riz, la viande, le lait en poudre, l'huile de cuisine, les pois et le sucre a augmenté parfois jusqu'à 87 pour cent au cours de l'année écoulée,²⁹⁸ ce qui a contraint les ménages pauvres à consacrer au moins 75 pour cent de leurs revenus à l'alimentation.²⁹⁹
- L'insécurité et les obstacles à l'activité économique et aux voyages ont exacerbé les causes structurelles de longue date du déclin économique d'Haïti.³⁰⁰ Les attaques constantes des gangs contre les ports commerciaux et les blocages des routes principales ont entravé la circulation des marchandises à travers Haïti, faisant encore grimper les prix et déstabilisant davantage l'économie.³⁰¹ Des perturbations externes dans le commerce international, principalement dues à des problèmes d'insécurité rampante, ont porté un coup supplémentaire à l'économie haïtienne³⁰² et a dévasté les travailleurs qui avaient déjà du mal à joindre les deux bouts.³⁰³
- Le manque chronique d'opportunités économiques est un facteur supplémentaire dans le recrutement des gangs, car de nombreux Haïtiens qui ne peuvent pas subvenir à leurs besoins fondamentaux considèrent l'adhésion à un gang – ce qui peut leur fournir de l'argent et de la protection – comme seul moyen de survie.³⁰⁴ Dans quelques quartiers, les gangs ont comblé le vide créé par le gouvernement en fournissant ou en cooptant certains services sociaux et humanitaires,³⁰⁵ tirant parfois parti de ces actes pour exercer une pression supplémentaire sur les membres de la communauté afin qu'ils rejoignent leurs rangs.³⁰⁶

Accès à l'eau

- Un rapport publié en mars par le Bureau des Nations Unies pour la coordination des affaires humanitaires a révélé que 3,3 millions d'Haïtiens – plus d'un quart de la population – n'ont pas un accès adéquat aux systèmes d'eau, d'hygiène et d'assainissement.³⁰⁷
- La crise aiguë de l'eau découle de problèmes à long terme,³⁰⁸ enracinés dans l'incapacité du gouvernement haïtien à construire et à entretenir les infrastructures hydrauliques.³⁰⁹ L'insécurité chronique catastrophique et les pénuries de carburant, qui bloquent le traitement et la distribution de l'eau, ont exacerbé ces problèmes.³¹⁰ L'ONU s'est engagée à s'attaquer aux problèmes chroniques d'accès à l'eau, à l'assainissement et aux infrastructures d'hygiène en 2016 dans le cadre de son plan d'élimination du choléra introduit par l'ONU,³¹¹ mais elle n'a rien fait.³¹² Les Haïtiens restent donc vulnérables aux maladies d'origine hydrique, y compris le choléra.³¹³
- Le changement climatique et la dégradation de l'environnement sont des facteurs supplémentaires de la crise de l'eau.³¹⁴ La sécheresse persistante dans la vallée de l'Artibonite empêche l'activité agricole, ce qui exacerbe l'insécurité alimentaire qui y existait auparavant.³¹⁵ Des inondations dans d'autres régions au début juin ont laissé 42 morts, 13 000 déplacés et aggravé les problèmes d'accès à l'eau potable ainsi que d'autres problèmes humanitaires.³¹⁶

Accès à la nourriture

- Presque la moitié de la population--4,9 millions d'Haïtiens--vit dans une insécurité alimentaire aiguë,³¹⁷ dans ce que l'ONU appelle « une faim d'urgence. »³¹⁸ Parmi eux, plus de 4,7 millions confrontent actuellement un niveau critique d'insécurité alimentaire³¹⁹ et presque 1,8 million vivent en une insécurité alimentaire d'urgence.³²⁰ Le Rapport mondial sur les crises alimentaires de 2023 a prévu que ce chiffre, déjà le plus élevé depuis sept ans, est susceptible d'augmenter encore plus.³²¹ Huit Haïtiens sur dix réduisent actuellement la quantité et le nombre de leurs repas.³²² Environ 22 pour cent des enfants – qui sont particulièrement vulnérables aux effets à long-terme de l'insécurité de la nourriture³²³ – souffrent de malnutrition chronique.³²⁴ Les résidents des quartiers de Port-au-Prince qui sont contrôlés par les gangs sont particulièrement vulnérables ; une personne sur vingt dans la capitale vit dans des conditions de famine.³²⁵ En mai, 19 000 personnes à Cité Soleil faisaient face à une faim « catastrophique. »³²⁶
- L'insécurité généralisée, avec des prix alimentaires de plus en plus gonflés,³²⁷ est un moteur immédiat de la crise alimentaire.³²⁸ La violence des gangs et les blocus à Port-au-Prince ont perturbé les chaînes d'approvisionnement alimentaire à travers le pays et entravé à la fois la distribution de nourriture et l'accès aux marchés.³²⁹ L'activité des gangs empêché également les travailleurs dans la région de l'Artibonite – le principal centre agricole en Haïti – d'accéder à leurs champs et d'entretenir leurs systèmes d'irrigation,³³⁰ aggravant encore l'impact dévastateur d'une sécheresse sur la pénurie alimentaire dans tout le pays³³¹ et soulevant des soucis de famine dans le pays.³³² Des marchands d'engrais ont été contraints de fermer leurs magasins en raison de la violence des gangs, ce qui a affecté même plus la production alimentaire essentielle.³³³
- Les moteurs à plus long terme de la crise de la faim comprennent un soutien humanitaire inadéquat,³³⁴ des défis environnementaux,³³⁵ et une ingérence étrangère persistante dans la souveraineté de la nourriture haïtienne.³³⁶

Accès aux soins de santé

- Les gangs continuent de cibler les personnels de santé et les malades pour des enlèvements³³⁷ et des attaques.³³⁸ Il en résulte que multiples centres de santé établis depuis longtemps, dont deux établissements de *Médecins Sans Frontières (MSF)*,³³⁹ ont été contraints de fermer ou de suspendre leurs opérations.³⁴⁰ De plus, la violence augmente les besoins urgents des soins de santé ; les fermetures d'hôpitaux sont catastrophiques pour les multiples victimes de coups de feu et de violence sexuelle dans ces régions.³⁴¹ Les professionnels de santé ont eu recours à des mesures

- extrêmes pour continuer à prodiguer des soins d'urgence aux malades, souvent à un risque considérable pour leur sécurité personnelle³⁴² et leur bien-être.³⁴³
- Un sous-financement chronique a mené le système de santé haïtien au bord de l'effondrement.³⁴⁴ Les travailleurs de santé partout dans le pays ont protesté contre l'incapacité du gouvernement à assurer des conditions de travail correctes et des salaires suffisants, ce qui a interrompu même plus la provision des soins de santé.³⁴⁵ Le personnel médical de l'Hôpital de l'Université d'État d'Haïti étaient en grève de décembre 2022 jusqu'à fin avril pour protester contre les salaires insuffisants et les mauvaises conditions de travail, ce qui a réduit même plus les services pendant plus de quatre mois.³⁴⁶ Les résidents médicaux à l'Hôpital universitaire Justinien à Cap-Haïtien – le plus grand hôpital dans le département du Nord, qui dessert plus de 800 000 personnes – sont en grève depuis fin mars pour réclamer de meilleures conditions de travail, de sûreté, et de service électrique.³⁴⁷
 - Les femmes et les filles – qui sont déjà confrontées à des obstacles structurels à l'accès aux soins de santé³⁴⁸ – sont particulièrement touchées par les fermetures d'hôpitaux.³⁴⁹ Par exemple, le Centre de santé Fontine est actuellement le seul établissement médical à pratiquer des césariennes et d'autres chirurgies à haut risque à Cité Soleil ; tous les autres ont fermé en raison de la violence des gangs.³⁵⁰
 - La violence des gangs et les barrages routiers rendent les déplacements vers l'hôpital extrêmement dangereux voire impossibles, tant pour les personnels de santé que pour les malades.³⁵¹ Ils compliquent également le transport du carburant et des fournitures médicales de base, ce qui entraîne des pénuries qui empêchent la fourniture de soins médicaux appropriés.³⁵² Les prix élevés du carburant,³⁵³ les coupures de courant persistantes³⁵⁴ et une pénurie perpétuelle de produits pétroliers ont encore exacerbé ces défis.³⁵⁵
 - Le choléra continue de se propager à travers Haïti, malgré les efforts colossaux des professionnels de santé pour contenir l'épidémie³⁵⁶ et la mise en place d'une campagne de vaccination.³⁵⁷ Au 1er juin le ministère haïtien de la Santé a signalé 2 988 cas confirmés, 47 002 cas suspects et 717 morts.³⁵⁸ L'effondrement des systèmes de surveillance et l'insécurité pervasive qui empêche l'accès aux soins médicaux et aux tests signifient que les nombres réels sont probablement bien plus élevés.³⁵⁹ La maladie est réapparue en octobre 2022, presque exactement 12 ans après que la même souche a été introduite négligemment pour la première fois en Haïti par des soldats de la paix de l'ONU en 2010.³⁶⁰ Sa propagation rapide alors et maintenant est en grande partie due aux problèmes chroniques d'eau, d'assainissement, d'infrastructure hygiénique³⁶¹ et du système de santé en Haïti.³⁶² La malnutrition, qui augmente la sévérité des symptômes et le risque de mort, est une vulnérabilité supplémentaire.³⁶³

Accès à l'éducation

- Selon l'UNICEF, 25 pour cent des écoles en Haïti restent fermées depuis octobre 2022 à cause de l'insécurité persistante et les crises humanitaires.³⁶⁴ La situation est particulièrement grave aux départements du Nord et du Nord-Est, respectivement, où seulement 17 pour cent et 27 pour cent des écoles étaient ouvertes en janvier 2023.³⁶⁵ Comme résultat de ces fermetures prolongées, la plupart des enfants haïtiens ont perdu une année scolaire entière depuis septembre 2019.³⁶⁶ L'UNICEF prédit que les élèves perdront près de deux mois d'école au premier semestre 2023 à moins que des mesures ne soient prises pour protéger les écoles de la violence.³⁶⁷ De plus, les fermetures d'écoles laissent les enfants plus vulnérables au recrutement de force par les gangs.³⁶⁸
- Des attaques délibérées par des membres de gangs sur les écoles ont été multipliées par neuf pendant l'année passée, de seulement 8 dans le premier quart de 2022 à 72 dans le premier quart de 2023.³⁶⁹ Les membres de gangs continuent de tirer³⁷⁰ et d'enlever³⁷¹ des éducateurs et des étudiants, de piller le matériel et la nourriture des cantines scolaires³⁷² et d'occuper les écoles.³⁷³ Un rapport de police publié en avril a indiqué que les gangs cachaient des armes trafiquées dans des écoles de Port-au-Prince.³⁷⁴ Les attaques délibérées et la proximité générale d'une violence omniprésente³⁷⁵

ont contraint les familles à garder leurs enfants chez eux,³⁷⁶ ont empêché les éducateurs d'aller à l'école³⁷⁷ et ont bloqué la distribution de kits scolaires dans les zones rurales.³⁷⁸ Les enfants qui finissent par aller à l'école déclarent qu'ils ne peuvent pas se concentrer en raison d'une peur constante.³⁷⁹ Certaines écoles ont essayé de transférer les leçons en ligne, marginalisant davantage les enfants qui vivent dans la pauvreté sans accès à l'internet.³⁸⁰

- Ces défis aigus sont exacerbés par un manque de ressources et un dysfonctionnement massif du système d'éducation haïtien.³⁸¹ En 2023, le gouvernement a réduit de 34 pour cent le financement du secteur de l'éducation.³⁸² Il n'arrive jamais à payer les éducateurs correctement ou à temps,³⁸³ même retenant les salaires des enseignants qui ne peuvent pas aller à l'école en raison de la violence pervasive des gangs.³⁸⁴ En avril, les enseignants ont protesté les mauvaises conditions de travail et les salaires insuffisants, appelant le gouvernement à augmenter les salaires pour suivre l'inflation.³⁸⁵ De nombreux enseignants ont démissionné parce qu'ils ne peuvent pas travailler pour rien sans aucun soutien de l'état.³⁸⁶

VI. Les pressions de l'émigration

Les défis décrits ci-dessus continuent à exercer sur les Haïtiens une pression immense d'émigrer.³⁸⁷ Bien qu'ils reconnaissent clairement la sévérité de la crise et son impact sur les Haïtiens,³⁸⁸ les états étrangers ont adopté des mesures politiques de plus en plus draconiennes, enracinées dans le racisme anti-Noir, pour expulser les Haïtiens qui cherchent refuge à leurs frontières.³⁸⁹ Le nouveau programme des États-Unis pour une parole humanitaire pour les Haïtiens est une reconnaissance explicite de la situation désastreuse en Haïti et de l'impératif d'offrir une protection à ceux qui prennent la fuite, même si la politique américaine d'immigration finit par exclure les Haïtiens les plus vulnérables.³⁹⁰ Les Haïtiens qui sont rapatriés en Haïti continuent de faire face à des risques extrêmes liés aux gangs et à la détérioration économique et sociale.³⁹¹

- Les Haïtiens continuent d'essayer de fuir l'insécurité croissante et la crise humanitaire du pays par des traversées terrestres et maritimes dangereuses et parfois mortelles³⁹² en quête de sécurité.³⁹³ Selon l'IOM, les Haïtiens représentent la plus grande proportion des 321 migrants disparus ou morts dans la mer des Caraïbes en 2022.³⁹⁴ La plupart se sont noyés quand un navire de fortune mal équipé pour faire la dangereuse traversée a chaviré avant d'atteindre sa destination.³⁹⁵ Les migrants haïtiens sont toujours extrêmement vulnérables aux enlèvements,³⁹⁶ à la traite,³⁹⁷ à l'extorsion,³⁹⁸ à l'assaut physique,³⁹⁹ et à la violence sexuelle,⁴⁰⁰ en particulier au Mexique et au Darien Gap entre la Colombie et le Panama.⁴⁰¹
- Les états étrangers continuent d'expulser la majorité des migrants haïtiens qui arrivent à leurs frontières,⁴⁰² malgré des critiques persistantes des agences de l'ONU,⁴⁰³ des législateurs américains⁴⁰⁴ et des organisations humanitaires⁴⁰⁵ que cette pratique est à la fois illégale et immorale. Le 11 mai, le gouvernement américains a remplacé sa politique de l'époque COVID qui était utilisée pour expulser les migrants par un nouveau programme qui restreint les droits d'asile d'une manière qui, selon les experts, viole ses obligations juridiques internationales.⁴⁰⁶ La République dominicaine continue d'arrêter, de détenir et d'expulser en masse des citoyens haïtiens.⁴⁰⁷ Les autorités dominicaines ont expulsé au moins 154 333 migrants haïtiens – y compris des femmes enceintes et des enfants⁴⁰⁸ – en 2022,⁴⁰⁹ et au moins 51 000 entre janvier et avril 2023.⁴¹⁰ Ces expulsions sont alimentées par un racisme anti-Haïtien et anti-Noir ; des Haïtiens et ceux qui ressemblent à des Haïtiens seraient ciblés sans égard à leur statut d'immigration.⁴¹¹ Les migrants haïtiens dans la République dominicaine sont souvent victimes de vol, de violence physique et d'exploitation et d'abus sexuels.⁴¹² D'autres pays, dont le Mexique, les Bahamas et les îles Turques et Caïques, ont aussi mis en œuvre des politiques de plus en plus draconiennes et anti-Noires qui ont un impact sur les migrants haïtiens.⁴¹³
- En janvier, l'administration Biden a créé un nouveau programme de parole conditionnelle humanitaire qui permet l'entrée aux Haïtiens avec un passeport, l'accès à un smartphone et un parrain légal basé aux États-Unis,⁴¹⁴ même s'il continue d'expulser les Haïtiens arrivant à la frontière vers des conditions dangereuses et de couper les voies légales d'asile pour les plus vulnérables.⁴¹⁵ Tandis que la création du

programme reconnaît explicitement que les conditions en Haïti continuent à exiger des tentatives désespérées d'émigration, en effet ses règles excluent la majorité des Haïtiens, qui manquent des passeports et des contacts américains.⁴¹⁶ Cela renforce la perception que les États-Unis ne sont ouverts qu'aux migrants qu'ils jugent souhaitables.⁴¹⁷ Les impacts du programme comprennent une augmentation soudaine des demandes de passeport, ce qui a submergé les bureaux de passeports sous-financés. Il y a des rapports de prix abusifs et de demandes de sexe en échange des documents critiques.⁴¹⁸ Il soulève également des inquiétudes quant à la « fuite des cerveaux. »⁴¹⁹

- Comme indiqué dans nos précédentes mises à jour,⁴²⁰ les migrants haïtiens qui sont expulsés ou renvoyés en Haïti, dont certains n'ont jamais mis les pieds dans le pays auparavant,⁴²¹ manquent largement les ressources et les réseaux de sécurité sociale nécessaires pour survivre.⁴²²

VI. Les échecs continus de la communauté internationale à respecter les droits des Haïtiens

Les défis en matière de droits humains en Haïti sont enracinés dans des siècles de conduite néfaste de la part d'acteurs étrangers, de l'esclavage et du colonialisme à l'ingérence politique et économique continue.⁴²³ Ces politiques et leur impact sur les structures sociales et politiques d'Haïti ont engendré un cycle d'endettement et de dépendance à l'aide qui a appauvri Haïti et favorisé la cooptation corrompue continue des institutions haïtiennes par des intérêts étrangers et des élites domestiques.⁴²⁴ Pour l'essentiel, la communauté internationale n'a pas reconnu – et encore moins réparé – ces dommages.⁴²⁵ En d'autres termes, les torts historiques non résolus ont laissé aux Haïtiens une économie éventrée et des structures gouvernementales délibérément affaiblies pour faire valoir leurs droits humains, alors même que l'ingérence étrangère⁴²⁶ et les pratiques d'aide nuisibles⁴²⁷ continuent d'entraver son développement. Au mesure que la situation sécuritaire et humanitaire des Haïtiens s'est aggravée au cours des deux dernières années, l'activité internationale axée sur Haïti s'est augmentée.⁴²⁸ Au cours de cette dernière période de rapport, l'Organisation des États américains a créé un groupe de travail axé sur Haïti,⁴²⁹ le Haut-Commissaire des Nations Unies aux droits de l'homme (HCDH) a visité Haïti et son bureau a nommé un expert indépendant peu de temps après,⁴³⁰ de nombreux gouvernements nationaux ont émis des sanctions supplémentaires contre les personnes qu'ils accusent de corruption ou de collusion avec des membres de gangs,⁴³¹ et les États-Unis ont publié leur Global Fragility Act pour Haïti en tant que pays pilote.⁴³² On fait fréquemment référence à l'avancement des solutions et du leadership haïtiens.⁴³³ Mais il est loin d'être clair que ces activités aident à habilitier les Haïtiens ou qu'elles indiquent aucun départ de la politique qui a historiquement fait mal à Haïti, même quand elles sont supposées aider.⁴³⁴ Malgré l'attention augmentée, l'aide humanitaire dont Haïti a terriblement besoin reste insuffisant pour répondre à ses besoins croissants.⁴³⁵ De plus, les acteurs internationaux ont continué la politique qui revient à supporter un gouvernement illégitime, corrompu et incompetent de telle façon qu'ils enlèvent toute raison d'entamer une transition démocratique nécessaire.⁴³⁶

- Malgré de l'évidence claire que l'Accord de décembre d'Henry n'a pas été le produit d'un dialogue national, et qu'il sert principalement à consolider du pouvoir illégitime,⁴³⁷ les États-Unis et l'ONU l'ont vanté comme l'effort « le plus prometteur » de consensus vers une transition démocratique.⁴³⁸ Le soutien international d'Henry,⁴³⁹ en même temps que les Haïtiens et leurs alliés demandent que la communauté internationale cesse de le soutenir,⁴⁴⁰ n'offre à Henry aucune motivation pour engager dans le genre de dialogue international que la communauté internationale elle-même définit comme impérative.⁴⁴¹
- La communauté internationale continue à réclamer une intervention armée étrangère pour combattre l'insécurité,⁴⁴² d'abord demandée par le premier ministre de facto Henry en octobre 2022.⁴⁴³ La plupart des organisations de la société civile qui ne sont pas liées avec le gouvernement de facto ont protesté l'idée d'une intervention sous Henry.⁴⁴⁴ Ils estiment qu'une intervention militaire sans aucune autorité constitutionnelle n'aura pas les résultats espérés et qu'elle enracinera plus profondément des acteurs non démocratiques.⁴⁴⁵ Ils citent aussi l'histoire haïtienne avec les interventions étrangères,⁴⁴⁶ qui ont non seulement échoué à restaurer une stabilité qui dure, mais

qui ont apporté comme résultat une épidémie mortelle de choléra.⁴⁴⁷ L'insécurité catastrophique croissante a néanmoins poussé de nombreux Haïtiens à voir l'intervention armée comme une nécessité pour adresser le pire de la violence, malgré le scepticisme profond né des actions étrangères du passé.⁴⁴⁸

- Cette même violence continue d'être alimentée en partie par le trafic d'armes des États-Unis, dont les lois laxistes sur les armes à feu facilitent la contrebande d'armes et de munitions en Haïti.⁴⁴⁹ Le scandale des armes qui implique l'Église épiscopale haïtienne – qui a servi pendant des années comme front pour les gangs qui trafiquent impunément des armes illicites en Haïti⁴⁵⁰ – paraît même pire que ce qu'on avait déjà reporté.⁴⁵¹ Des officiels du gouvernement haïtien ont aussi été impliqués dans le trafic illicite des armes.⁴⁵² Les haïtiens et des législateurs américains continuent à demander un contrôle plus robuste pour stopper le flux d'armes.⁴⁵³
- Les États et les organisations étrangers ont continué de sanctionner des individus haïtiens dans le but de réprimer la corruption et les violations des droits humains.⁴⁵⁴ Bien qu'il s'agisse d'un certain nombre d'élites politiques et commerciales étroitement liées à l'administration de facto,⁴⁵⁵ les États-Unis, en particulier, se sont abstenus de sanctionner bon nombre d'acteurs principaux responsables en dernier ressort des crises actuelles en Haïti.⁴⁵⁶ Il y a des doutes également que les sanctions ne soient utilisées de manière inappropriée ou pour influencer les élections parce que le processus de désignation manque de transparence⁴⁵⁷ ; les sanctions elles-mêmes seraient impuissantes, surtout dans leur implémentation⁴⁵⁸ ; et les sanctions pourraient même exacerber la crise d'insécurité alors que les gangs dépendent plus des enlèvements comme principale source de revenus.⁴⁵⁹
- Le 12 avril, le HCDH a nommé un expert des droits humains en Haïti avec un mandat élargi pour surveiller la situation des droits humains en Haïti dans une perspective spécifiquement concentrée sur le genre, pour des conseils et une assistance technique au gouvernement haïtien et à la société civile.⁴⁶⁰ La résolution du Conseil des droits humains des Nations Unies autorisant la nomination envisage également la création d'un bureau de pays pour le HCDH en Haïti.⁴⁶¹ Que ces mesures avancent la cause des droits humains en Haïti dépend largement de l'indépendance accordée à l'expert et ses subordonnés pour considérer toute la gamme des droits humains en Haïti. Il y a des indications, même dans la résolution elle-même, que le travail de l'expert sera sujet à une collaboration avec BINUH et le HCDH.⁴⁶² BINUH en particulier a un record mixte sur les droits humains en Haïti et il est perçu avec beaucoup de scepticisme par la société civile haïtienne, en partie pour son soutien politique des gouvernements affiliés avec le PHTK sans égard aux considérations des droits humains.⁴⁶³
- Le 1er mars, Maria Isabel Salvador a pris le rôle de la Représentante spéciale pour Haïti et de chef de BINUH, succédant à Helen La Lime.⁴⁶⁴ Le mandat actuel de BINUH expire le 15 juillet 2023⁴⁶⁵ mais il sera sans doute renouvelé.

¹ See [IJDH November 2022 Update](#).

² *Haiti insecurity 'comparable' to nations at war, says UN*, FRANCE 24 (Apr. 25, 2023), <https://www.france24.com/en/americas/20230424-haiti-insecurity-comparable-to-nations-at-war-says-un>; *Haiti: Severe levels of insecurity must not be an obstacle to much needed humanitarian aid*, INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) (Feb. 8, 2023), <https://www.icrc.org/en/document/haiti-severe-levels-insecurity-must-not-be-obstacle-much-needed-humanitarian-aid>. This is significant because it indicates an extremely high level of violence and impact on the population, and is a threshold requirement for applying certain humanitarian law provisions that apply in the event of an “armed conflict.” See ICRC, *Characteristics of Armed Conflicts & Other Situations of Violence*, https://www.icrc.org/en/download/file/67234/handout_3_-_characteristics_of_armed_conflicts_other_situations_of_violence.pdf (last visited Jun. 6, 2023).

³ UN Integrated Office in Haiti (BINUH), *Human Rights Situation: Main trends, Quarterly report: January – March 2023* 3, <https://www.ohchr.org/sites/default/files/documents/countries/haiti/Haiti-Human-rights-quarterly-report-Q1-2023-EN.pdf> (last visited Jun. 6, 2023).

⁴ See Pooja Bhatia, *Haiti's descent into hell*, NEW STATESMAN (May 10, 2023), <https://www.newstatesman.com/world/americas/2023/05/haiti-descent-into-hell>.

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- ⁵ See, e.g., Jacqueline Charles, *Gang-related violence in Haiti has reached levels not seen in decades*, U.N. chief says, MIAMI HERALD (Jan. 24, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article271567747.html>.
- ⁶ See Marlene L. Daut, *What's the path forward for Haiti?*, NEW YORKER (Mar. 18, 2023), <https://www.newyorker.com/news/annals-of-inquiry/whats-the-path-forward-for-haiti>.
- ⁷ *Haïti : La production agricole dans l'Artibonite, rudement affectée par les actes de terreur et de criminalité des gangs*, ALTERPRESSE (Feb. 24, 2023), <https://www.alterpresse.org/spip.php?article29076>.
- ⁸ *Haiti: Amid rising hunger levels, 'world cannot wait for disaster before it acts', WFP warns*, UN NEWS (Mar. 23, 2023), <https://news.un.org/en/story/2023/03/1134972>.
- ⁹ Dylan Robertson, *Haiti at risk of famine as farmers kidnapped, 'extremely bad' hunger fuels tumult*, NATIONAL POST (May 13, 2023), <https://nationalpost.com/news/world/haiti-at-risk-of-famine-as-farmers-kidnapped-extremely-bad-hunger-fuels-tumult> (reporting that “the United Nations is warning that Haiti’s political chaos is putting the country at risk of famine,” with World Food Programme country director Jean-Martin Bauer noting that this “is the first time that people in the Americas have been characterized as being at risk of famine”); *Crise : Des experts craignent une famine généralisée en Haïti*, ALTERPRESSE (May 8, 2023), <https://www.alterpresse.org/spip.php?article29283>; *Haiti – Grand’Anse : On the verge of famine*, HAITI LIBRE (Feb. 16, 2023), <https://www.haitilibre.com/en/news-38866-haiti-grand-anse-on-the-verge-of-famine.html>.
- ¹⁰ See *Droits humains : Appel à la mobilisation de plusieurs organisations et institutions, en faveur de l'accès à l'eau potable et l'assainissement en Haïti*, ALTERPRESSE (Mar. 23, 2023), <https://www.alterpresse.org/spip.php?article29158>; Murdith Joseph, *Doctors group in Haiti appeals for respect after threatening incidents*, HAITIAN TIMES (Feb. 27, 2023), <https://haitiantimes.com/2023/02/27/doctors-group-in-haiti-appeals-for-respect-after-threatening-incidents/>.
- ¹¹ See, e.g., Press Release, OHCHR, *UN Human Rights Chief designates William O’Neill as expert on human rights in Haiti* (Apr. 12, 2023), <https://www.ohchr.org/en/press-releases/2023/04/un-human-rights-chief-designates-william-oneill-expert-human-rights-haiti>; see also *infra* Section VII.
- ¹² See Amy Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*, THE NATION (Apr. 17, 2023), <https://www.thenation.com/article/world/haiti-gangs-ariel-henry-biden/>.
- ¹³ See Monique Clesca, *Haiti’s Rule of Lawlessness*, FOREIGN AFFAIRS (Mar. 10, 2023), <https://www.foreignaffairs.com/central-america-caribbean/haitis-rule-lawlessness>; 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 Becky Sullivan, *As its only remaining elected officials depart, Haiti reaches a breaking point*, NPR (Jan. 18, 2023), <https://www.npr.org/2023/01/18/1149556481/haiti-last-elected-official-political-crisis>; Luke Taylor, *Haiti left with no elected government officials as it spirals toward anarchy*, THE GUARDIAN (Jan. 10, 2023), <https://www.theguardian.com/world/2023/jan/10/haiti-no-elected-officials-anarchy-failed-state>; Letter from Bureau des Avocats Internationaux (BAI) to Dr. Carla Natalie Barnett (Nov. 4, 2022), <http://www.ijdh.org/wpcontent/uploads/2022/11/BAI-Letter-to-CARICOM-November-4-2022.pdf>; Letter from Sen. Edward Markey et al. to President Biden (Oct. 6, 2022), <https://www.markey.senate.gov/news/press-releases/as-humanitarian-crisis-worsens-markey-and-mcGovern-lead-bicameral-call-for-president-biden-to-support-haitis-democratic-aspirations-and-stability> (letter from Members of the U.S. Congress to President Biden, calling for an end to U.S. support for Henry and explaining that he “assumed his position following a power struggle with then-Prime Minister Claude Joseph and has no constitutional or popular mandate”).
- ¹⁵ See HFAC Members Briefing with Ambassador Daniel L. Foote, HOUSE FOREIGN AFFAIRS COMMITTEE (Oct. 7, 2021), <https://www.youtube.com/watch?v=o0GJ8OZWIpY> (testimony of former U.S. Special Envoy to Haiti Daniel Foote to the U.S. House Foreign Affairs Committee that Henry’s regime “is seen as an extension of the Moïse [PHTK] government”); 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”).
- ¹⁶ See *HFAC Members Briefing with Ambassador Daniel L. Foote* (Foote testified that the PHTK would not be able to maintain power without U.S. support).
- ¹⁷ See *HFAC Members Briefing with Ambassador Daniel L. Foote*; Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*.
- ¹⁸ BINUH, *Communiqué du Core Group* (Jul. 17, 2021), <https://binuh.unmissions.org/fr/communiqué-du-core-group-4>; Evan Dyer, *Haitian commission sends message to Canada, U.S. – stop meddling in our government*, CBC NEWS (Dec. 8, 2021), <https://www.cbc.ca/news/politics/haiti-canada-u-s-diplomats-core-group-1.6277103>.

¹⁹ *Consensus National pour une Transition Inclusive et des Élections Transparentes*, LE MONITEUR (Jan. 3, 2023), <https://www.haitilibre.com/docs/Consensus-National-pour-une-transition-inclusive-et-des-elections-transparentes.pdf>; see *infra* notes **Error! Bookmark not defined.**-36.

²⁰ See, e.g., Jean Daniel Sénat, *D'importants partis politiques n'ont pas signé l'accord du 21 décembre*, LE NOUVELLISTE (Dec. 30, 2023), <https://lenouvelliste.com/article/239815/dimportants-partis-politiques-nont-pas-signe-laccord-du-21-decembre>; *L'accord Du 21 Décembre Est L'Oeuvre De La Communauté L'international*, Révèle Ted St Dic, RADIO PBS (Jan. 17, 2023), <https://radiopbs.org/2023/01/laccord-du-21-decembre-est-loeuvre-de-la-communaute-linternational-revele-ted-st-dic/>; *Haïti-Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs*, ALTERPRESSE (Dec. 23, 2023), <https://www.alterpresse.org/spip.php?article28919>.

²¹ See, e.g., *Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January*, BINUH (Jan. 24, 2023), <https://binuh.unmissions.org/en/remarks-special-representative-helen-la-lime-security-council-open-briefing-haiti-24-january>; Press Release, UN, *Key Political Developments, Sanctions Offer Hope to Haiti's Recovery if Supported by International Community, Special Representative Tells Security Council* (Jan. 24, 2023), <https://press.un.org/en/2023/sc15181.doc.htm>; *Remarks at a UN Security Council Briefing on Haiti*, U.S. Embassy in Chile (Jan. 24, 2023), <https://cl.usembassy.gov/remarks-at-a-un-security-council-briefing-on-haiti/>; see *infra* note **Error! Bookmark not defined.**

²² See Catherine Charlemagne, *From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4)*, CANADA-HAITI INFORMATION PROJECT (Feb. 15, 2023), <https://canada-haiti.ca/content/musseau-agreement-karibe-agreement-ariel-henry-consolidates-his-power-part-4>; *Haïti-Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs*; Jean Pharès Jérôme, *Le faire-semblant d'Ariel Henry*, LE NOUVELLISTE (Apr. 13, 2023), <https://lenouvelliste.com/article/241776/le-faire-semblant-dariel-henry>.

²³ See Sénat, *D'importants partis politiques n'ont pas signé l'accord du 21 décembre; Haïti-Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs*.

²⁴ See Jean Daniel Sénat, *Crise, le sommet de Jonathan Powell reporté sine die*, LE NOUVELLISTE (Mar. 24, 2023), <https://lenouvelliste.com/article/241480/crise-le-sommet-de-jonathan-powell-reporté-sine-die>; Bhatia, *Haiti's descent into hell*; Susan D. Page, *A Smarter U.S. Assistance Strategy for Haiti*, COUNCIL ON FOREIGN RELATIONS (Sep. 8, 2022), <https://www.cfr.org/report/smarter-us-assistance-strategy-haiti>.

²⁵ According to a Haitian human rights defender and feminist activist, Haitians are scared of the ubiquitous violence and exhausted after having seen no change for years. The activist also noted that the de facto government uses gangs to suppress protests, particularly in Port-au-Prince, and that the exodus of activists and youth from the capital and the country as a whole means there are less people willing to brave the danger to organize and attend demonstrations. See also Luke Taylor, *'Warfare is encroaching': aid groups may have to cut back services in Haiti as violence grows*, THE GUARDIAN (Mar. 3, 2023), <https://www.theguardian.com/global-development/2023/mar/03/gang-violence-aid-groups-consider-abandoning-haiti> (according to a representative of Italian non-governmental organization Avsi Foundation, "the violence is making operations almost impossible for civil society groups").

²⁶ See, e.g., Catherine Charlemagne, *Steven Benoît démissionne et supplie Ariel Henry de suivre son exemple*, HAÏTI LIBERTE (Mar. 8, 2023), <https://haitiliberte.com/steven-benoit-demissionne-et-supplie-ariel-henry-de-suivre-son-exemple/>; Ariel Henry, *« s'il a le moindre sentiment de l'honneur », doit offrir sa démission, conseille l'ancien ministre et éditorialiste Marcus Garcia*, REZO NODWES (Feb. 25, 2023), <https://rezonodwes.com/?p=305061>; *Politique : MTV appelle à la démission du Premier ministre Ariel Henry*, HAITI 24 (Apr. 18, 2023), <https://haiti24.net/politique-mtv-appelle-a-la-demission-du-premier-ministre-ariel-henry/>; *Political Vacuum in Haiti Deepens as Senators' Terms Expire*, VOA NEWS (Jan. 10, 2023), <https://www.voanews.com/a/political-vacuum-in-haiti-deepens-as-senators-terms-expire-/6913293.html>.

²⁷ See *infra* notes **Error! Bookmark not defined.**-05.

²⁸ See Jillian Kestler-D'Amours, *Haiti vigilante push 'symptomatic' of state's failures; Advocates*, AL JAZEERA (Jun. 1, 2023), <https://www.aljazeera.com/news/2023/6/1/haiti-vigilante-push-symptomatic-of-states-failures-advocates>; see *infra* note **Error! Bookmark not defined.**

²⁹ See Haitian Observatory of Crimes Against Humanity (OHCCH), *Comment on the Current Situation*, IJDH (Apr. 26, 2023), http://www.ijdh.org/press_release/ohcch-calls-for-an-awakening-of-conscience-for-the-government-of-haiti-and-emphasizes-the-need-for-haitians-to-stick-to-democratic-values/; Johnny Celestin, *The Lynching of Gang Members in Haiti: An Alarming Consequence of Social Disintegration*, LINKEDIN (Apr. 26, 2023), <https://www.linkedin.com/pulse/lynching-gang-members-haiti-alarming-consequence-social->

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³⁰ See Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*; ‘Unprecedented insecurity’ in Haiti requires urgent action: new UN envoy, UN NEWS (Apr. 26, 2023), <https://news.un.org/en/story/2023/04/1136057>.

³¹ See Vanda Felbab-Brown, *Haiti in 2023: Political abyss and vicious gangs*, BROOKINGS INSTITUTE (Feb. 3, 2023), <https://www.brookings.edu/blog/order-from-chaos/2023/02/03/haiti-in-2023-political-abyss-and-vicious-gangs/>; Bhatia, *Haiti’s descent into hell*.

³² See Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*.

³³ See Daut, *What’s the path forward for Haiti?*.

³⁴ See Press Release, OHCHR, *Haiti: UN experts say Government must act to end gang violence against women and girls* (May 10, 2023), <https://www.ohchr.org/en/press-releases/2023/05/haiti-un-experts-say-government-must-act-end-gang-violence-against-women-and>; Francklyn B Geffrard, *Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...*, RHINEWS (Mar. 8, 2023), <https://www.rhinews.com/actualites/au-moins-sept-femmes-victimes-de-la-violence-basee-sur-le-genre-par-jour-en-haiti-denonce-rosy-ducena-du-rn-ddh-devant-la-cidh/>.

³⁵ See @opchaiti, TWITTER (Apr. 23, 2023, 10:57 AM),

<https://twitter.com/opchaiti/status/1650151799460974601/photo/1> (hereinafter **OPC Statement on Massacre in Source Matelas**) (statement from the Office for the Protection of the Citizen (**OPC**), the government’s own human rights ombudsman, describing massacres, rapes, and other violent crimes being committed by “bandits and notorious criminals known to all, armed by the political and economic elite”); Press Release, Senate Foreign Relations Committee, *SFRC Chairman Menendez, Colleagues Applaud SFRC Approval of Haiti Collusion Transparency Act* (May 3, 2023), <https://www.foreign.senate.gov/press/dem/release/sfrc-chairman-menendez-colleagues-applaud-sfrc-approval-of-haiti-criminal-collusion-transparency-act>; *Haiti – Crisis : The OAS reiterates the need for international security support*, HAITI LIBRE (May 10, 2023), <https://www.haitilibre.com/en/news-39501-haiti-crisis-the-oas-reiterates-the-need-for-international-security-support.html> (according to Organization of American States (**OAS**) Special Representative of the Secretary General Cristó Dupouy, “the nexus between criminal groups and politics is still very much strong and may still bring Haiti to the brink”); *Criminalité : L’organisme Sant Karl Lévêque déplore une absence de volonté politique pour combattre les gangs en Haïti*, ALTERPRESSE (Mar. 14, 2023), <https://www.alterpresse.org/spip.php?article29128>.

³⁶ See Kestler-D’Amours, *Haiti vigilante push ‘symptomatic’ of state’s failures: Advocates*.

³⁷ See UN Office on Drugs and Crime (**UNODC**), *Haiti’s criminal markets: mapping trends in firearms and drug trafficking 4* (2023), https://www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf; Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says* (according to the former UN Secretary-General’s Special Representative in Haiti, Helen La Lime, gang violence and kidnapping has increased for the fourth consecutive year).

³⁸ *En Haïti, la “terreur” des gangs se propage à un rythme “alarmant,”* LE NOUVELLISTE (Apr. 27, 2023), <https://lenouvelliste.com/article/242032/en-haiti-la-terreur-des-gangs-se-propage-a-un-rythme-alarmant>; BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 3.

³⁹ United Nations Security Council (**UNSC**), United Nations Integrated Office in Haiti: Report of the Secretary-General, S/2023/274 (Apr. 14, 2023), ¶ 27, https://binuh.unmissions.org/sites/default/files/sg_report_on_binuh_14_april_2023.pdf (hereinafter **UNSG April BINUH Report**); Felbab-Brown, *Haiti in 2023: Political abyss and vicious gangs*; *Haiti’s Last Resort: Gangs and the Prospect of Foreign Intervention*, CRISIS GROUP (Dec. 14, 2022), <https://www.crisisgroup.org/latin-america-caribbean/haiti/b048-haitis-last-resort-gangs-and-prospect-foreign-intervention>. Other sources put the number as high as 300. Michele Kelemen, *The UN says an outside force is needed in Haiti, but countries are reluctant to intervene*, NPR (May 21, 2023), <https://www.npr.org/2023/05/21/1177391853/the-un-says-an-outside-force-is-needed-in-haiti-but-countries-are-reluctant-to-i>; UN Office for the Coordination of Humanitarian Affairs (**OCHA**), *Haiti: Humanitarian Response Plan 2023 At a Glance 3* (Apr. 13, 2023), <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2023-glance-april-2023-enht>.

⁴⁰ **UNSG April BINUH Report** at ¶ 27; see also UNODC, *Haiti’s criminal markets: mapping trends in firearms and drug trafficking* at 4 (listing the major gangs and gang coalitions as “the G9, G-Pep, 400 Mawozo, Baz Galil, Vilaj de Dye, Vitelhomme, and Ti Makak”).

⁴¹ G9 is a coalition of nine gangs founded in June 2020 and led by former police officer Jimmy “Barbecue” Chérizier, who has been implicated in several civilian massacres. *G9 and Family*, INSIGHT CRIME (Jul. 18, 2022), <https://insightcrime.org/haiti-organized-crime-news/g9-family-profile/>.

⁴² Led by Gabriel Jean-Pierre, the *G-Pèp* criminal federation “has a significant presence in the Port-au-Prince suburb of Cité Soleil.” Henry Shuldiner & Chris Dalby, *Haiti Gangs Embrace Political and Police Chaos*, INSIGHT CRIME (Jan. 31, 2023), <https://insightcrime.org/news/haiti-gangs-de-facto-authority-state-institutions-struggle-respond/>. The federation is reportedly funded by a small group of powerful businessmen. Kim Hjelmggaard & Stephen J. Beard, *Haiti spinning out of control on every metric from gangs to kidnappings, migration to murder*, USA TODAY (Mar. 11, 2023), <https://www.usatoday.com/in-depth/news/world/2023/03/11/haiti-chaos-gangs-guns-violence-migration/11110664002/>.

⁴³ See *Violence en Haïti : “J’ai vu des scènes de guerre à la porte de l’hôpital,”* BBC NEWS (Mar. 15, 2023), <https://www.bbc.com/afrique/monde-64926141>; *60 deaths in 8 days in Haiti*, DOMINICAN TODAY (Mar. 7, 2023), <https://dominantoday.com/dr/world/2023/03/07/60-deaths-in-8-days-in-haiti/> (according to the Réseau National de Défense des Droits Humains (RNDDH), fighting between G9 and *G-Pèp* resulted in 60 deaths in Port-au-Prince between February 24 and March 4 alone).

⁴⁴ OCHA, Haiti : Humanitarian note 1 (Mar. 31, 2023), https://reliefweb.int/attachments/510aba84-9cbd-4cc2-ab59-edf008ed9bdf/20230323%20-%20New%20paradigm_30%20March%202023.pdf (reporting that gangs control 80 percent of Port-au-Prince); Andre Paultre & Chris Cameron, *As Haiti’s Police Retreat, Gangs Take Over Much of the Capital*, NY TIMES (Mar. 22, 2023), <https://www.nytimes.com/2023/03/22/world/americas/haiti-police-gang-violence.html>; ABC News, *UN estimates gangs now control around 80% of Port-au-Prince, Haiti*, YOUTUBE (Apr. 26, 2023), <https://www.youtube.com/watch?v=5K3DvjbIGvk> (reporting that the UN estimates that gangs control 80 percent of Port-au-Prince while a Haitian law enforcement source puts the number “closer to 100 percent”); Megan Janetsky & Pierre-Richars Luxama, *Gangs take control in Haiti as democracy withers*, PBS (Jan. 31, 2023), <https://www.pbs.org/newshour/world/gangs-take-control-in-haiti-as-democracy-withers> (reporting that “most on the streets of Port-au-Prince say that the number is closer to 100 percent”); *Haiti activists urge U.S. to stop arms trafficking to gangs*, REUTERS (Mar. 8, 2023), <https://www.reuters.com/world/americas/haiti-activists-urge-us-stop-arms-trafficking-gangs-2023-03-09/> (RNDDH’s Rosy Auguste Ducéna estimates that the Ouest Department, where Port-au-Prince is located, is 100 percent under gang control). Estimates of territorial control by gangs are inherently difficult, made more so by shifting dynamics and the violence itself, and the methodology for available estimates are not made public. These numbers are thus uncertain.

⁴⁵ Press Release, UN, *As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council* (Apr. 26, 2023), <https://press.un.org/en/2023/sc15266.doc.htm> (according to Haiti’s Minister of Foreign Affairs and Worship, 80 percent of Haitian cities are under gang control); *Haiti activists urge U.S. to stop arms trafficking to gangs* (Ducéna estimates that gangs control 60 percent of the territory outside the Ouest Department).

⁴⁶ See *UNSG April BINUH Report* at ¶¶ 16, 27; *Haïti – FLASH : La terreur s’installe dans l’Artibonite*, HAITI LIBRE (Feb. 25, 2023), <https://www.haitilibre.com/article-38932-haiti-flash-la-terreur-s-installe-dans-l-artibonite.html>; *UN Condemns new surge of gang violence in Central Haiti*, ABC NEWS (Feb. 24, 2023), <https://abcnews.go.com/International/wireStory/condemns-new-surge-gang-violence-central-haiti-97450461>; *iciHaïti – Insécurité : L’Artibonite en grande difficulté*, ICIHAÏTI (May 8, 2023), <https://www.icihaiti.com/article-39484-icihaiti-insecurite-l-artibonite-en-grande-difficulte.html>; Jean Junior Celestin, *Insécurité: « Sauvons le département de l’Artibonite », le cri du vice-délégué de Saint-Marc*, LE NOUVELLISTE (Feb. 23, 2023), <https://www.lenouvelliste.com/article/240905/insecurite-sauvons-le-departement-de-lartibonite-le-cri-du-vice-delegue-de-saint-marc>; see *infra* note **Error! Bookmark not defined.**

⁴⁷ See, e.g., BINUH, *The Population of Cité Soleil in the Grip of Gang Violence* (Feb. 2023), <https://www.ohchr.org/sites/default/files/documents/countries/ht/investigative-report-human-rights-abuses-committed-gangs-zone-brooklyn-july-december-2022.pdf> (BINUH reported that between July 8 and December 31, 2022, G9 snipers indiscriminately killed at least 552 civilians simply for living in areas under rival control in the neighborhood of Cité Soleil in Brooklyn); Press Release, OHCHR, *Haiti – gang violence* (Mar. 21, 2023), <https://www.ohchr.org/en/press-briefing-notes/2023/03/haiti-gang-violence> (reporting that on February 28, armed conflict in Bel Air between the *Kempes Sanon* and *Krache Dife* gangs killed approximately 70 people, including pregnant women, children, and seniors); Ileana Ferrer Fonte, *About 70 dead in Haiti gang clashes*, PRENSA LATINA (Mar. 13, 2023), <https://www.plenglish.com/news/2023/03/13/about-70-dead-in-haiti-gang-clashes/> (reporting that clashes between the *Source Matelas* and *Titanyen* gangs in Cabaret on March 11 left twelve people dead); *Haiti-Criminalité : Une dizaine de morts à Cabaret dans des affrontements armés*, ALTERPRESSE (Mar. 13, 2023), <https://www.alterpresse.org/spip.php?article29121>; Fondasyon Je Klere, *Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d’Ariel Henry* ¶ 12 (2023), <https://www.haitilibre.com/docs/Rapport-FJKL-Situation-terreur-en-Haiti-avril-2023.pdf> (reporting that between July 2021 and April 2023, gangs had conducted

more than 16 massacres and attacks against civilians); [OPC Statement on Massacre in Source Matelas](#) (the OPC condemned the massacre in Source Matelas from April 17 to 22).

⁴⁸ Press Release, OHCHR, *Haiti: UN Human Rights Chief warns against 'never-ending cycle of violence'* (May 9, 2023), <https://www.ohchr.org/en/press-releases/2023/05/haiti-un-human-rights-chief-warns-against-never-ending-cycle-violence>; see also BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 3 (BINUH reported 1,634 killings, injuries, and kidnappings between January and March 2023, a 28 percent increase from the previous quarter).

⁴⁹ [UNSG April BINUH Report](#) at ¶ 37; see also Press Release, OHCHR, *Haiti – gang violence* (reporting that at least 208 people were killed and 1,654 injured within the first two weeks of March due to rival gang clashes). These numbers include a massacre by the G9 coalition in Bel-Air, which killed 148 people between February 27 and March 5. RNDDH, *The reign of Prime Minister Ariel Henry Or The fury of the armed gangs* ¶ 2 (May 9, 2023), <https://web.rnddh.org/wp-content/uploads/2023/05/5-Rapport-Massacres-09Mai2023-VP-ENG.pdf>.

⁵⁰ Press Release, OHCHR, *Haiti: UN Human Rights Chief warns against 'never-ending cycle of violence'*; Jacqueline Charles, *U.N. Secretary general calls armed violence in Haiti "tragic" and threat to whole region*, MIAMI HERALD (May 16, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275437056.html>.

⁵¹ See Press Release, OHCHR, *Haiti: UN Human Rights Chief warns against 'never-ending cycle of violence'*.

⁵² BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 3.

⁵³ BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 3; *Haïti-Criminalité : Un policier national assassiné et deux blindés incendiés à Source Matelas*, ALTERPRESSE (May 19, 2023), <https://www.alterpresse.org/spip.php?article29312>; RNDDH, *The reign of Prime Minister Ariel Henry Or The fury of the armed gangs* at ¶ 2.

⁵⁴ See *Video before the Inter-American Commission, on Human Rights, March 8*, NÈGÈS MAWON, <https://www.negesmawon.org/wp-content/uploads/2023/03/video.mp4> (last visited Jun. 7, 2023), (feminist organization *Nègès Mawon* received reports of 652 cases of collective and individual rape in the gang-controlled areas of La Saline, Cité Soleil, Saint Martin, and Bel Air between May 2022 and March 2023); RNDDH, [The reign of Prime Minister Ariel Henry Or The fury of the armed gangs](#) at ¶ 2 (reporting on individual and collective rapes carried out against women and girls during massacres in the artistic village of Noailles, Savane Pistache, Source Matelas, and Bel Air in 2022 and 2023); Jacqueline Charles, *'Intolerable risks': Haiti's escalating violence, including sexual attacks, shuts hospital*, MIAMI HERALD (Mar. 8, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272896950.html> (reporting 149 documented cases of rape in Grand'Anse, including rapes of 131 girls between the ages of 3 and 17); see also Doroty Derat, *Forgotten Victims: The Plight of Women in Cité Soleil*, AYIBO POST (Jan. 26, 2023), <https://ayibopost.com/forgotten-victims-women-cite-soleil/> (published in January, an account of the July 2022 massacre in Cité Soleil that describes brutal rapes by gang members and resulting displacement and trauma); see *infra* notes **Error! Bookmark not defined.**-48.

⁵⁵ U.S. Department of State, *Haiti 2022 Human Rights Report 14-15* (2023), https://www.state.gov/wp-content/uploads/2023/02/415610_HAITI-2022-HUMAN-RIGHTS-REPORT.pdf.

⁵⁶ See, e.g., U.S. Department of State, [Haiti 2022 Human Rights Report](#) at 14-15; Caitlin McFall, *'Lawless' Haiti plagued by corruption and deadly gang violence fuels humanitarian crisis*, FOX NEWS (Mar. 28, 2023), <https://www.foxnews.com/world/lawless-haiti-plagued-corruption-deadly-gang-violence-fuels-humanitarian-crisis>.

⁵⁷ [UNSG April BINUH Report](#) at ¶ 16; see *infra* Section IV.

⁵⁸ See, e.g., OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶¶ 64-66 (reporting that, in 2022, G9 obstructed the main roads in and out of Brooklyn, preventing residents from accessing basic goods and services, including garbage collection); OCHA, *The Humanitarian Coordinator in Haiti alerts on the crisis raging in Cite Soleil* (Apr. 23, 2023), <https://reliefweb.int/report/haiti/humanitarian-coordinator-haiti-alerts-crisis-raging-cite-soleil>; UNODC, [Haiti's criminal markets: mapping trends in firearms and drug trafficking](#) at 13 (reporting that Brooklyn's residents still feel under siege and that uncollected garbage is "completely blocking access" to the neighborhood).

⁵⁹ BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 4.

⁶⁰ For example, in May, gangs hijacked over 15 fuel trucks around Haiti's main fuel terminal, exacerbating an already-devastating fuel shortage that has impacted public transportation, water purification and distribution, and hospital operations. See *Haiti – News : Zapping...*, HAITI LIBRE (May 14, 2023), <https://www.haitilibre.com/en/news-39535-haiti-news-zapping.html>; see *infra* note **Error! Bookmark not defined.**

⁶¹ Press Release, OHCHR, *Haiti – gang violence*; see also International Organization for Migration (IOM), *Haiti – Emergency Tracking Tool 16 – Summary of displacement that occurred in April 2023 1* (April 2023), <https://dtm.iom.int/reports/haiti-emergency-tracking-tool-16-summary-displacement-occurred-april-2023-april-2023> (reporting that 11,036 persons were displaced in March and 8,919 in April).

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- ⁶² IOM, Haïti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) 1 (2023), <https://dtm.iom.int/reports/haiti-dashboard-displacement-port-au-prince-metropolitan-area-round-3-14-february-16-march>.
- ⁶³ IOM, Haïti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 12.
- ⁶⁴ Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*; see also *Les guerres urbaines allongent la liste des personnes déplacées en Haïti*, ENQUET ACTION (Mar. 17, 2023), <https://www.enquetaction.com/articles/les-guerres-urbaines-allongent-la-liste-des-personnes-deplacees-en-haiti> (reporting that some civilians are displaced by the fires while others are burnt alive inside their homes).
- ⁶⁵ See Press Release, OHCHR, *Haiti: UN experts say Government must act to end gang violence against women and girls*; Geffrard, *Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...*; Derat, *Forgotten Victims: The Plight of Women in Cité Soleil*.
- ⁶⁶ IOM, Haïti – Emergency Tracking Tool 16 – Summary of displacement that occurred in April 2023; IOM, Haïti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 1 (reporting that 38 percent of displaced persons in the Port-au-Prince Metropolitan Area live in 51 makeshift displacement sites).
- ⁶⁷ IOM, Haïti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 19; *La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023*, LE QUOTIDIEN (May 13, 2023), <https://lequotidiennews.org/la-pnh-a-pied-doeuvre- alors-que-plus-de-100-000-personnes-ont-ete-forcees-de-quitter-leur-maison-entre-janvier-2022-a-avril-2023/>.
- ⁶⁸ IOM, Haïti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 28; *La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023*.
- ⁶⁹ See IOM, Haïti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 20, 25 (IOM reports that 52 percent of sites do not have washroom facilities, forcing residents to defecate outside at least 44 percent of the sites; of those that do have washrooms, 63 percent do not offer separate washrooms for women and 29 percent cannot be locked from the inside).
- ⁷⁰ *La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023*.
- ⁷¹ *Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January*; see also Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says* (reporting in January that kidnappings increased 104.7 percent between 2021 and 2022).
- ⁷² BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 4; see also Centre d’analyse et recherche en droits de l’homme (CARDH), *Kidnapping : Bulletin (#11) Janvier, Février Et Mars 2023* ¶ 1 (Apr. 4, 2023), <https://cardh.org/archives/4363> (reporting at least 389 kidnappings in the first three months of 2023, marking a 72 percent and 173 percent increase from the first three months of 2022 and 2021 respectively; note that advocates have reported CARDH’s numbers may be low).
- ⁷³ See Fabiola Fanfan, *Le calvaire sans fin des femmes kidnappées en Haïti*, ENQUET ACTION (Apr. 21, 2023), <https://www.enquetaction.com/articles/le-calvaire-sans-fin-des-femmes-kidnappees-en-haiti> (reporting that the “overwhelming majority” of those affected do not report the kidnapping in order to avoid reprisals); Fondasyon Je Klere, *Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d’Ariel Henry* at ¶ 96 (reporting that it is “practically impossible” to know how many kidnappings have occurred); *Kidnapping en Haïti : la parole aux victimes*, LE NOUVELLISTE (Dec. 21, 2023), <https://lenouvelliste.com/article/233286/kidnapping-en-haiti-la-parole-aux-victimes> (reporting that those who survive kidnappings are often unable to speak up for psychological reasons and out of fear).
- ⁷⁴ See Aline Bottin, *Haiti’s spiralling crisis; Political instability, hunger and gang violence*, FRANCE 24 (Mar. 30, 2023), <https://www.france24.com/en/tv-shows/inside-the-americas/20230330-haiti-s-spiralling-crisis-political-instability-hunger-and-gang-violence> (reporting that within the first two weeks of March alone, armed gangs kidnapped 101 Haitians). CARDH attributed the spike in part to the impact of recent foreign sanctions on gangs’ access to funds. CARDH, *Kidnapping : Bulletin (#11) Janvier, Février Et Mars 2023* at ¶ 11.
- ⁷⁵ Compare BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 4 (reporting 395 kidnappings in the first three months of 2023) and CARDH, *Kidnapping : Bulletin (#11) Janvier, Février Et Mars 2023* at ¶ 1 (reporting 389 kidnappings in the first three months of 2023) with Fondasyon Je Klere, *Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d’Ariel Henry* at ¶ 97 (reporting 401 kidnappings in the first four months of 2023) and CARDH, *Impact Of The « Bwa Kale » Movement Over Insecurity And*

Kidnapping In Haiti / Impacts Du « Bwa Kale » Sur L'insécurité Et Le Kidnapping En Haïti (May 28, 2023), <https://cardh.org/archives/4380> (reporting that there were “almost no” kidnappings between April 24 and May 24); *but see* Jean Junior Celestin, *Plusieurs cas d'enlèvements signalés en Plaine du Cul-de-Sac*, LE NOUVELLISTE (May 29, 2023), <https://lenouvelliste.com/article/242566/plusieurs-cas-denlevements-signales-en-plaine-du-cul-de-sac> (reporting that gangs kidnapped nearly a dozen people in Plaine du Cul-de-Sac between May 22 and May 28). CARDH suggests this decline may be due to the emergence of the *Bwa Kale* movement of civilian neighborhood defense groups that have been physically confronting suspected gang members, sometimes in cooperation with police, in the face of government failures to control the insecurity. CARDH, [Impact Of The « Bwa Kale » Movement Over Insecurity And Kidnapping In Haiti / Impacts Du « Bwa Kale » Sur L'insécurité Et Le Kidnapping En Haïti](#) at ¶¶ 3, 11, 99; *see infra* note **Error! Bookmark not defined.**

⁷⁶ BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 4 (reporting an increase in kidnappings of teachers, students, parents in and around schools, healthcare personnel, judicial actors, and civil servants); *see also* Bhatia, [Haiti's descent into hell](#) (describing the ubiquity of kidnapping in Haiti, particularly Port-au-Prince).

⁷⁷ *See* Kim Ives, *A qui profitait le nouveau combat entre Bel-Air, Solino et Bas Delmas?*, HAÏTI LIBERTÉ (Mar. 15, 2023), <https://haitiliberte.com/a-qui-profitait-le-nouveau-combat-entre-bel-air-solino-et-bas-delmas/> (reporting that kidnappings are particularly prevalent in the Port-au-Prince neighborhoods of Bel-Air, Village de Dieu, Grand Ravine, Tabarre, Torcelle, and Croix-des-Bouquets – all controlled by gangs who derive the majority of their funding from kidnapping ransoms).

⁷⁸ CARDH, [Kidnapping : Bulletin \(#11\) Janvier, Février Et Mars 2023](#) at ¶ 25.

⁷⁹ *See, e.g.*, Megan Janetsky & Pierre Richard Luxama, *In Haiti, gangs take control as democracy withers*, AP NEWS (Jan. 31, 2023), <https://apnews.com/article/haiti-gangs-democracy-at-risk-7ddcea955fdd364e2b574e28daa71d03> (reporting that ransoms, such as the US \$1 million ransom placed on a kidnapped ambulance driver, are commonplace); Lise Denis, *Haïti «au bord d'une catastrophe humanitaire irréparable»*, LE DEVOIR (Apr. 26, 2023), <https://www.ledevoir.com/monde/ameriques/789878/haiti-au-bord-d-une-catastrophe-humanitaire-irreparable> (according to Montana Accord president-elect, former Prime Minister, and former governor of the *Banque de la République d'Haïti*, Fritz Jean, Haitians must turn to family members abroad to help pay the ransoms, which can reach up to \$200,000); Hjelmggaard & Beard, [Haiti spinning out of control on every metric from gangs to kidnappings, migration to murder](#) (quoting one Haitian interviewee who said, “[t]hey catch you and demand \$200,000”); [Kidnapping en Haïti : la parole aux victimes](#) (reporting that kidnappers often demand ransoms that far exceed the means of the victims’ families, such as USD \$500,000); CARDH, [Kidnapping : Bulletin \(#11\) Janvier, Février Et Mars 2023](#) (CARDH reports that gangs sometimes double and triple the original amount of ransom originally demanded).

⁸⁰ *See, e.g.*, Dustin J. Seibert, *Haiti, Sudan And Our Selective Sympathy Over Black And Brown Atrocities*, YAHOO NEWS (May 9, 2023), https://news.yahoo.com/haiti-sudan-selective-sympathy-over-094503472.html?guccounter=1&guce_referrer=aHR0cHM6Ly9tYWlsLmdvb2dsZS5jb20v&guce_referrer_sig=AQAAADsXfI1QGHnBNMpwZiAoxf2qbcz2od6GKFyRrdDnSaGVv1Di1QnmWPfwqKfVPysPbGffBsWaLiFsyBABv3d0XLsPdse3HE2yGoB3GuWH4bVW8g4QCOKx-5OaBXTmDHwD--NivKjDgb0y4Q65H-bPxwjCE6X3CqXpAGc2KMJF2SS0 (noting that coverage on Ukraine drastically outweighs coverage on the current situation in Haiti, including the kidnapping of a Haitian-American family in March). For further reading on the disproportionate attention paid to white victims of crime generally, *see* Zach Sommers, *Missing White Woman Syndrome: An Empirical Analysis of Race and Gender Disparities in Online News Coverage of Missing Persons*, 106 J. CRIM. L. & CRIMINOLOGY 275 (Spring 2016), <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7586&context=jclc>.

⁸¹ CARDH, [Kidnapping : Bulletin \(#11\) Janvier, Février Et Mars 2023](#) at ¶ 1 (reporting that, of the 389 kidnappings recorded in the first three months of 2023, only 29 of the victims were foreign nationals).

⁸² *See* [OPC Statement on Massacre in Source Matelas](#); Press Release, Senate Foreign Relations Committee, [SFRC Chairman Menendez, Colleagues Applaud SFRC Approval of Haiti Collusion Transparency Act](#); *Haïti : Plusieurs organisations dénoncent le comportement irresponsable du gouvernement de facto face au grand banditisme*, ALTERPRESSE (Mar. 9, 2023), <https://www.alterpresse.org/spip.php?article29114>; [Criminalité : L'organisme Sant Karl Lévêque déplore une absence de volonté politique pour combattre les gangs en Haïti](#) (according to human rights organization *Sant Karl Lévêque*, the de facto government is indifferent to the situation); *see also* Francklyn B Geffard, *L'UNNOH alarmée par l'indifférence des autorités face à la dégradation du climat sécuritaire du pays...*, ALTERPRESSE (Mar. 14, 2023), <https://www.rhinews.com/actualites/lunnoh-alarmee-par-lindifference-des-autorites-face-a-la-degradation-du-climat-securitaire-du-pays/> (according to the National Union of Haitian Normaliens, the de

facto government is at the service of foreign interests and has remained indifferent amidst student kidnappings and school closures).

⁸³ See [OPC Statement on Massacre in Source Matelas](#); *Haiti – Crisis : The OAS reiterates the need for international security support*; James North, *The Billionaire Oligarch Who’s Enabling Haiti’s Murderous Gangs*, NEW REPUBLIC (Dec. 16, 2023), <https://newrepublic.com/article/169554/gilbert-bigio-canada-sanctions-haiti> (reporting that all interviewees agreed that Haiti’s gangs are “paramilitary allies of the PHTK”); *Violence en Haïti : “J’ai vu des scènes de guerre à la porte de l’hôpital”* (according to experts, “armed groups have links with corrupt politicians, both in the government and in the opposition”); Louis-Henri Mars, *To Curb Gang Violence in Haiti, Break with Politics as Usual*, JUST SECURITY (Apr. 18, 2023), <https://www.justsecurity.org/86017/to-curb-gang-violence-in-haiti-break-with-politics-as-usual/> (the head of community peacebuilding organization Lakou Lapè notes that “many Haitian leaders have been arming poor Haitian young men for generations in order to gain and hold onto power”); Jacqueline Charles, *U.S. senators reintroduce sanctions bill targeting Haitian gangs and their supporters*, MIAMI HERALD (Feb. 15, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272474609.html> (reporting that Canada and the United States have imposed sanctions on Haitians for allegedly supporting gangs).

⁸⁴ Roberson Alphonse, *Pour que tout ne parte pas en ville pour Henry et le HCT*, LE NOUVELLISTE (Feb. 7, 2023), <https://www.lenouvelliste.com/article/240592/pour-que-tout-ne-parte-pas-en-ville-pour-henry-et-le-hct>; Jean Daniel Sénat, *La PNH est handicapée par des problèmes matériels et des faiblesses structurelles*, LE NOUVELLISTE (Mar. 28, 2023), <https://lenouvelliste.com/article/241454/la-pnh-est-handicapee-par-des-problemes-materiels-et-des-faiblesses-structurelles> (according to a former director general of police, “gangs infiltrate the Haitian National Police (PNH) and recruit members there”); Francklyn B Geffrard, *Un policier haïtien arrêté pour affiliation présumée au gang “5 Secondes” de Dieu...*, RHINEWS (Apr. 12, 2023), <https://www.rhinews.com/actualites/un-policier-haitien-arrete-pour-affiliation-presumee-au-gang-5-secondes-de-dieu/> (reporting that a police officer was arrested for affiliation with the Village de Dieu gang on April 11).

⁸⁵ Sénat, *La PNH est handicapée par des problèmes matériels et des faiblesses structurelles*.

⁸⁶ See generally UNODC, [Haiti’s criminal markets: mapping trends in firearms and drug trafficking](#); *Criminalité : Le Rnddh appelle l’État à cesser d’alimenter les gangs en armes et munitions en Haïti*, ALTERPRESSE (Feb. 4, 2023), <https://www.alterpresse.org/spip.php?article29023> (according to RNDH, state authorities supply weapons, ammunition, and money to armed gangs).

⁸⁷ See, e.g., *Haïti ; Sept individus arrêtés mi-février 2023 pour activités criminelles*, ALTERPRESSE (Feb. 17, 2023), <https://www.alterpresse.org/spip.php?article29066> (reporting that the General Inspectorate of the National Police recommended sanctions against twelve police officers in cases related to the theft and destruction of police vehicles by gangs in October and November 2022); *Haiti – Justice : A former Divisional Inspector of the PNH, arrested in the USA*, HAITI LIBRE (May 11, 2023), <https://www.haitilibre.com/en/news-39510-haiti-justice-a-former-divisional-inspector-of-the-pnh-arrested-in-the-usa.html> (reporting that a former Divisional Inspector for the PNH was arrested in the United States on May 19 for his alleged involvement in a gang attack on the Leclerc police station on October 12, 2022, during which gangs stole weapons and an armored vehicle).

⁸⁸ See, e.g., Juhakenson Blaise, *Long-awaited armored vehicles burned 2 weeks after arrival in Haiti*, HAITIAN TIMES (May 24, 2023), <https://haitiantimes.com/2023/05/24/long-awaited-armored-vehicles-burned-2-weeks-after-arrival-in-haiti/> (reporting that a third armored vehicle was destroyed just two weeks after a Canadian company delivered four armored vehicles to Haiti).

⁸⁹ Paultre & Cameron, *As Haiti’s Police Retreat, Gangs Take Over Much of the Capital*; Luke Taylor, *Haitian cops are poorly paid and outgunned – part of the problem*, THE GUARDIAN (Feb. 2, 2023), <https://www.theguardian.com/world/2023/feb/02/haiti-cops-outgunned-gangs>.

⁹⁰ UNODC, [Haiti’s criminal markets: mapping trends in firearms and drug trafficking](#) at 18 (according to the UN, most firearms and munitions in Haiti come from the United States, Florida in particular); see *infra* notes **Error! Bookmark not defined.**-54.

⁹¹ UNODC, [Haiti’s criminal markets: mapping trends in firearms and drug trafficking](#) at 8; UNSC, United Nations Integrated Office in Haiti: Report of the Secretary-General, S/2023/41 (Jan. 17, 2023), ¶ 15, https://binuh.unmissions.org/sites/default/files/sgs_report_on_binuh_-_17_january_2023_1.pdf (hereinafter **UNSG January BINUH Report**) Alphonse, *Pour que tout ne parte pas en ville pour Henry et le HCT*.

⁹² Jacqueline Charles, *After cops were killed, Haiti police launched an operation. Here’s what happened next*, MIAMI HERALD (May 31, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275956881.html> (reporting that “Operation Tornado” resulted in the arrests of over 2,700 people for alleged gang involvement, interventions in gang territory, seizure of gang weapons and vehicles, and the deaths of some alleged gang members); *La police déterminée à libérer Martissant/ une tentative de reprise*

de contrôle du sous-commissariat a échoué, GAZETTE HAITI (May 12, 2023), <https://www.gazettehaiti.com/node/9866> (reporting that police have retaken control of certain areas of Martissant and destroyed bandit hideouts); *Haiti – FLASH : The dangerous gang leader «Ti Makak» killed by the police*, Haiti Libre (Apr. 25, 2023), <https://www.haitilibre.com/en/news-39384-haiti-flash-the-dangerous-gang-leader-ti-makak-killed-by-the-police.html> (police killed well-known gang leader Carlo “Ti Makak” Petit-Homme during an anti-gang operation on April 14 in Thomassin).

⁹³ Jacqueline Charles & Johnny Fils-Aimé, *Armed with machetes, stones, Haitians fight back against gangs – but there’s a deadly price*, MIAMI HERALD (May 2, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article27477746.html>; see also Paultre & Cameron, *As Haiti’s Police Retreat, Gangs Take Over Much of the Capital* (according to PHN union spokesperson Gesnel Morlant, “[i]f nothing is done, the police force could collapse in the weeks to come”); see *infra* note **Error! Bookmark not defined.**

⁹⁴ Taylor, *Haitian cops are poorly paid and outgunned – part of the problem*.

⁹⁵ Taylor, *Haitian cops are poorly paid and outgunned – part of the problem*.

⁹⁶ See, e.g., OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence* at ¶ 83 (reporting that police did not intervene at all in Cité Soleil from July 9 to the end of December 2022); *Haiti-Criminalité : Les bandits armés continuent d’opérer en toute impunité à Port-au-Prince*, ALTERPRESSE (Mar. 3, 2023), <https://www.alterpresse.org/spip.php?article29096> (reporting that police did not intervene for five days after heavily armed gangs took several downtown Port-au-Prince neighborhoods hostage on February 27, setting fire to a number of homes); @Radio_Metronome, TWITTER (Apr. 19, 2023, 2:30 PM), https://twitter.com/Radio_Metronome/status/1648755968551837702 (reporting that armed police were on site yet did not respond as gangs attacked the population of Source-Matelas in Canaan on April 19).

⁹⁷ Jacqueline Charles, *U.N. details Haiti’s serious challenges with gangs, guns and drugs – and issues a warning*, MIAMI HERALD (Mar. 5, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272742520.html> (this figure falls “well below the 2.2 per 1,000 recommended by the UN”); see also Paultre & Cameron, *As Haiti’s Police Retreat, Gangs Take Over Much of the Capital* (reporting that many officers have quit or left the country amidst increasing insecurity and low wages); see *infra* note **Error! Bookmark not defined.**

⁹⁸ *‘Unprecedented insecurity’ in Haiti requires urgent action: new UN envoy*.

⁹⁹ Paultre & Cameron, *As Haiti’s Police Retreat, Gangs Take Over Much of the Capital*; Press Release, UN, *As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council* (reporting that heavily armed criminal gangs target critical infrastructure, including police stations); see, e.g., *Le sous-commissariat de Fort-Jacques incendié par des bandits armés*, GAZETTE HAITI (Mar. 2, 2023), <https://gazettehaiti.com/node/9612> (reporting that armed gangs set fire to the Fort Jacques sub-police station on March 1 and destroyed the Pernier sub-police station on January 28); Murdith Joseph, *Police take back Artibonite station after latest gang invasion*, HAITIAN TIMES (Feb. 24, 2023), <https://haitiantimes.com/2023/02/24/haiti-police-restore-control-after-gang-attacks-police-station-in-artibonite/> (reporting that police regained control of l’Estère police station on February 23 after the *Kokorat San Ras* gang attacked it the previous day).

¹⁰⁰ See, e.g., Jacques Kolo, *Haiti/Sécurité: Les gangs font la loi dans l’Artibonite*, RHINEWS (Feb. 8, 2023), <https://www.rhinews.com/actualites/haiti-securite-les-gangs-font-la-loi-dans-lartibonite/> (reporting that seven police officers were killed by gang members in Liancourt on January 8); Jean Daniel Sénat, *Terreur à Pétion-Ville, 4 policiers tués, des pertes dans la population civile*, LE NOUVELLISTE (Jan. 20, 2023), <https://www.lenouvelliste.com/article/240212/terreur-a-petion-ville-4-policiers-tues-des-pertes-dans-la-population-civile> (reporting that members of Vitelhomme Innocent’s gang killed at least four police officers on January 20 in Pétion-Ville); Juhakenson Blaise, *Fifteen police officers killed in 15 days in Haiti this year*, HAITIAN TIMES (Jan. 26, 2023), <https://haitiantimes.com/2023/01/26/fifteen-police-officers-killed-in-15-days-in-haiti-this-year/>; *Haiti – Politic : CARICOM statement on violence in Haiti*, HAITI LIBRE (Jan. 31, 2023), <https://www.haitilibre.com/en/news-38743-haiti-politic-caricom-statement-on-violence-in-haiti.html> (reporting that 14 police officers were killed in January alone).

¹⁰¹ *Haiti gang ambushes, kills 3 policemen as violence soars*, AP NEWS (Apr. 9, 2023), <https://apnews.com/article/haiti-police-killed-gangs-8c6dbee7a995b37241eb2d564433e0e>; see also *Haitian Police Blockade Port-au-Prince Streets After Gangs Kill 14 Officers*, DEMOCRACY NOW! (Jan. 27, 2023), https://www.democracynow.org/2023/1/27/headlines/haitian_police_blockade_port_au_prince_streets_after_gangs_kill_14_officers (“An estimated 78 police officers have been killed since Henry, who’s backed by the United States, came to power in 2021.”).

¹⁰² Officers expressing anger with de facto Prime Minister Henry’s failure to provide adequate support erected barricades in Port-au-Prince and attempted to break into Henry’s home and penetrate the airstrip where his plane was

located. Pierre Richard Luxama & Megan Janetsky, *Haitian police rebels protest is paralyzing Port-au-Prince*, AP NEWS (Jan. 26, 2023), <https://apnews.com/article/law-enforcement-caribbean-port-au-prince-haiti-crime-1ee816630cb9d1bafec4346d9bcc39d47>; *Haïti : manifestation à Port-au-Prince après la mort de six policiers, tués par des membres de gangs dans le nord du pays*, LE MONDE (Jan. 27, 2023), https://www.lemonde.fr/international/article/2023/01/27/manifestations-a-haiti-apres-la-mort-de-six-policiers-tues-par-des-membres-de-gangs_6159485_3210.html; *Criminalité : Ariel Henry et Frantz Elbé appellent à l'unité pour combattre le gangs armés en Haïti*, ALTERPRESSE (Jan. 29, 2023), <https://www.alterpresse.org/spip.php?article29004>; see also Onz Chéry, *Mayor urges Haitian police to return to work*, HAITIAN TIMES (Feb. 2, 2023), <https://haitiantimes.com/2023/02/03/gonaives-mayor-urges-haitian-police-to-work-as-normal-again/> (reporting that police in Gonaïves went on strike in late January to protest the death of six police officers in nearby Liancourt on January 25); *Haïti-Criminalité : Deux morts, dont un écolier en pleine salle de classe, et plusieurs blessés dans une nouvelle attaque de gangs armés à Liancourt*, ALTERPRESSE (Feb. 8, 2023), <https://www.alterpresse.org/spip.php?article29036> (reporting that police in Verrettes, Liancourt, and Petite-Rivière de l'Artibonite left their posts following the deaths of seven colleagues in Liancourt); Jacques Kolo, *Haiti/Insécurité: Des policiers de L'Estère ont vidé les lieux*, RHINEWS (Feb. 22, 2023), <https://www.rhinews.com/actualites/haiti-insecurite-des-policiers-de-lestere-ont-vide-les-lieux/> (reporting that officers in l'Estère left their posts on February 22 following unsuccessful requests for reinforcements and a gang attack against them).

¹⁰³ See *Haiti – Canapé-Vert : More than a dozen bandits lynched and burned by the population*, HAITI LIBRE (Apr. 25, 2023), <https://www.haitilibre.com/en/news-39382-haiti-canape-vert-more-than-a-dozen-bandits-lynched-and-burned-by-the-population.html>; Sahar Akbarzai & Hira Humayun, *Crowd kills over a dozen suspected gang members in Haiti*, CNN (Apr. 25, 2023), <https://www.cnn.com/2023/04/25/americas/haiti-gang-suspects-attacked-intl-latam/index.html>; OHCCH, *Comment on the Current Situation* (contextualizing mob violence against gangs and calling for the government to take responsibility for protection of the population); Celestin, *The Lynching of Gang Members in Haiti: An Alarming Consequence of Social Disintegration* (attributing the population's resort to violence against gangs to "a lack of trust in the justice system and a feeling of hopelessness"); see also *Haiti – Insecurity : The Law allows citizens to defend themselves reminds the Ministry of Justice*, HAITI LIBRE (Mar. 3, 2023), <https://www.haitilibre.com/en/news-39008-haiti-insecurity-the-law-allows-citizens-to-defend-themselves-reminds-the-ministry-of-justice.html> (reporting that the Minister of Justice called on Haitians to exercise their right to self-defense under the Haitian Penal Code).

¹⁰⁴ Juhakenson Blaise, *In Haiti, "Bwa Kale" vigilantes turn tables against suspected gangs*, HAITIAN TIMES (May 1, 2023), <https://haitiantimes.com/2023/05/01/in-haiti-bwa-kale-vigilantes-turn-tables-against-suspected-gangs/> (reporting that the vigilante killing of 14 suspected gang members in Canapé-Vert "emboldened residents around the country to turn the tables against gangs, with help from some [police] officers"); Frances Robles & Andre Paultre, *Vigilante Justice Rises in Haiti and Crime Plummets*, NY TIMES (Jun. 3, 2023), <https://www.nytimes.com/2023/06/03/world/americas/haiti-crime-gangs-vigilantes.html>.

¹⁰⁵ See, e.g., Gary Pierre-Pierre, *Haiti's 'bwa kale' a new window for international help | Opinion*, HAITIAN TIMES (May 8, 2023), <https://haitiantimes.com/2023/05/08/haitis-bwa-kale-a-new-window-for-international-help-opinion/> ("In many instances, the police joined these operations and turned the tables on the gangs."); *In Haiti, a grassroots vigilante movement is fighting back against gang warfare*, Yahoo News (May 8, 2023), <https://ca.news.yahoo.com/haiti-grassroots-vigilante-movement-fighting-080000785.html>.

¹⁰⁶ See, e.g., CARDH, *Impact Of The « Bwa Kale » Movement Over Insecurity And Kidnapping In Haiti / Impacts Du « Bwa Kale » Sur L'insécurité Et Le Kidnapping En Haïti* at ¶¶ 1, 3 (reporting that local defense groups executed at least 160 suspected gang members between April 24 and May 24, a period which saw almost no kidnappings and just 43 killings by gang members); see also Blaise, *In Haiti, "Bwa Kale" vigilantes turn tables against suspected gangs* (reporting that civilians were involved in killing approximately 100 suspected gang members as of May 1); Widlore Mérancourt & Amanda Coletta, *Haitians fight back against gangs, drawing support – and worry*, WASHINGTON POST (May 18, 2023), <https://www.washingtonpost.com/world/2023/05/15/haiti-vigilantes-gangs-mob-lynching/> (reporting that 230 people have been lynched in Haiti in 2023, with 164 in April alone, although not attributing those numbers explicitly to the *Bwa Kale* movement); *UN's Guterres says Haitian violence threatens entire region*, 21ST CENTURY CHRONICLE (May 16, 2023), <https://21stcenturychronicle.com/uns-guterres-says-haitian-violence-threatens-entire-region/> (according to the UN, civilians killed at least 164 suspected gang members in April). Civilians have targeted suspected gang members using machetes, sticks, and axes, stoned or beat them to death, and burned them alive. See Blaise, *In Haiti, "Bwa Kale" vigilantes turn tables against suspected gangs*; Bhatia, *Haiti's descent into hell*.

¹⁰⁷ See, e.g., Chloé Lauvergnier, *Fed up with gang violence, Haitians are taking the law into their own hands*, THE OBSERVER (May 16, 2023), <https://observers.france24.com/en/tv-shows/the-observers/20230516-fed-up-with-gang-violence-haitians-are-taking-the-law-into-their-own-hands> (RNDDH’s Rosy Auguste Ducéna explains that “[g]enerally speaking, the people being executed are only subjected to very superficial questioning,” resulting in violations of their right to due process and risking that “innocent people will be murdered because they didn’t give the right answers to save their lives”); Pierre-Pierre, *Haiti’s ‘bwa kale’ a new window for international help* | *Opinion*.

¹⁰⁸ See Celestin, *The Lynching of Gang Members in Haiti: An Alarming Consequence of Social Disintegration*; Robles & Paultre, *Vigilante Justice Rises in Haiti and Crime Plummets* (also noting that many Haitians support the movement, which they say is all that is keeping them safe from the gangs); Kestler-D’Amours, *Haiti vigilante push ‘symptomatic’ of state’s failures; Advocates*; Lauvergnier, *Fed up with gang violence, Haitians are taking the law into their own hands*.

¹⁰⁹ *Haiti: Events of 2022*, HUMAN RIGHTS WATCH (HRW) (2023), <https://www.hrw.org/world-report/2023/country-chapters/haiti>; *Haiti: Current and Past Recommendations to the UN Security Council (Monthly Action Points)*, WORKING GROUP ON WOMEN, PEACE AND SECURITY (April 2023), <https://www.womenpeaceandsecurity.org/region/americas/central-america-caribbean/haiti/> (“Human rights defenders, including women human rights defenders, are facing serious risks as a result of their work.”); *L’observatoire pour la protection des défenseurs des droits humains demande aux autorités dominicaines d’exclure Pierre Espérance de leur liste de sanctions*, REZO NODWES (Apr. 28, 2023), <https://rezonodwes.com/?p=309749> (reporting continuing threats against RNDDH’s Executive Director, Pierre Espérance).

¹¹⁰ BAI et al., *Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti* 10 (2023), <http://www.ijdh.org/wp-content/uploads/2023/04/IACHR-Haiti-SGBV-Combined.pdf>; *IJDH November 2022 Update*.

¹¹¹ For example, as reported in our previous Updates, activists Emmanuela Douyon and Pascale Solages remain unable to safely return to Haiti after being forced to flee due to threats against them. BAI et al., *Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti* at 10; *IJDH November 2022 Update*; IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments December 2021 through May 2022* 4 (2022), <http://www.ijdh.org/wp-content/uploads/2022/06/IJDH-Human-Rights-Update-June-2022.pdf> (hereinafter **IJDH June 2022 Update**).

¹¹² See Press Release, UNESCO, *UNESCO: Killings of journalists up 50% in 2022, half targeted off duty* (Jan. 16, 2023), <https://www.unesco.org/en/articles/unesco-killings-journalists-50-2022-half-targeted-duty>.

¹¹³ *Haiti*, REPORTERS WITHOUT BORDERS, <https://rsf.org/en/country/ha%C3%Afti> (last visited Jun. 7, 2023) (ranking Haiti 99th on its World Press Freedom Index while noting that at least six journalists were killed in connection with their work in 2022).

¹¹⁴ Press Release, UNESCO, *UNESCO: Killings of journalists up 50% in 2022, half targeted off duty*.

¹¹⁵ *Haiti – FLASH : Freedom of the Press, Haiti collapses and falls 29 places (world ranking)*, HAITI LIBRE (May 4, 2023), <https://www.haitilibre.com/en/news-39453-haiti-flash-freedom-of-the-press-haiti-collapses-and-falls-29-places-world-ranking.html>; see, e.g., Allwittch Joly, *Assassinat du jeune journaliste Dumesky Kersaint à Carrefour*, LOOP NEWS (Apr. 17, 2023), <https://haiti.loopnews.com/content/assassinat-du-jeune-journaliste-dumesky-kersaint-carrefour> (reporting that a young Radio Télé INUREP journalist was assassinated on April 16); *Deux journalistes ont été tués en Haïti dans les deux dernières semaines*, NOOVO INFO (Apr. 28, 2023),

<https://www.noovo.info/nouvelle/deux-journalistes-ont-ete-tues-en-haiti-dans-les-deux-dernieres-semaines.html> (reporting that Radio-Tele Evolution Inter journalist Rico Jean and his friend were kidnapped and killed on April 25 in Saint-Marc); *Two more journalists killed in Haiti as gang violence continues to rage*, THE GUARDIAN (Apr. 28, 2023), <https://www.theguardian.com/world/2023/apr/28/journalists-killed-haiti>; *Haïti-Insécurité : Un journaliste de Radio Lumière tué par balles*, LE MIROIR (May 6, 2023), <https://www.lemiroirinfo.ca/haiti-insecurite-un-journaliste-de-radio-lumiere-tue-par-balles/> (reporting that gang members shot Radio Lumière journalist Paul Jean Marie dead in his home on May 5 in Croix-des-Bouquets).

¹¹⁶ See Roberson Alphonse: *La liberté d’expression, moteur de tous les autres droits de l’homme...*, LE NOUVELLISTE (May 3, 2023), <https://lenouvelliste.com/article/242100/roberson-alphonse-la-liberte-dexpression-moteur-de-tous-les-autres-droits-de-lhomme> (according to journalist Roberson Alphonse, there have been hardly any trials to hold journalists’ assassins accountable); *Haïti-Médias : L’Anmh continue de réclamer une enquête sérieuse sur le double assassinat de Jean Léopold Dominique et Jean-Claude Louissaint*, ALTERPRESSE (Apr. 3, 2023), <https://www.alterpresse.org/spip.php?article29192> (reporting that the government has not opened a formal investigation into the double-assassination of journalists Jean Léopold Dominique and Jean-Claude Louissaint on April 3 in 2000); *Les défis restent colossaux, notamment le besoin de justice pour les journalistes assassinés*,

constate l'ambassadeur Dominique Dupuy, LE NOUVELLISTE (May 3, 2023), <https://lenouvelliste.com/article/242102/les-defis-restant-colossaux-notamment-le-besoin-de-justice-pour-les-journalistes-assassines-constate-lambassadeur-dominique-dupuy> (according to Haiti's ambassador and permanent delegate to UNESCO, Dominique Dupuy, justice for assassinated journalists remains a "colossal challenge"); see *infra* note **Error! Bookmark not defined.** (there has been no progress in the investigation into journalist Diego Charles' murder).

¹¹⁷ See *infra* notes **Error! Bookmark not defined.**-69.

¹¹⁸ See *Criminalité : Plusieurs secteurs jugent inopportune l'organisation d'éventuelles élections en Haïti*, ALTERPRESSE (Apr. 27, 2023), <https://www.alterpresse.org/spip.php?article29266>; Roberson Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*, LE NOUVELLISTE (Apr. 18, 2023), <https://lenouvelliste.com/article/241866/aggravation-de-linsecurite-le-pm-ariel-henry-en-mode-elections-rapido-presto>; Charlemagne, *From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4)*.

¹¹⁹ Sullivan, *As its only remaining elected officials depart, Haiti reaches a breaking point*.

¹²⁰ IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments November 2020 through May 2021* (2021), <http://www.ijdh.org/wp-content/uploads/2021/06/June-2021-Human-Rights-Update-IJDH.pdf> (*hereinafter* **IJDH May 2021 Update**).

¹²¹ See Clesca, *Haiti's Rule of Lawlessness*; Tanya Wadhwa, *Haiti's de facto government installs transition council to guarantee general elections*, PEOPLES DISPATCH (Feb. 10, 2023), <https://peoplesdispatch.org/2023/02/10/haitis-de-facto-government-installs-transition-council-to-guarantee-general-elections/>; Concannon, *Biden must stop propping up the old guard in Haiti*.

¹²² See Clesca, *Haiti's Rule of Lawlessness*; Felbab-Brown, *Haiti in 2023: Political abyss and vicious gangs*.

¹²³ In addition to efforts by Haiti's Anti-Corruption Unit (ULCC), foreign countries have implemented sanctions against 39 political and economic elites in an effort to combat systemic corruption. See *infra* notes **Error! Bookmark not defined.**-60.

¹²⁴ See, e.g., Murdith Joseph, *PNH wants public to come forward with police complaints*, HAITIAN TIMES (Jan. 22, 2023), <https://haitiantimes.com/2022/10/25/haiti-watch-live-blog/#651749>; Diery Marcelin, *Mackendy D'Haïti, ancien candidate à la mairie, parmi deux morts à Léogâne*, LE NOUVELLISTE (Jan. 27, 2023), <https://www.lenouvelliste.com/article/240341/mackendy-dhaiti-ancien-candidat-a-la-mairie-parmi-deux-morts-a-leogane>; *Manifestation des ouvriers de la SONAPI pour réclamer de meilleures conditions de travail*, LE MIROIR (May 22, 2023), <https://www.lemiroirinfo.ca/manifestation-des-ouvriers-de-la-sonapi-pour-reclamer-de-meilleures-conditions-de-travail/>; *Haïti-Justice : Le Rnddh qualifie d'anti-déontologique le comportement du commissaire du gouvernement Jean Ernest Muscadin*, ALTERPRESSE (Apr. 11, 2023), <https://www.alterpresse.org/spip.php?article29217>.

¹²⁵ *Consensus National pour une Transition Inclusive et des Élections Transparentes*.

¹²⁶ See Charlemagne, *From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4)* (calling the December accord an "attempt to resurrect the September 11 Agreement"); *Haïti-Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs*; Jérôme, *Le faire-semblant d'Ariel Henry*.

¹²⁷ See, e.g., Sénat, *D'importants partis politiques n'ont pas signé l'accord du 21 décembre*; Charlemagne, *From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4)*; *Haïti-Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon plusieurs secteurs*; *L'accord Du 21 Décembre Est L'oeuvre De La Communauté L'international. Révèle Ted St Dic*; *Haïti-Crise : La transparence et le sérieux, absents dans le processus ayant abouti à l'accord du 21 décembre 2022, selon le Cnt*, ALTERPRESSE (Jan. 19, 2023), <https://www.alterpresse.org/spip.php?article28973>; *Haïti: les acteurs divisés sur l'accord du 21 décembre d'Ariel Henry*, LOOP NEWS (Jan. 3, 2023), <https://haiti.loopnews.com/content/haiti-les-acteurs-divises-sur-laccord-du-21-decembre-dariel-henry>; *Haïti-Politique : Le Collectif du 4 décembre 2013 s'interroge sur le bien-fondé d'un forum sur la sécurité nationale, prévu par le Hct*, ALTERPRESSE (May 22, 2023), <https://www.alterpresse.org/spip.php?article29316>; *Criminalité : Le Rnddh appelle l'État à cesser d'alimenter les gangs en armes et munitions en Haïti*; Daniela Mohor, *Q&A: Why Haiti's 'mafia state' needs a homegrown solution*, NEW HUMANITARIAN (Mar. 6, 2023), <https://www.thenewhumanitarian.org/interview/2023/03/06/haiti-gang-violence-solutions-interview-monique-clesca>; Bhatia, *Haiti's descent into hell*; Press Release, BAI & IJDH, *Human Rights Groups Tell UN High Commissioner for Human Rights He Must Choose Haiti's Rule of Law Over the De Facto Government's Accord* (Feb. 8, 2023), http://www.ijdh.org/press_release/human-rights-groups-tell-un-high-commissioner-for-human-rights-he-must-choose-haitis-rule-of-law-over-the-de-facto-governments-accord/; Clesca, *Haiti's Rule of Lawlessness*. Despite the lack of support from Haitians, the international community has largely

stood by the accord. For example, both the UN and the United States continue to tout the accord as a broadly inclusive consensus document. See [Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January](#); Press Release, UN, [Key Political Developments, Sanctions Offer Hope to Haiti's Recovery if Supported by International Community, Special Representative Tells Security Council](#).

¹²⁸ [Consensus National pour une Transition Inclusive et des Élections Transparentes](#); see also Sénat, [D'importants partis politiques n'ont pas signé l'accord du 21 décembre](#); Clesca, [Haiti's Rule of Lawlessness](#).

¹²⁹ Some signatories denied ever having signed the accord, while some signatures appeared in duplicate. Brian Concannon, *Enough!*, SECURITY TIMES (Feb. 2023), <https://www.the-security-times.com/enough/>; Jean Pharès Jérôme, *COJHIT révèle des irrégularités dans la signature de l'accord du 21 décembre*, LE NOUVELLISTE (Jan. 19, 2023), <https://www.lenouvelliste.com/article/240165/cojhit-revele-des-irregularites-dans-la-signature-de-laccord-du-21-decembre>; [Haiti-Crise : La transparence et le sérieux, absents dans le processus ayant abouti à l'accord du 21 décembre 2022, selon le Cnt](#).

¹³⁰ As part of his implementation of the accord, Henry installed the High Council of the Transition (HCT) on February 6, intended as a counterbalance to executive power. Evens Sanon, *Haiti appoints council amid push to hold general elections*, AP NEWS (Feb. 6, 2023), <https://apnews.com/article/politics-caribbean-ariel-henry-haiti-61e72730433e284ae165462cfb97b323>; Esdra Jeudy, *Signature d'un nouvel accord politique*, LE NATIONAL (Dec. 23, 2022), http://www.lenational.org/post_article.php?pol=2983. However, the HCT has made little progress. See Peterson Luxama, *Politique : un mois après, le Haut Conseil de la Transition d'Ariel Henry piétine*, HAITI INFOS PRO (Mar. 6, 2023), <https://haitiinfospro.com/politique-un-mois-apres-le-haut-conseil-de-la-transition-dariel-henry-pietine/>; Juhakenson Blaise, *Forum On Insecurity In Haiti Slammed*, METRONews (May, 29, 2023), <https://texasmetronews.com/56161/forum-on-insecurity-in-haiti-slammed/>; [Prévu pour les 16 et 17 mai, le forum du HCT sur la sécurité reporté](#), GAZETTE HAITI (May 17, 2023), <https://www.gazettehaiti.com/node/9879>; Jean Corvington, « *Le Forum Sur La Sécurité Du HCT En Haïti Critiqué Pour Son Manque D'efficacité Et D'incohérence* », METRONOME HAITI (May 31, 2023), <https://metronomehaiti.com/le-forum-sur-la-securite-du-hct-en-haiti-critique-pour-son-manque-defficacite-et-dincoherence/>. Haitian human rights organizations and opposition members have warned that the installation was illegitimate and that the HCT is just a tool for consolidating power, while members of the HCT have themselves raised concerns about its ability to function in a meaningful way. See [Crise : L'installation unilatérale des membres du Hct risque d'empirer la situation en Haïti, prévient la Pohdh](#), ALTERPRESSE (Feb. 9, 2023), <https://www.alterpresse.org/spip.php?article29038>; Francklyn B Geffrard, “*Le HCT est une marionnette pour aider Ariel Henry à organiser des élections truquées*”, selon Jean-Charles Moïse..., RHINEWS (Feb. 9, 2023), <https://www.rhinews.com/actualites/le-hct-est-une-marionnette-pour-aider-ariel-henry-a-organiser-des-elections-truquees-selon-jean-charles-moise/>; [Haïti-Sécurité : À son forum politique contesté, Ariel Henry a cherché à rallier les secteurs de l'opposition](#), ALTERPRESSE (May 25, 2023), <https://www.alterpresse.org/spip.php?article29323>; [Une stratégie de sécurité et un chronogramme électoral, attendus au forum politique contesté sur la sécurité en Haïti](#), ALTERPRESSE (May 24, 2023), <https://www.alterpresse.org/spip.php?article29320>; [Haiti – Politic : Closing of the HCT Forum, yet another roadmap and promises of the PM \(Video speech\)](#), HAITI LIBRE (May 25, 2023), <https://www.haitilibre.com/en/news-39614-haiti-politic-closing-of-the-hct-forum-yet-another-roadmap-and-promises-of-the-pm-video-speech.html>; Juhakenson Blaise, *Forum on insecurity in Haiti slammed*, HAITIAN TIMES (May 26, 2023), <https://haitiantimes.com/2023/05/26/forum-on-insecurity-in-haiti-slammed/>; Catherine Charlemagne, *Vie et misère du Haut Conseil de la Transition*, HAÏTI LIBERTÉ (Apr. 19, 2023), <https://haitiliberte.com/vie-et-misere-du-haut-conseil-de-la-transition/>.

¹³¹ See *infra* notes **Error! Bookmark not defined.**-69.

¹³² See [IJDH May 2021 Update](#) at n. 46-49.

¹³³ See *Haïti-Crise : Le professeur Victor Benoit et l'historien Georges Michel critiquent la non application de la Constitution du 29 mars 1987*, ALTERPRESSE (Mar. 29, 2023), <https://www.alterpresse.org/spip.php?article29178> (Haitians maintain that the problem in Haiti is not the Constitution itself, but bad actors like Henry who fail to abide by its provisions and seek to change it illegally); Sénat, [Crise, le sommet de Jonathan Powell reporté sine die](#); BAI & IJDH, [Human Rights Groups Tell UN High Commissioner for Human Rights He Must Choose Haiti's Rule of Law Over the De Facto Government's Accord](#).

¹³⁴ See [IJDH May 2021 Update](#) (detailing efforts by Haitian President Moïse to change the Haitian constitution through referendum in order to consolidate his power); *From Duvalier to Avril, 1957-89*, U.S. LIBRARY OF CONGRESS, <https://countrystudies.us/haiti/65.htm> (last visited Jun. 12, 2023) (in 1985, Haitian President François Duvalier illegally changed the Haitian Constitution through a referendum to make himself “President for life”).

¹³⁵ Jean Junior Celestin, *Dialogue politique: « Il y a un problème de cohésion entre les forces en présence », soutient Abel Descollines*, LE NOUVELLISTE (Apr. 11, 2023), <https://lenouvelliste.com/article/241707/dialogue-politique-il-y-a-un-probleme-de-cohesion-entre-les-forces-en-presence-soutient-abel-descollines>.

¹³⁶ Sénat, *Crise, le sommet de Jonathan Powell reporté sine die*.

¹³⁷ Isabelle Papillon, *CEP : des noms circulent déjà !*, HAÏTI LIBERTE (Apr. 19, 2023), <https://haitiliberte.com/cep-des-noms-circulent-deja/>; Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*.

¹³⁸ *Criminalité : Plusieurs secteurs jugent inopportune l'organisation d'éventuelles élections en Haïti*; Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*; see also Juhakenson Blaise, *Critics: Election efforts fueling Haiti's mass killings*, HAITIAN TIMES (May 3, 2023), <https://haitiantimes.com/2023/05/03/critics-election-efforts-fueling-haitis-mass-killings/> (reporting that political activists are concerned that the push for elections is actually fueling violence in the country, with the de facto government using elections as a distraction while it allows the security situation to deteriorate to the point where foreign military intervention is the only possible solution). Henry himself has acknowledged the urgency and importance of restoring a secure environment as an essential condition for organizing elections in February, which members of his administration had previously used as justification for urging a foreign armed intervention. *Haiti – Crisis : The Caricom delegation met the PM*, HAITI LIBRE (Feb. 28, 2023), <https://www.haitilibre.com/en/news-38955-haiti-crisis-the-caricom-delegation-met-the-pm.html>; Frantz Duval, *Force spécialisée armée pour aider la PNH : accompagnement avec ou sans déploiement ?*, LE NOUVELLISTE (May 24, 2023), <https://www.lenouvelliste.com/article/242477/force-specialisee-armee-pour-aider-la-pnh-accompagnement-avec-ou-sans-deploiement>; see *infra* notes **Error! Bookmark not defined.**-49.

¹³⁹ See Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*; see also Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap* (“Henry seems reluctant to open the organizing of the elections to anyone other than himself and his band of associates.”); Jean Daniel Sénat, *Les initiatives gouvernementales pour former le CEP ne font pas l'unanimité*, LE NOUVELLISTE (Apr. 13, 2023), <https://lenouvelliste.com/article/241774/les-initiatives-gouvernementales-pour-former-le-cep-ne-font-pas-lunanimite>; Bhatia, *Haiti's descent into hell* (reporting that few Haitians trust the government to organize fair elections, and that most “believe that the PHTK will set the rules of any election in its favor”); Germina Pierre Louis, *« Le Premier ministre Ariel Henry crée des conditions pour s'installer indéfiniment au pouvoir », estime Liné Balthazar*, LE NOUVELLISTE (Apr. 18, 2023), <https://lenouvelliste.com/article/241857/le-premier-ministre-ariel-henry-cree-des-conditions-pour-sinstaller-indefinitement-au-pouvoir-estime-line-balthazar> (reporting that members of the PHTK – which makes up the vast majority of Henry’s cabinet – have been urging Henry to join discussions, with some, including PHTK president Liné Balthazar, concerned that Henry has no real desire to organize elections in Haiti).

¹⁴⁰ Alphonse, *Aggravation de l'insécurité, le PM Ariel Henry en mode élections « rapido presto »*.

¹⁴¹ See, e.g., *Politique : L'Anmh boude l'initiative de mise en place d'un nouveau Conseil électoral provisoire en Haïti*, ALTERPRESSE (Apr. 26, 2023), <https://www.alterpresse.org/spip.php?article29262>; Papillon, *CEP : des noms circulent déjà !*. Some sectors further reported not being able to participate because the requests came so late as to not offer a meaningful ability to participate. See Roberson Alphonse, *Le gouvernement Henry entame des contacts pour monter son CEP*, LE NOUVELLISTE (Apr. 12, 2023), <https://lenouvelliste.com/article/241747/le-gouvernement-henry-entame-des-contacts-pour-monter-son-cep>.

¹⁴² Haiti ranks 171st out of 180 countries on Transparency International’s Corruption Perceptions Index 2022 – down from 168th in 2021. *Corruption Perceptions Index: Haiti*, TRANSPARENCY INTERNATIONAL, <https://www.transparency.org/en/cpi/2022/index/hti> (last visited Jun. 7, 2023); see also Robert Muggah, *Haiti Is on the Brink of State Failure*, FOREIGN POLICY (Feb. 17, 2023), <https://foreignpolicy.com/2023/02/17/haiti-crisis-corruption-criminal-gangs-violence-humanitarian-assistance-state-failure-sanctions/> (“Dozens of elected and appointed government officials have been implicated in corruption, money laundering, arms smuggling, and drug trafficking to bolster their power and influence.”); @moniclesca, TWITTER (May 2, 2023, 12:26 PM), https://twitter.com/moniclesca/status/1653435919142100992?s=51&t=thKHXes_CjCKXbJpVhuQfA (political activist and author Monique Clesca, describing a scheme to sell Haitian passports “to the highest bidder”: “Corruption is at the heart of Ariel[]Henry’s governance in #Haiti”).

¹⁴³ Jean Junior Celestin, *Moins de 10% des agents publics assujettis à cette formalité ont fait leur déclaration de patrimoine.*, LE NOUVELLISTE (Mar. 1, 2023), <https://www.lenouvelliste.com/article/240958/moins-de-10-des-agents-publics-assujettis-a-cette-formalite-ont-fait-leur-declaration-de-patrimoine>.

¹⁴⁴ Judge Jean Wilner Morin is currently investigating former Director General of the General Administration of Customs Romel Bell for embezzlement of public funds. *Haiti-Violences : Attaque armée contre le magistrat Jean Wilner Morin, l'Apm condamne*, ALTERPRESSE (May 17, 2023), <https://www.alterpresse.org/spip.php?article29309>; Francklyn B Geffrard, "Romel Bell, ex-DG de l'administration générale des douanes, s'est enrichi illicitement au détriment du trésor public," selon un rapport accablant de l'ULCC..., RHINEWS (Mar. 6, 2023), <https://www.rhinews.com/actualites/romel-bell-ex-dg-de-ladministration-generale-des-douanes-sest-enrichi-illicitement-au-detriment-du-tresor-public-selon-un-rapport-accablant-de/>; see also *infra* notes **Error! Bookmark not defined.**-60. Former chief accountant of the Social Assistance Fund (CAS) Pierre Richard Valles and CAS acting director Edwine Tonton were arrested in late April for influence peddling, corruption, embezzlement, and fraud. @Radio_Metronome, TWITTER (Apr. 18, 2023, 2:17 PM), https://twitter.com/Radio_Metronome/status/1648390211347394560; Francklyn B Geffrard, *Haiti/Corruption : Edwine Tonton, ex-directrice de las CASE, arrêtée pour corruption...*, RHINEWS (Apr. 25, 2023), <https://www.rhinews.com/actualites/haiti-corruption-edwine-tonton-ex-directrice-de-la-cas-arretee-pour-corruption/>; *Haiti-Violences : Attaque armée contre le magistrat Jean Wilner Morin, l'Apm condamne*. An arrest warrant was also issued for former Director General of the Office of Monetization of Development Assistance Programs Patrick Noramé, who is accused of money laundering, embezzlement of public funds and corruption. *Haiti – News : Zapping...*, HAITI LIBRE (Mar. 29, 2023), <https://www.haitilibre.com/en/news-39179-haiti-news-zapping.html>.

¹⁴⁵ Juhakenson Blaise, *Haitian ambassador fired over illegal passports, refutes allegations*, HAITIAN TIMES (May 6, 2023), <https://haitiantimes.com/2023/05/06/haitian-ambassador-fired-over-illegal-passports-refutes-allegations/> (reporting that Edmond has denied the allegations and accused others, including then-Minister of Foreign Affairs and former acting President and Prime Minister Claude Joseph, of complicity). The allegations against Edmond come after a separate U.S. Customs-led investigation in June 2021 that revealed money laundering by diplomats in Haiti's U.S. embassy. Jacqueline Charles, *Haiti's top diplomat in the U.S. is fired after a passport scandal in the Washington embassy*, MIAMI HERALD (May 5, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275072471.html>.

¹⁴⁶ Press Release, RNDDH, *Processus de certification des magistrats-tes : Le RNDDH salue le travail du CSPJ* (Jan. 18, 2023), <https://web.rnddh.org/wp-content/uploads/2023/01/1-CP-Certification-Magistrats-18Jan2023.pdf>; UNSG *April BINUH Report* at ¶ 31; see *infra* notes **Error! Bookmark not defined.**-79.

¹⁴⁷ See, e.g., Francklyn B Geffrard, *Sept (7) anciens sénateurs poursuivis en justice pour défaut de déclaration de patrimoine...*, RHINEWS (Mar. 7, 2023), <https://www.rhinews.com/actualites/sept-7-anciens-senateurs-poursuivis-en-justice-pour-defaut-de-declaration-de-patrimoine/> (in March, the ULCC recommended seven former senators – Nawoon Marcellus, Wilot Joseph, Jean-Marie Junior Salomon, Dieudonne Luma, Richard Lenine Hervé Fourcand (also sanctioned by the Canadian and U.S. governments for human rights violations and drug trafficking), Wilfred Gelin and Sauveur Jean-Jacques – for prosecution for failing to declare their assets at the end of their terms).

¹⁴⁸ Francklyn B Geffrard, *Affaire Youri Latortue/ULCC : L'avocat de Latortue réclame le classement sans suite du dossier jugeant de l'inopportunité pénale de l'affaire...*, RHINEWS (Mar. 21, 2023), <https://www.rhinews.com/actualites/affaire-youri-latortue-ulcc-lavocat-de-latortue-reclame-le-classement-sans-suite-du-dossier-jugeant-de-linopportunit-penale-de-laffaire/>. Both Latortue and Lambert have also been sanctioned by the U.S. and Canadian governments for human rights violations and drug trafficking. *Sanctions: Grave breach of international peace and security in Haiti*, Government of Canada, <https://www.international.gc.ca/campaign-campagne/haiti-sanction/index.aspx?lang=eng> (last visited Jun. 7, 2023); *Treasury Sanctions Corrupt Haitian Politicians for Narcotics Trafficking*, U.S. Department of State (Nov. 4, 2022), <https://home.treasury.gov/news/press-releases/jy1080>; see *infra* notes **Error! Bookmark not defined.**-60.

¹⁴⁹ See UN Development Programme, Justice Programme UNDP: Fact Sheet (February 2023), <https://www.undp.org/sites/g/files/zskgke326/files/2023-04/undp-ht-ProgrammeJustice-Factsheet-042023-En.pdf>; see *infra* Section III.

¹⁵⁰ Roberson Alphonse, *Rebondissements dans le dossier de trafic d'armes à Port-de-Paix*, LE NOUVELLISTE (Apr. 5, 2023), <https://lenouvelliste.com/article/241675/rebondissements-dans-le-dossier-de-traffic-darmes-a-port-de-paix>; Isabelle Papillon, *L'ex-ministre Berto Dorcé sur la sellette*, HAITI LIBERTE (Apr. 12, 2023), <https://haitiliberte.com/lex-ministre-berto-dorce-sur-la-sellette/>.

¹⁵¹ RNDDH, *Arms and ammunition trafficking : Employees of ONA and OFATMA arrested by the DCPJ* (Mar. 15, 2023), <https://web.rnddh.org/wp-content/uploads/2023/03/3-Rapport-Trafic-darmes-et-de-munitions-15Mar2023-ENG.pdf>.

¹⁵² See Kirk Petersen, *Diocese of Haiti Continues Its Descent into Chaos*, LIVING CHURCH (May 17, 2023), <https://livingchurch.org/2023/05/17/diocese-of-haiti-continues-its-descent-into-chaos/>; see *infra* notes **Error! Bookmark not defined.**-52.

¹⁵³ Onz Chéry, *Police: Haitian Episcopal church a front for gangs, government paid priest*, HAITIAN TIMES (Apr. 4, 2023), <https://haitiantimes.com/2023/04/04/police-haitian-episcopal-church-a-front-for-gangs-government-paid-priest/>.

¹⁵⁴ Joseph, *PNH wants public to come forward with police complaints*.

¹⁵⁵ Marcelin, *Mackendy D’Haïti, ancien candidate à la mairie, parmi deux morts à Léogâne*.

¹⁵⁶ *Manifestation des ouvriers de la SONAPI pour réclamer de meilleures conditions de travail*; Juhakenson Blaise, *Laborers in Haiti continue striking for \$18 daily wage*, HAITIAN TIMES (May 23, 2023), <https://haitiantimes.com/2023/05/23/laborers-in-haiti-continue-striking-for-18-daily-wage/>.

¹⁵⁷ According to information shared by BAI and RNDDH, police used tear gas against labor rights demonstrators in May, suppressed the demonstrations before they even started and prevented protesters from gathering in front of the Prime Minister’s residence. A human rights defender and feminist activist further shared that members of the PNH attacked demonstrators protesting in connection with National Day of the Haitian Women’s Movement on April 3, emphasizing that victims of such attacks have no recourse.

¹⁵⁸ *Haïti-Justice : Le Rnddh qualifie d’anti-déontologique le comportement du commissaire du gouvernement Jean Ernest Muscadin* (noting that Fondasyon Je Klere joined RNDDH in its condemnation of Muscadin’s 2022 killings). Muscadin was accused of summarily executing two alleged gang members in 2022. *IJDH November 2022 Update* at 4-5; cf. Jean Junior Celestin, « *Tant que je serai commissaire du gouvernement, les bandits ne connaîtront jamais la paix* », *declare Jean Ernest Muscadin*, LE NOUVELLISTE (Mar. 22, 2023), <https://lenouvelliste.com/article/241421/tant-que-je-serai-commissaire-du-gouvernement-les-bandits-ne-connaîtront-jamais-la-paix-declare-jean-ernest-muscadin> (Muscadin sees his actions as necessary, given the government’s abdication of responsibility in the face of growing gang violence).

¹⁵⁹ See *supra* note **Error! Bookmark not defined.**

¹⁶⁰ See generally BAI et al., *Justice Sector Challenges in Haiti* (2021), http://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti_UPR-Submission_EN-1.pdf.

¹⁶¹ See, e.g., UN Development Programme, *Justice Programme UNDP: Fact Sheet*; HRW, *Haiti: Events of 2022*.

¹⁶² See, e.g., UN Development Programme, *Justice Programme UNDP: Fact Sheet*; Charles, *‘Intolerable risks’: Haiti’s escalating violence, including sexual attacks, shuts hospital* (“Haitian justice has remained passive, paralyzed by three major handicaps: corruption, inefficiency, and the lack of resources allocated to the sector by the Haitian state. . . . The result is a low rate of prosecution and conviction of the perpetrators, creating a culture of impunity across the country that tends to normalize what is unacceptable.”); see also BAI & IJDH, *Reversing Post-Raboteau Massacre Trial Impunity* (Jul. 2020), <http://www.ijdh.org/wp-content/uploads/2020/07/IJDH-Briefing-Raboteau-in-2020-FINAL-EN.pdf> (the prosecution of the Raboteau massacre in 2000 is evidence that Haiti’s justice system under a democratic government was capable of ensuring justice for victims and accountability for perpetrators).

¹⁶³ *UNSG April BINUH Report* at ¶¶ 35-36; Charles, *‘Intolerable risks’: Haiti’s escalating violence, including sexual attacks, shuts hospital*; *IACHR Public Hearing on Widespread Sexual Violence Against Women and Girls in Haiti*.

¹⁶⁴ UN Development Programme, *Justice Programme UNDP: Fact Sheet*; *Haiti: Expanding Gang Activity Amid Persisting Political Instability*, ACLED (Feb. 8, 2023), <https://acleddata.com/conflict-watchlist-2023/haiti/> (“The impunity enjoyed by gangs might also lead to growing levels of violence outside of Ouest department.”).

¹⁶⁵ See Press Release, RNDDH, *Processus de certification des magistrats-tes : Le RNDDH salue le travail du CSPJ* (“[T]he Haitian judiciary has failed in its role as a deterrent, offering unacceptable protection to armed bandits and maintaining a system of impunity in the country.”); *OPC Statement on Massacre in Source Matelas*; BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 5-6.

¹⁶⁶ See Francklyn B Geffrard, *Ariel Henry nommé de nouveaux juges à la Cour de Cassation...*, RHINEWS (Feb. 28, 2023), <https://www.rhinews.com/actualites/ariel-henry-nomme-de-nouveaux-juges-a-la-cour-de-cassation/>. These latest appointments come after Henry unconstitutionally appointed Supreme Court magistrate Jean Joseph Lebrun as President of the Supreme Court on November 11. See *IJDH November 2022 Update* at n. 125.

¹⁶⁷ Emmanuel Moïse Yves, *Après la mort du juge René Sylvestre, la justice haïtienne risque le dysfonctionnement total*, AYIBO POST (Jul. 4, 2021), <https://ayibopost.com/apres-la-mort-du-juge-rene-sylvestre-la-justice-haitienne-risque-le-dysfonctionnement-total/>; BAI et al., *Justice Sector Challenges in Haiti*.

¹⁶⁸ See Francklyn B Geffrard, *La FBH exprime ses réserves quant à la nomination des juges à la Cour de Cassation...*, RHINEWS (Mar. 8, 2023), <https://www.rhinews.com/actualites/la-fbh-exprime-ses-reserves-quant-a-la-nomination-des-juges-de-la-cour-de-cassation/>.

¹⁶⁹ See, e.g., Geffrard, *La FBH exprime ses réserves quant à la nomination des juges à la Cour de Cassation...* (the Federation of Bars of Haiti criticized the appointments’ unilateral nature, the number of judges selected, and the terms’ ten-year duration); *Justice : Plusieurs partis politiques dénoncent la nomination unilatérale de 8 nouveaux*

juges à la Cour de Cassation en Haïti, ALTERPRESSE (Mar. 1, 2023), <https://www.alterpresse.org/spip.php?article29088>; *Justice : Avis divergents de la Pohdh et de l'Apm sur la nomination de 8 juges à la Cour de Cassation en Haïti*, ALTERPRESSE (Mar. 2, 2023), <https://www.alterpresse.org/spip.php?article29093>; Francklyn B Geffrard, "Huit (8) nouveaux juges nommés à la Cour de Cassation en violation de la règle sacro-sainte de la "compétence et de l'intégrité"- FJKL...", RHINEWS (Mar. 2, 2023), <https://www.rhinews.com/actualites/huit-8-nouveaux-juges-nommes-a-la-cour-de-cassation-en-violation-de-la-regle-sacro-sainte-de-la%EF%82%B2-competece-et-de-lintegrite-fjkl/>; *Lawyers liken situation in Haiti to Somalia*, JAMAICA STAR (Mar. 14, 2023), <https://jamaica-star.com/article/news/20230314/lawyers-liken-situation-haiti-somalia>; UNSG April BINUH Report at ¶ 10.

¹⁷⁰ RNDDH, *Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays* ¶ 21 (Apr. 10, 2023), <https://web.rnddh.org/wp-content/uploads/2023/04/4-Rapport-Justice-Assises-2022-2023-VS-10Avr2023-FR-.pdf>; BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 5; *see also Justice : Les 28 magistrats non certifiés en janvier 2023 ne doivent plus siéger en Haïti, exige le Cspj*, ALTERPRESSE (Feb. 24, 2023), <https://www.alterpresse.org/spip.php?article29075>; (reporting that 59 judges were reviewed); UNSG April BINUH Report at ¶ 31 (reporting that 69 judges were reviewed). The review was conducted pursuant to the CSPJ's authority to find certain actors "uncertified" and terminate their mandates under a transitional mechanism enacted in 2007 to remedy decades of unconstitutional judicial appointments. *Haïti : La certification des magistrats ne compète pas au gouvernement*.

¹⁷¹ RNDDH, *Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays* at ¶ 22; BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 5; *see also Justice : Les 28 magistrats non certifiés en janvier 2023 ne doivent plus siéger en Haïti, exige le Cspj* (reporting that 28 judges were deemed uncertified); UNSG April BINUH Report at ¶ 31 (reporting that 28 judges were deemed uncertified).

¹⁷² Press Release, RNDDH, *Processus de certification des magistrats-tes : Le RNDDH salue le travail du CSPJ; UNSG April BINUH Report* at ¶ 31 (reporting that reasons included drunkenness, property theft, abuse of authority, and a lack of academic qualifications); *see also* Clesca, *Haïti's Rule of Lawlessness* (two of the judges that the CSPJ found to be uncertified were those presiding over two of Haiti's highest-profile cases – the PetroCaribe corruption scandal and the investigation into the assassination of President Moïse).

¹⁷³ *See Justice : Les 28 magistrats non certifiés en janvier 2023 ne doivent plus siéger en Haïti, exige le Cspj*; Jacqueline Charles, *They stole and they freed criminals. Now these Haiti judges are being singled out*, MIAMI HERALD (Jan. 18, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article271294857.html>.

¹⁷⁴ *See Justice : Les 28 magistrats non certifiés en janvier 2023 ne doivent plus siéger en Haïti, exige le Cspj*.

¹⁷⁵ UNSG April BINUH Report at ¶ 31.

¹⁷⁶ Kervens Adam Paul, *Emmelie Prophète Milcé promet que les magistrats non certifiées seront remplacés*, LE NOUVELLISTE (Mar. 14, 2023), <https://lenouvelliste.com/article/241254/emmelie-prophete-milce-promet-que-les-magistrats-non-certifies-seront-remplaces>; *but see* Jean Daniel Sénat, *Human rights defenders have reacted to the departure of Commissioner Jaques Lafontant*, LE NOUVELLISTE (May 29, 2023), <https://lenouvelliste.com/en/article/242571/des-defenseurs-des-droits-humains-reagissent-au-depart-du-commissaire-jacques-lafontant> (reporting that Edler Guillaume replaced Jacques Lafontant as Port-au-Prince's Prosecutor General after the CSPJ uncertified Lafontant).

¹⁷⁷ Paul, *Emmelie Prophète Milcé promet que les magistrats non certifiées seront remplacés*.

¹⁷⁸ *Haïti-Justice : la certification des magistrats remise en cause par la Primature*, TED ACTU (Apr. 28, 2023), <https://tedactu.com/2023/04/28/haiti-justice-la-certification-des-magistrats-remise-en-cause-par-la-primature/>.

¹⁷⁹ *See Haïti-Justice : Plusieurs organisations de droits humains dénoncent les manœuvres du gouvernement de facto contre le processus de certification des magistrats par le Cspj*, ALTERPRESSE (May 8, 2023), <https://www.alterpresse.org/spip.php?article29285>; *Haïti : La certification des magistrats ne compète pas au gouvernement*, ALTERPRESSE (Apr. 24, 2023), <https://www.alterpresse.org/spip.php?article29257>.

¹⁸⁰ *See* Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*.

¹⁸¹ *Tribunaux de Paix* are Haiti's lowest court, equivalent to a court of common pleas or a trial court. Decisions made by the *Tribunal de Paix* may be appealed in the Court of First Instance. Jameson Francisque, *Comprendre comment s'organise le système judiciaire haïtien*, AYIBO POST (Dec. 17, 2020), <https://ayibopost.com/comprendre-comment-sorganise-le-systeme-judiciaire-haitien/>.

¹⁸² Information provided by BAI.

¹⁸³ Information provided by BAI.

¹⁸⁴ OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence*.

¹⁸⁵ Michelson Césaire, *Le parquet de Port-au-Prince cambriolé à nouveau, des armes emportées*, LE NOUVELLISTE (May 25, 2023), <https://lenouvelliste.com/article/242495/le-parquet-de-port-au-prince-cambriole-a-nouveau-des-armes-emportees>.

¹⁸⁶ As reported by BAI. See also Charles, *Gang-related violence in Haiti has reached levels not seen in decades*, *U.N. chief says*; UNSG January BINUH Report.

¹⁸⁷ RNDDH, *Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays*.

¹⁸⁸ Lafontant ordonne une enquête sur l'attaque armée à Vivy Mitchel, LOOP NEWS (Apr. 2, 2023), <https://haiti.loopnews.com/content/lafontant-ordonne-une-enquete-sur-lattaque-armee-vivy-mitchel>.

¹⁸⁹ See *supra* note **Error! Bookmark not defined.**

¹⁹⁰ Michaelson Césaire, *Le juge anticorruption Jean Wiler Morin échappe à une attaque armée*, LE NOUVELLISTE (May 17, 2023), <https://lenouvelliste.com/article/242335/le-juge-anticorruption-jean-wilner-morin-echappe-a-une-attaque-armee>; *Haiti – FLASH : Judge Jean Wilner Morin under a deluge of bullets*, HAITI LIBRE (May 18, 2023), <https://www.haitilibre.com/en/news-39560-haiti-flash-judge-jean-wilner-morin-under-a-deluge-of-bullets.html>.

¹⁹¹ See Marie Laurette Numa, *Grève illimitée des greffiers !*, HAITI LIBERTE (Mar. 15, 2023), <https://haitiliberte.com/greve-illimitee-des-greffiers/>; RNDDH, *Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays* at ¶ 72; Press Release, RNDDH, *Des cellules de détention transformées en prisons : Le RNDDH tire la sonnette d'alarme* ¶ 33, 35 (Jun. 1, 2023), <https://web.rnddh.org/wp-content/uploads/2023/06/3-CP-Commissariat.SousCommissariat.Ouest-01Juin2023-FR.pdf>.

¹⁹² *IJDH November 2022 Update* at 5; *IJDH June 2022 Update* at 7-8.

¹⁹³ A separate investigation in a U.S. court has made more progress – on March 24, Rodolphe Jaar, a Haitian-Chilean citizen, plead guilty to three charges related to the assassination, including providing money for weapons and bribing officials that were guarding Moïse. He was sentenced to life in prison on June 2. Zach Montague, *Man Pleads Guilty in Case Related to Assassination of Haiti's President*, NY TIMES (Mar. 24, 2023), <https://www.nytimes.com/2023/03/24/us/politics/rodolphe-jaar-jovenel-moise-plot.html>; *US court sentences Haitian businessman to life in Moise's killing*, AL JAZEERA (Jun. 2, 2023), <https://www.aljazeera.com/news/2023/6/2/us-court-sentences-haitian-businessman-to-life-in-moises-killing>.

¹⁹⁴ High turnover among judges has, in part, contributed to delays, with five judges having presided over the investigation since its initiation. Two resigned in response to the government's failure to guarantee their safety amidst threats of violence and one was removed as the result of a corruption scandal. The two most recent investigative judges received the case docket only after significant delays, and the current judge's mandate expired in August 2022. Juhakenson Blaise, *Disorder in Haiti's courts*, HAITIAN TIMES (Jul. 7, 2022), <https://haitiantimes.com/2022/07/07/disorder-in-haitis-courts/>; *IJDH November 2022 Update* at 5; Francklyn B Geffrard, *Le CARDH appelle à nouveau à la nomination d'un nouveau juge d'instruction sur le dossier de l'assassinat de Jovenel Moïse...*, RHINEWS (Mar. 8, 2023), <https://www.rhinews.com/actualites/le-cardh-appelle-a-nouveau-a-la-nomination-dun-nouveau-juge-dinstruction-sur-le-dossier-de-l-assassinat-de-jovenel-moise/>.

¹⁹⁵ See Matt Rivers, Etant Dupain & Natalie Gallón, *Haitian Prime Minister involved in planning the President's assassination, says judge who oversaw case*, CNN (Feb. 8, 2022), <https://www.cnn.com/2022/02/08/americas/haiti-assassination-investigation-prime-minister-intl-cmd-latam/index.html>; *Haiti – Assassination Moïse: Former PM Claude Joseph with the OAS accuses Ariel Henry, the Haitian chancellery reacts*, HAITI LIBRE (Jan. 1, 2022), <https://www.haitilibre.com/en/news-35832-haiti%20assassination-moise-former-pm-claude-joseph-with-theoasaccuses-ariel-henry-the-haitian-chancellery-reacts.html>; *Haiti – Assassination Moïse: The ex-PM Claude Joseph surprised by the reaction of the Government*, HAITI LIBRE (Jan. 30, 2022), <https://www.haitilibre.com/en/news-35840-haiti-assassination-moise-the-ex-pm-claude-joseph-surprised-bythereaction-of-the-government.html>; Francklyn B Geffrard, *Daniel Foote : « Ariel Henry fait obstruction à l'enquête sur l'assassinat de Jovenel Moïse. Il devrait s'expliquer à la justice haïtienne et internationale »...*, RHINEWS (Apr. 7, 2022), <https://www.rhinews.com/actualites/daniel-foote-ariel-henry-fait-obstacle-a-lenquete-sur-l-assassinat-de-jovenel-moise-il-devrait-sexpliquer-a-la-justice-haitienne-et-internationale/>.

¹⁹⁶ BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 5.

¹⁹⁷ See Jean Daniel Sénat, *Assassinat du président Moïse: Claude Joseph auditionné et répond aux accusations colombiennes*, LE NOUVELLISTE (Feb. 2, 2023), <https://www.lenouvelliste.com/article/240494/assassinat-du-president-moise-claude-joseph-auditionne-et-repond-aux-accusations-colombiennes> (investigating judge Walter Wesser Voltaire interviewed former acting President and Prime Minister Claude Joseph on January 26 and February 2); *Il était au courant de l'assassinat de Jovenel Moïse !*, HAITI NEWS 2000 (May 15, 2023), <https://haitinews2000.net/38551/il-etait-au-courant-de-l-assassinat-de-jovenel-moise/> (Judge Voltaire interviewed the

former Departmental Director of the West of the Haitian police – who has been accused of complicity in the assassination plot – in May); *Assassinat de Jovenel Moïse: l'ancien ministre Nader Joiseus auditionné*, GAZETTE HAITI (May 31, 2023), <https://www.gazettehaiti.com/node/9928> (Judge Voltaire interviewed Nader Joséus, the former Minister of Public Works, Transportation, and Communication on May 31 in a series of “interminable” hearings).

¹⁹⁸ David Adams & Jake Johnston, *Exclusive: How Haiti's Assassination Plot Unraveled, Minute by Minute and Text by Text*, CEPR (May 1, 2023), <https://cepr.net/exclusive-how-haitis-assassination-plot-unraveled-minute-by-minute-and-text-by-text/>; Rivers, Dupain & Gallón, *Haitian Prime Minister involved in planning the President's assassination, says judge who oversaw case*.

¹⁹⁹ See Widlore Merancourt & Anthony Faiola, *A Haitian prosecutor sought charges against the prime minister in the president's assassination. He was fired.*, WASHINGTON POST (Sep. 14, 2021), <https://www.washingtonpost.com/world/2021/09/14/haiti-henry-moise-assassination/>. The United States has not pursued Henry as a suspect in its investigation either. Jacqueline Charles, *More Colombian suspects in Moïse assassination questioned by FBI during Haiti visit*, MIAMI HERALD (Apr. 10, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article274102660.html> (“FBI agents did not question Haitian Prime Minister Ariel Henry, who has been supportive of the U.S. investigation.”).

²⁰⁰ See BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 5. Dorval was shot and killed outside his home “[j]ust hours” after “he called for ‘another kind of country, another state’ during a radio interview in which he addressed several controversial topics including constitutional reform, elections and the breakdown of Haitian institutions.” Jacqueline Charles, *Haitian lawyer, constitutional expert gunned down hours after controversial radio interview*, MIAMI HERALD (Aug. 9, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245352670.html>.

²⁰¹ *Haiti – News : Zapping...*, HAITI LIBRE (Apr. 21, 2023), <https://www.haitilibre.com/en/news-39359-haiti-news-zapping.html>.

²⁰² Haiti's Superior Court of Auditors and Administrative Disputes found that multiple Haitian governments stole \$2 billion in petrodollars earmarked for social services and infrastructure under Venezuela's PetroCaribe petroleum-import finance project. Jacqueline Charles, *Haiti corruption scandal: Billions wasted in Venezuelan PetroCaribe aid, new report shows*, MIAMI HERALD (Aug. 19, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245045015.html>. The case's investigating judge, Ramoncite Accimé, was one of the 28 judges found to be uncertified by the CSPJ in January, prompting concerns about further delays. Roberson Alphonse, *PetroCaribe : le CSPJ consacre la disgrâce du juge en charge de l'instruction du plus gros scandale de corruption*, LE NOUVELLISTE (Jan. 17, 2023), <https://lenouvelliste.com/article/240113/petrocaribe-le-cspj-consacre-la-disgrace-du-juge-en-charge-de-linstruction-du-plus-gros-scandale-de-corruption>.

²⁰³ Former PNH officer, Jimmy Chérizier, and two senior officials in the Moïse administration planned and provided resources for the attack, during which armed gangs led by Chérizier killed at least 71 people, raped at least eleven women, and looted and destroyed at least 150 homes in La Saline in Port-au-Prince. Harvard Law School International Human Rights Clinic & OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti (2021)*, https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf. According to BINUH, the investigation has “remained at a standstill due to a motion for recusal filed before the *Cour de Cassation*, in 2019, against the judge investigating the case.” BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 5; see also Congressional Research Service, *Haiti: Recent Developments and U.S. Policy 7* (Jun. 5, 2023), <https://crsreports.congress.gov/product/pdf/R/R47394>.

²⁰⁴ Unidentified motorcyclists shot and killed journalist Diego Charles and activist Marie Antoinette Duclair on June 29. Jacqueline Charles, *Amnesty urges protection, action in murder probe of Haiti journalist, political activist*, MIAMI HERALD (Aug. 6, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article253307088.html>. No progress has been reported in their case.

²⁰⁵ Charles, *Amnesty urges protection, action in murder probe of Haiti journalist, political activist*.

²⁰⁶ Jeudy, the president of the LGBT advocacy organization, Kouraj, was found dead in his home on November 25, 2019. Port-au-Prince's Court of First Instance opened an investigation into his death on November 27, 2019. No progress has since been reported. HRW, *Haiti: Events of 2022; Décès de Charlot Jeudy : le parquet de Port-au-Prince annonce l'ouverture d'une enquête*, LE NOUVELLISTE (Nov. 27, 2019), <https://lenouvelliste.com/article/209586/decès-de-charlot-jeudy-le-parquet-de-port-au-prince-annonce-louverture-dune-enquete>.

²⁰⁷ BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 4-5; HRW, *Haiti: Events of 2022*; Jillian Kestler-D'Amours, *Haiti's sexual violence survivors demand justice*, AL JAZEERA (Jan. 25, 2023), <https://www.aljazeera.com/news/2023/1/25/haitis-sexual-violence-survivors-demand-justice> (reporting that

impunity for sexual violence “remains the norm”); *see also* RNDDH, [Arms and ammunition trafficking : Employees of ONA and OFATMA arrested by the DCPJ](#) (reporting that a 2022 Central Directorate of Judicial Police investigation into an arms trafficking scheme implicating five government employees remains blocked at the judicial level).

²⁰⁸ [UNSG April BINUH Report](#) at ¶ 35 (reporting that the pretrial detention rate was 83.2 percent).

²⁰⁹ *See* [Haïti - Justice : Sur 11,718 détenus en Haïti seulement 1,935 ont été jugés et condamnés](#), HAITI LIBRE (Jan. 31, 2023), <https://www.haitilibre.com/article-38602-haiti-justice-sur-11-718-detenus-en-haiti-seulement-1-935-ont-ete-juges-et-condmanes.html>.

²¹⁰ [UNSG April BINUH Report](#) at ¶ 35 ; *see also* [Haïti - Justice : Sur 11,718 détenus en Haïti seulement 1,935 ont été jugés et condamnés](#) (reporting that prisons are operating at over four times their capacity); Dánica Coto, [Haitians are dying of thirst and starvation in severely overcrowded prisons](#), WASHINGTON POST (Jun. 8, 2023), https://www.washingtonpost.com/world/2023/06/08/haiti-prisons-mistreatment-starvation-caribbean/3061f1de-05b2-11ee-b74a-5bdd335d4fa2_story.html (reporting that incarcerated individuals are forced to sleep standing up).

²¹¹ *See* [Haïti - Justice : Sur 11,718 détenus en Haïti seulement 1,935 ont été jugés et condamnés](#).

²¹² Press Release, RNDDH, [Des cellules de détention transformées en prisons : Le RNDDH tire la sonnette d'alarme](#).

²¹³ Coto, [Haitians are dying of thirst and starvation in severely overcrowded prisons](#).

²¹⁴ Jean Samuel Mentor, [Haïti : Voici pourquoi les prisonniers meurent de faim dans les centres carcéraux](#), HAITI NEWS 2000 (Mar. 1, 2023), <https://haitinews2000.net/38315/haiti-voici-pourquoi-les-prisonniers-meurent-de-faim-dans-les-centres-carceraux/>; *see also* Arch G. Mainous III et al., [A cautionary tale for health education initiatives in vulnerable populations: Improving nutrition in Haiti prisons](#), 9 FRONT. MED. 1 (Dec. 20, 2022), <https://www.frontiersin.org/articles/10.3389/fmed.2022.1076583/full>; U.S. Department of State, 2022 Country Reports on Human Rights Practices: Haiti, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/haiti> (last visited Jun. 13, 2023); Coto, [Haitians are dying of thirst and starvation in severely overcrowded prisons](#).

²¹⁵ Mainous III et al., [A cautionary tale for health education initiatives in vulnerable populations: Improving nutrition in Haiti prisons](#) (finding that in addition to the starvation-level diet, authorities failed to provide sufficient vitamins to prevent diseases like scurvy and beriberi).

²¹⁶ [UNSG April BINUH Report](#) at ¶ 35; *see also* Jacqueline Charles, [Starvation rations: Inmates are dying inside Haiti's overcrowded prisons from lack of food](#), MIAMI HERALD (Dec. 20, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article270206732.html>.

²¹⁷ Melissa Beralus, [Pour ne pas mourir de soif, des prisonnières à Cabaret boient l'eau de la douche](#), AYIBO POST (Mar. 25, 2023), <https://ayibopost.com/pour-ne-pas-mourir-de-soif-une-prisonniere-a-cabaret-avoue-boire-leau-de-la-douche/>; U.S. Department of State, [2022 Country Reports on Human Rights Practices: Haiti](#); Coto, [Haitians are dying of thirst and starvation in severely overcrowded prisons](#).

²¹⁸ Mentor, [Haïti : Voici pourquoi les prisonniers meurent de faim dans les centres carcéraux](#).

²¹⁹ Mentor, [Haïti : Voici pourquoi les prisonniers meurent de faim dans les centres carcéraux](#) (reporting that a gallon of drinking water is selling for 375 gourdes (approximately US \$2.65), which many cannot afford).

²²⁰ U.S. Department of State, [2022 Country Reports on Human Rights Practices: Haiti](#); Coto, [Haitians are dying of thirst and starvation in severely overcrowded prisons](#).

²²¹ James Patrick Jordan, [Haïti : la faim et le système carcéral de l'impérialisme américain](#), HAITI LIBERTE (May 3, 2023), <https://haitiliberte.com/haiti-la-faim-et-le-systeme-carceral-de-limperalisme-americain/>.

²²² *See* John Fritz Moreau, [Les conditions de détention des enfants en conflit avec la loi en Haïti sont préoccupantes](#), JUNO 7 (Feb. 21, 2023), <https://www.juno7.ht/conditions-de-detention-des-enfants-en-conflit-la-loi/> (reporting that minors are often kept in cells with adults, in violation of international standards and Haitian law); [L'État haïtien a une part de responsabilité dans les viols collectifs perpétrés à la prison civile des Gonaïves](#), AVOCATS SANS FRONTIERES CANADA (Feb. 1, 2023), <https://asfcanada.ca/medias/letat-haitien-a-une-part-de-responsabilite-dans-les-viols-collectifs-perpetres-a-la-prison-civile-des-gonaives/>; U.S. Department of State, 2022 Country Reports on Human Rights Practices: Haiti; Rania Massoud, [Tollé en Haïti après le viol de 17 femmes, dont une mineure, dans une prison](#), ICI RADIO-CANADA (Feb. 3, 2023), <https://ici.radio-canada.ca/nouvelle/1953077/tolle-haiti-viol-femmes-mineure-prison-gonaives>.

²²³ Ronel Paul, [Haïti: le lourd bilan de la mutinerie à la prison civile des Gonaïves](#), RFI (Jan. 30, 2023), <https://www.rfi.fr/fr/amériques/20230129-haiti-le-lourd-bilan-de-la-mutinerie-a-la-prison-civile-des-gonaives>; *see also* Ronel Paul, [Mutinerie à la prison civile des Gonaïves: une vingtaine de prisonniers tués, plusieurs autres évadés](#), ZOOM HAITI NEWS (Jan. 28, 2023), <https://zoomhaitinews.com/mutinerie-a-la-prison-civile-des-gonaives-une-vingtaine-de-prisonniers-tues-plusieurs-autres-evades/> (reporting that at least 14 detainees were killed during

the violence, which occurred while prison guards were protesting the de facto government's failure to address rising violence against police, leaving those in custody without protection). Note that more than a dozen women and minors were raped in their cells in the same prison during a prison mutiny in 2019. Women's organizations have demanded that the government move the women in Gonaïves to another facility. *Mutinerie à prison civile des Gonaïves: 16 femmes et une mineure violées*, VANT BEF INFO (Jan. 30, 2023),

<https://vantbefinfo.com/mutinerie-a-prison-civile-des-gonaives-16-femmes-et-une-mineure-violees/>.

²²⁴ [UNSG January BINUH Report](#) at ¶ 32.

²²⁵ *Haïti - Justice : Détention préventive, 3e mois consécutif positif (février 2023)*, HAITI LIBRE (Mar. 12, 2023),

<https://www.haitilibre.com/article-39042-haiti-justice-detention-preventive-3e-mois-consecutif-positif-fevrier-2023.html> (reporting a progressive increase in indictments during the first quarter of 2023); see also RNDDH,

[Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays](#) at ¶

38 (despite the nation-wide increase in indictments, certain jurisdictions have not been able to meet the Ministry of Justice's directive; in Jérémie, for example, where 458 persons await trial, the court only has enough judges to hear ten criminal cases throughout the course of the entire judicial year).

²²⁶ Compare [UNSG January BINUH Report](#) at ¶ 33 (reporting 9,278 pretrial detainees as of January 17) with [UNSG April BINUH Report](#) at ¶ 35 (reporting 9,507 pretrial detainees as of April 4).

²²⁷ See, e.g., *Haïti-Agriculture : Plusieurs paysans dépossédés de leurs terres à Limonade par des bandits armés*,

ALTERPRESSE (Apr. 20, 2023), <https://www.alterpresse.org/spip.php?article29247>; HRW, *Haïti: Events of 2022*;

Geffrard, *Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...* The severity of the crisis of sexual violence against women and girls prompted the

Inter-American Commission on Human Rights to hold a dedicated hearing on March 8 in response to a civil society request co-led by IJDH. *Violencia sexual contra las mujeres y niñas en Haïti*, FACEBOOK,

https://www.facebook.com/watch/live/?ref=watch_permalink&v=516667760420589 (last visited Jun. 13, 2023).

Civil society offered factual testimony during the hearing – which also featured interventions from the Haitian government and the UN – and during an interactive side event. For related materials, see [IACHR Public Hearing on Widespread Sexual Violence Against Women and Girls in Haïti](#).

²²⁸ See, e.g., *Violencia sexual contra las mujeres y niñas en Haïti*; UN General Assembly (UNGA), Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international, UN Doc. A/HRC/52/L.17/Rev.1 ¶ 8 (Mar. 30, 2023),

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2FL.17%2FREV.1&Language=E&DeviceType=Desktop&LangRequested=False> (the mandate of the new UN expert on human rights in Haiti calls for, “in

particular, the inclusion of a gender-based perspective”); *UN Experts Urge Haiti Gov't to End Gang Violence*

Against Women & Girls, MIRAGE NEWS (May 11, 2023), <https://www.miragenews.com/un-experts-urge-haiti-govt-to-end-gang-violence-1003421/>.

²²⁹ See Juhakenson Blaise, *Violence in Haiti leaves the disabled in further harm, no state support*, HAITIAN TIMES (Dec. 2, 2022), <https://haitiantimes.com/2022/12/02/violence-in-haiti-leaves-the-disabled-in-further-harm-no-state-support/>.

²³⁰ See HRW, *Haïti: Events of 2022*.

²³¹ See *Criminalité/Genre : Les femmes de plus en plus victimes de violences sexuelles en Haïti*, ALTERPRESSE (Mar. 9, 2023),

<https://www.alterpresse.org/spip.php?article29112> (the loss of personal income makes women even more

dependent on male family members, heightening already severe vulnerability to domestic violence); Global

Initiative Against Transnational Organized Crime, *Gang control and security vacuums: assessing gender-based*

violence in Cité Soleil 14 (May 2023),

<https://drive.google.com/file/d/1izhFijuwMFeKtk044CnbB2ZcTH9bS5x7/view> (finding that unemployed women

were three times as likely to experience GBV); BAI et al., *Joint Submission to Working Group on discrimination*

against women and girls on Gender and Poverty in Haïti (Oct. 31, 2022), [http://www.ijdh.org/wp-](http://www.ijdh.org/wp-content/uploads/2022/11/Joint-Submission-to-WGDAWG-on-GenderPoverty-FINAL.pdf)

[content/uploads/2022/11/Joint-Submission-to-WGDAWG-on-GenderPoverty-FINAL.pdf](http://www.ijdh.org/wp-content/uploads/2022/11/Joint-Submission-to-WGDAWG-on-GenderPoverty-FINAL.pdf).

²³² See *La PNH à pied d'œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023*; see supra notes **Error! Bookmark not defined.**-70.

²³³ See Geffrard, *Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...*; *L'État haïtien a une part de responsabilité dans les viols collectifs perpétrés à la prison civile des Gonaïves*; see supra notes **Error! Bookmark not defined.**-24.

²³⁴ See, e.g., *La Sofa : 37 ans de lute féministe en Haïti*, ALTERPRESSE (Feb. 23, 2023),

<https://www.alterpresse.org/spip.php?article29074> (according to *Solidarite Fanm Ayisyèn* dean, Dr. Lise-Marie

Déjean, the Ministry for the Status of Women and Women's Rights has not been “playing its role”); Geffrard, *Au*

[moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...](#)

²³⁵ See Wilentz, [Haiti, April 2023: Soon There Will Be No One Left to Kidnap](#).

²³⁶ See, e.g., BAI et al., [Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti](#) at 11, 16; BAI et al., [Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti](#).

²³⁷ See [Violencia sexual contra las mujeres y niñas en Haïti](#) (Haitian Women’s Collective’s Carine Jocelyn reflected on women’s long-standing exclusion from participation in decision-making spaces and leadership).

²³⁸ See [Tackling Gender Based Violence in Fragile Contexts](#), WORLD BANK (Mar. 8, 2023),

<https://www.worldbank.org/en/news/feature/2023/03/07/tackling-gender-based-violence-in-fragile-contexts#>;

[Today’s top news : Malawi, Mozambique, South Sudan, Haiti, Syria](#), OCHA (Mar. 20, 2023),

<https://www.unocha.org/story/todays-top-news-malawi-mozambique-south-sudan-haiti-syria>; see also Geffrard, [Au](#)

[moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...](#) (according to RNDDH’s Rosy Ducéna, on average, seven women per day are victims of GBV).

²³⁹ See Megan Janetsky & Fernanda Pesce, [War for control of Haiti’s capital targets women’s bodies](#), AP NEWS (Feb. 13, 2023), <https://apnews.com/article/crime-violence-kidnapping-caribbean-haiti-89757f336975cb28283025e65446affb>;

see also Kestler-D’Amours, [Haiti’s sexual violence survivors demand justice](#) (reporting a six-fold increase in reported rapes in Port-au-Prince between January and December 2022);

[Criminalité/Genre : Les femmes de plus en plus victimes de violences sexuelles en Haïti](#) (according to grassroots feminist organization *Solidarité Fanm Ayisyèn*, the rise in the number of victims of sexual violence that they assist reflects the increase of sexual violence in Haiti).

²⁴⁰ Global Initiative Against Transnational Organized Crime, [Gang control and security vacuums: assessing gender-based violence in Cité Soleil](#) at 3.

²⁴¹ See Global Initiative Against Transnational Organized Crime, [Gang control and security vacuums: assessing gender-based violence in Cité Soleil](#) at 15 (finding that 84 percent of women and girls surveyed did not report their

abuse to authorities); [Haiti: Gang-related insecurity and unrest likely to affect much of the country through at least late March](#), CRISIS 24 (Feb. 27, 2023), <https://crisis24.garda.com/alerts/2023/02/haiti-gang-related-insecurity-and-unrest-likely-to-affect-much-of-the-country-through-at-least-late-march-update-11>;

[UNSG April BINUH Report](#) at ¶ 44; OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 54; Janetsky & Pesce, [War for control](#)

[of Haiti’s capital targets women’s bodies](#); Kestler-D’Amours, [Haiti’s sexual violence survivors demand justice](#).

²⁴² Charles, [Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says](#); Janetsky &

Pesce, [War for control of Haiti’s capital targets women’s bodies](#); Amnesty International, [Amnesty International](#)

[Report 2022/23: The state of the world’s human rights 184](#) (Mar. 27, 2023),

<https://www.amnesty.org/en/documents/pol10/5670/2023/en/>; Murdith Joseph, [Activities call attention to assaults on](#)

[Haitian women and girls](#), HAITIAN TIMES (Mar. 13, 2023), <https://haitiantimes.com/2023/03/13/activities-call-attention-to-assaults-on-haitian-women-and-girls/> (reporting on the infringement of women’s freedom of movement

and ability to participate in jobs, school, and events due to the high risk of being sexually assaulted by gangs); OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 50 (several victims of sexual violence had

reported to the Human Rights Service of BINUH that members of the G9 gang had sworn “to rape and punish all the women of ‘Ti-Gabriel,’” the leader of rival gang *G-Pèp*). Although women and girls make up a small percentage of

all kidnappings, they are uniquely vulnerable to kidnappings as gang members often use sexual violence to pressure families to pay the ransom. See Press Release, OHCHR, [Haiti – gang violence](#); CARDH, [Kidnapping : Bulletin](#)

[\(#11\) Janvier, Février Et Mars 2023](#) at ¶ 25; BINUH, [Human Rights Situation: Main trends, Quarterly report: January – March 2023](#) at 4; Bhatia, [Haiti’s descent into hell](#).

²⁴³ OCHA, [Haiti : Humanitarian Note](#) at 2.

²⁴⁴ See [Haiti – Massacre at Source Matelas : The OPC does not deplore, it accuses](#), HAITI LIBRE (Apr. 29, 2023),

<https://www.haitilibre.com/en/news-39413-haiti-massacre-at-source-matelas-the-opc-does-not-deplore-it-accuses.html>;

see also [OPC Statement on Massacre in Source Matelas](#) (statement from the Office of the Protection

of the Citizen decrying the state’s failure to protect victims from rape and other violence).

²⁴⁵ See Press Release, OHCHR, [Haiti: UN experts say Government must act to end gang violence against women and girls](#); Geffrard, [Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...](#) (according to RNDDH’s Rosy Ducéna, “when women have to move

because of these armed conflicts, they are pursued in the public squares where they take refuge, to be raped again and again... raped on the national roads, on the asphalt, in full view of everyone”).

²⁴⁶ OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 49; BAI et al., [Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti](#) at 7 (reporting

that family members who have witnessed rapes suffer from guilt for not intervening); [Video before the Inter-American Commission on Human Rights, March 8](#) (describing a case in which a mother was forced to watch the rape of her nine-year-old daughter).

²⁴⁷ OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 52; *The role of women in gangs in Haiti: from an active role to simply supporting the partner*, DOMINICAN TODAY (May 20, 2023), <https://dominantoday.com/dr/world/2023/05/20/the-role-of-women-in-gangs-in-haiti-from-an-active-role-to-simply-supporting-the-partner/>. According to a joint OHCHR-BINUH report from October 2022, families living in areas under gang control sometimes encourage women and girls living in impoverished areas “to have non-consensual intercourse with gang elements in exchange for in-kind benefits, such as food, drinking water, and other material gains, as well as ‘protection’ from abuses committed by other armed men.” BINUH & OHCHR, *Sexual violence in Port-au-Prince: A weapon used by gangs to instill fear* (Oct. 2022), <https://www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf>.

²⁴⁸ See Kestler-D’Amours, [Haiti’s sexual violence survivors demand justice](#).

²⁴⁹ See Kestler-D’Amours, [Haiti’s sexual violence survivors demand justice](#); Charles, [‘Intolerable risks’: Haiti’s escalating violence, including sexual attacks, shuts hospital](#).

²⁵⁰ See OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶¶ 76-79 (reporting that clashes between gangs blocked medical supplies, ambulances, movement of health professionals, prevented injured people from physically accessing health institutions, and scared individuals from visiting); Charles, [Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says](#); Megan Janetsky & Fernanda Pesce, *In heart of Haiti’s gang war, one hospital stands its ground*, AP NEWS (Feb. 26, 2023), <https://apnews.com/article/caribbean-port-au-prince-haiti-health-6df0e7b5bd9fd8113ab2e1e1cb3b1e2c> (reporting that the extent of violence in the streets has resulted in patients being too scared to seek even the most basic care).

²⁵¹ See OCHA, [Haiti: Humanitarian Response Plan 2023 At a Glance](#) at 3; OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 53.

²⁵² See OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶¶ 76-79; [UNSG April BINUH Report](#) at ¶ 40; *see infra* notes **Error! Bookmark not defined.**-41.

²⁵³ See Kestler-D’Amours, [Haiti’s sexual violence survivors demand justice](#) (according to a *Solidarité Fanm Ayisyèn* representative, “the judicial system practically doesn’t exist... [s]o when women come and don’t find results...they get discouraged”); BAI et al., [Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti](#) at 10; OHCHR, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 54 (reporting that victims refrain from discussing their experiences due to fear of being stigmatized by families and communities); Janetsky & Pesce, [War for control of Haiti’s capital targets women’s bodies](#) (reporting on the case of a 36-year-old woman who tried to report a gang rape to the police, but was told that the police did not handle gang cases); *see also supra* Section III.

²⁵⁴ *See, e.g.*, @Neges_Mawon, TWITTER (Jun. 2, 2023, 4:40 PM), https://twitter.com/Neges_Mawon/status/1664733796921475073 (feminist organization *Nègès Mawon* joined a march to raise awareness about the transmission of HIV from women to their fetuses); *BAI Panel Discussion: “Women’s Participation in a Clean-Break Transition,”* IJDH, http://www.ijdh.org/ijdh_events/bai-panel-discussion-womens-participation-in-a-clean-break-transition/ (last visited Jun. 12, 2023) (on March 3, BAI held a panel during which speakers “addressed the importance of women playing meaningful roles in any effort to get Haiti back on the democratic path”).

²⁵⁵ [Criminalité/Genre : Les femmes de plus en plus victimes de violences sexuelles en Haïti](#) (according to feminist organization *Kay Fanm* there is a lack of access to adequate prenatal and postnatal gynecological care); World Bank, *Haiti Gender Assessment Report* (May 25, 2023), <https://www.worldbank.org/en/country/haiti/publication/haiti-gender-assessment-report#:~:text=Women%20in%20Haiti%20suffer%20from,decisions%20about%20their%20health%20care>.

²⁵⁶ Janetsky & Pesce, [In heart of Haiti’s gang war, one hospital stands its ground](#) (according to UN data, continued insecurity could result in 10,000 pregnant women facing fatal obstetric complications); *News Alert: New Assessment Reveals Alarming Health Needs in Southern Haiti*, PROJECT HOPE (May 22, 2023), <https://www.projecthope.org/news-alert-new-assessment-reveals-alarming-health-needs-in-southern-haiti/05/2023/> (reporting that high maternal mortality rates persist as a result of preventable and treatable conditions not being treated because 46 percent of pregnant individuals are unable to access healthcare facilities during childbirth).

²⁵⁷ Haitian Penal Code, arts. 262-64; *see also, e.g.*, BAI et al., *Gender-Based Violence in Haiti 6* (2021), http://www.ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti_UPR-Submission_EN-1.pdf; IJDH et al., [Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti](#) at 3. These provisions are strictly enforced.

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- ²⁵⁸ Prévost-Manuel, *Reclaiming Safe Abortion Access in Haiti* (explaining that over 50 percent of abortions are performed outside the formal healthcare system).
- ²⁵⁹ *1 in 2 children depend on humanitarian aid to survive this year*, UNICEF (Jan. 28, 2023), <https://wcmprod.unicef.org/haiti/en/press-releases/1-2-children-depend-humanitarian-aid-survive-year>.
- ²⁵⁹ *Haiti: Amid rising hunger levels, 'world cannot wait for disaster before it acts', WFP warns; Almost half of Haiti's children face acute hunger as economic and security crisis worsens post-earthquake*, SAVE THE CHILDREN (Apr. 11, 2023), <https://www.savethechildren.net/news/almost-half-haiti-s-children-face-acute-hunger-economic-and-security-crisis-worsens-post>.
- ²⁶⁰ *Haiti: Amid rising hunger levels, 'world cannot wait for disaster before it acts', WFP warns; Almost half of Haiti's children face acute hunger as economic and security crisis worsens post-earthquake*, SAVE THE CHILDREN (Apr. 11, 2023), <https://www.savethechildren.net/news/almost-half-haiti-s-children-face-acute-hunger-economic-and-security-crisis-worsens-post>.
- ²⁶¹ Severe wasting heightens the risk of death and results in stunted physical and cognitive development. *Armed violence plunging children in severe acute malnutrition in Haiti*, UNICEF (May 11, 2023), <https://www.unicef.org/lac/en/press-releases/armed-violence-plunging-children-severe-acute-malnutrition-in-haiti> (reporting an estimated 30 percent increase in cases of severe wasting compared to 2022).
- ²⁶² Olivia Lewis, *Children Affected Most During Haiti's Recent Cholera Outbreak*, DIRECT RELIEF (Mar. 7, 2023), <https://www.directrelief.org/2023/03/children-affected-most-during-haitis-newest-cholera-spread/>; Pan-American Health Organization (PAHO), *Cholera Epidemic in Haiti and the Dominican Republic 3* (Mar. 3, 2023), <https://reliefweb.int/report/haiti/cholera-epidemic-haiti-and-dominican-republic-3-march-2023>.
- ²⁶³ *Haiti: Armed violence against schools increases nine-fold in one year*, UNICEF (Feb. 9, 2023), <https://www.unicef.org/press-releases/haiti-armed-violence-against-schools-increases-nine-fold-one-year-unicef> (one in four schools have remained closed since October 2023, with 72 schools closed between October 2022 and February 2023); Jacqueline Charles, *In Haiti, schools increasingly being targeted for looting, kidnapping, violence by gangs*, MIAMI HERALD (Feb. 9, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272315123.html>; see *infra* notes **Error! Bookmark not defined.**-69.
- ²⁶⁴ Luke Taylor, *Gangs, cholera and political turmoil leave half Haiti's children relying on aid*, THE GUARDIAN (Feb. 7, 2023), <https://www.theguardian.com/global-development/2023/feb/07/gangs-cholera-and-political-turmoil-leave-half-haitis-children-relying-on-aid>; BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 4; Press Release, UN, *As Haiti Slides into Violence, Its People 'Cannot Wait Any Longer' for Assistance, Foreign Minister Tells Security Council*.
- ²⁶⁵ Brian Ellsworth, *Haitian children are vulnerable in capital's violence, UNICEF says*, REUTERS (Jan. 27, 2023), <https://www.reuters.com/world/americas/haitian-children-are-vulnerable-capitals-violence-unicef-says-2023-01-27/>.
- ²⁶⁶ Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights* at 184; Global Initiative Against Transnational Organized Crime, *Gang control and security vacuums: assessing gender-based violence in Cité Soleil* at 7.
- ²⁶⁷ *5 ways UNICEF is supporting Haiti's children*, UNICEF (May 5, 2023), <https://www.unicef.org/lac/en/stories/5-ways-unicef-supporting-haitis-children>.
- ²⁶⁸ UN Economic and Social Council, *Country programme document: Haiti*, UN Doc. A/ICEF/2023/P/L.6 (Jan. 3, 2023), ¶ 5, https://www.unicef.org/executiveboard/media/14781/file/2023-PL6-Haiti_CPD-EN-ODS.pdf; see also *Restavek*, RESTAVEK FREEDOM, <https://restavekfreedom.org/issue/> (last visited Jun. 13, 2023) (the Restavek Freedom website reports approximately 300,000 children in *restavèk* situations).
- ²⁶⁹ UN Economic and Social Council, *Country programme document: Haiti* at ¶ 8.
- ²⁷⁰ See UNICEF, *Children Affected by Internal Migration and Displacement in Latin America and the Caribbean 20* (2023), <https://www.unicef.org/lac/media/40981/file/children-affected-by-internal-migration.pdf> (citing a 2015 study that found *restavèks* had a significantly lower school attendance rate compared to non-*restavèk* children – 79 percent compared to 93 percent of all children).
- ²⁷¹ *Restaveks: Haitian Slave Children*, END SLAVERY NOW, <https://www.endslaverynow.org/blog/articles/restaveks-haitian-slave-children> (last visited Jun. 13, 2023).
- ²⁷² Cantave Jean-Baptiste, *Agroecology is a poverty solution in Haiti (commentary)*, MONGABAY (Mar. 6, 2023), <https://news.mongabay.com/2023/03/agroecology-is-a-poverty-solution-in-haiti-commentary/>.
- ²⁷³ *Haiti-Agriculture : Le Mouvement paysan de Papaye dénonce la destruction et l'accaparement des jardins paysans à Hinche*, ALTERPRESSE (Apr. 19, 2023), <https://www.alterpresse.org/spip.php?article29242> (reporting that attacks by gangs in March and April had targeted the peasant populations by setting gardens aflame and destroying plantations); *Haiti-Agriculture : Plusieurs paysans dépossédés de leurs terres à Limonade par des bandits armés* (“As we speak, these armed groups occupy almost all the land... évacuat[ing] the peasants by brutalizing them,

torturing them in order to monopolize their property.”); Gavin Voss, *Haiti’s Rural Gangs Threaten Food Production as Hunger Crisis Looms*, INSIGHT CRIME (Feb. 27, 2023), <https://insightcrime.org/news/haitis-rural-gangs-threaten-food-production-as-hunger-crisis-looms/>; Dylan Robertson, *Haiti at risk of famine as farmers kidnapped, ‘extremely bad’ hunger fuels tumult*, CTV NEWS (May 13, 2023), <https://www.ctvnews.ca/canada/haiti-at-risk-of-famine-as-farmers-kidnapped-extremely-bad-hunger-fuels-tumult-1.6397227> (reporting that gangs kidnap farmers as a means of extortion, hold irrigation systems hostage, and sometimes violently drive away farmers so they can rent out arable land).

²⁷⁴ *Haiti-Agriculture : Le Mouvement paysan de Papaye dénonce la destruction et l’accaparement des jardins paysans à Hinche*.

²⁷⁵ *IJDH November 2022 Update* at 8.

²⁷⁶ HRW, *Haiti: Events of 2022; What to know about Haiti as LGBTQIA+*, MPSM INC. (May 19), <https://www.mpsminc.org/post/what-to-know-about-haiti-as-lgbtqia> (last visited Jun. 13, 2023).

²⁷⁷ *Violences des gangs : Une vague d’assassinats, d’enlèvements et de déplacements de familles en Haïti, déplore le rapport 2022 d’Amnesty International*, ALTERPRESSE (Mar. 28, 2023), <https://www.alterpresse.org/spip.php?article29172>; Amnesty International, *Amnesty International Report 2022/23: The state of the world’s human rights* at 184.

²⁷⁸ HRW, *Haiti: Events of 2022*.

²⁷⁹ See, e.g., *Les femmes handicapées, surexposées aux violences sexuelles*, LOOP NEWS (Mar. 27, 2023), <https://haiti.loopnews.com/content/les-femmes-handicapees-surexposees-aux-violences-sexuelles> (reporting that a deaf individual was asked to mime their rape and other people with disabilities were denied the opportunity to be interviewed by police when reporting an incident as their account was not deemed credible); Blaise, *Violence in Haiti leaves the disabled in further harm, no state support* (reporting on several interviews with Haitians with disabilities who did not attend doctors’ appointments or seek support services as they require travel outside their homes); Geffrard, *Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...* (according to RNDDH’s Rosy Ducéna, individuals with sensory, physical, and mental impairments are not granted any protections).

²⁸⁰ Blaise, *Violence in Haiti leaves the disabled in further harm, no state support*.

²⁸¹ Food Security Information Network (FSIN), 2023 Global Report on Food Crises 97-98 (2023), <https://www.fsinplatform.org/sites/default/files/resources/files/GRFC2023-hi-res.pdf>; Bottin, *Haiti’s spiralling crisis: Political instability, hunger and gang violence*.

²⁸² *Droits humains : Appel à la mobilization de plusieurs organisations et institutions, en faveur de l’accès à l’eau potable et l’assainissement en Haïti*; Joseph, *Doctors group in Haiti appeals for respect after threatening incidents*.

²⁸³ See, e.g., Jacqueline Charles, *As Caribbean leaders meet to discuss Haiti, gang violence has new victim: a rural hospital*, MIAMI HERALD (Feb. 16, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272518750.html>; *Haiti: Armed violence against schools increases nine-fold in one year*.

²⁸⁴ Although fuel is officially flowing again after a devastating two-month blockade from September to November 2022 as a result of gang violence and the de facto government’s removal of much-needed fuel subsidies, access remains scarce, particularly in Port-au-Prince. See *Crise : Persistance d’une nouvelle rareté du carburant, malgré l’arrivée d’une nouvelle cargaison en Haïti*, ALTERPRESSE (Apr. 13, 2023), <https://www.alterpresse.org/spip.php?article29223>; UNSG January BINUH Report at ¶ 61; *Haiti – News : Zapping...*, HAITI LIBRE (Mar. 30, 2023), <https://www.haitilibre.com/en/news-39187-haiti-news-zapping.html>; Roberson Alphonse, *Tirs autour du terminal de Varreux, deux blessés et un navire pétrolier touché*, LE NOUVELLISTE (Mar. 30, 2023), <https://lenouvelliste.com/article/241567/tirs-autour-du-terminal-de-varreux-deux-blesses-et-un-navire-petrolier-touche>; *Haiti – Politic : EDH explains rationing and blackouts*, HAITI LIBRE (Jan. 31, 2023), <https://www.haitilibre.com/en/news-38738-haiti-politic-edh-explains-rationing-and-blackouts.html>.

²⁸⁵ *Haïti : hausse de plus de 50% des cas de choléra en un mois, selon l’ONU*, UN NEWS (Jan. 19, 2023), <https://news.un.org/fr/story/2023/01/1131487>.

²⁸⁶ See generally Sandra Wisner & Brian Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*, 21 J. HUM. RTS. 185 (2023), <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1252&context=njihr>.

²⁸⁷ See Haiti Advocacy Working Group, *Decentralization: Haiti’s Answer for Six Months and Sixty Years* (2010), http://www.ijdh.org/wp-content/uploads/2010/07/HAWG_Decentralization_FINAL.pdf (“Haiti’s centralization began under colonial rule and was further reinforced during the 1915-1934 U.S. occupation.”).

²⁸⁷ See IJDH et al., *Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti*.

²⁸⁸ See IJDH et al., [Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti](#).

²⁸⁹ See Luke Taylor, *Haiti faces ‘hunger emergency’ amid escalating gang violence and surging inflation*, THE GUARDIAN (Mar. 24, 2023), <https://www.theguardian.com/global-development/2023/mar/24/haiti-faces-hunger-emergency-amid-escalating-gang-violence-and-surging-inflation>.

²⁹⁰ Recent flooding and earthquakes killed over 50 people and displaced tens of thousands. Jacqueline Charles, *Four dead, homes demolished as earthquake strikes southwestern Haiti*, MIAMI HERALD (Jun. 6, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article276136141.html>. Hurricane season – which goes from early June through November – may lead to further destruction. Jacqueline Charles, *Haiti gets battered by damaging floods as Caribbean prepares for hurricane season*, MIAMI HERALD (Jun. 3, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275983246.html>.

²⁹¹ See Jacqueline Charles, *At least 42 dead, thousands homeless in Haiti after a weekend of heavy rains, flooding*, MIAMI HERALD (Jun. 5, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article276100501.html>; *Haiti Fragility Brief 2023*, CARLETON UNIVERSITY (Jan. 15, 2023), <https://reliefweb.int/report/haiti/haiti-fragility-brief-2023>; Jake Johnston, *Who decides who runs Haiti?*, LE MONDE DIPLOMATIQUE (Feb. 2022), <https://agenceglobal.com/2022/02/16/jake-johnston-who-decides-who-runs-haiti/> (discussing how over 50 percent of U.S. aid for Haiti after the 2010 earthquake went to contractors in the United States and less than 3 percent went to local organizations, “undermining the very state that is ostensibly being ‘built’”).

²⁹² [UNSG January BINUH Report](#) at ¶ 51; Peyvand Khorsandi, *‘Haiti can’t wait’: People on the brink as hunger levels rise, warns food security report*, WORLD FOOD PROGRAMME (Mar 24, 2023), <https://www.wfp.org/stories/haiti-cant-wait-people-brink-hunger-levels-rise-warns-food-security-report>. Experts are concerned that the economy will continue to contract in 2023, and Haiti’s per capita gross domestic product remains the lowest in the Latin American and Caribbean region. *The World Bank in Haiti*, WORLD BANK, <https://www.worldbank.org/en/country/haiti/overview> (last visited Jun. 13, 2023). The first quarter of 2023 saw improved fiscal performance, explained by the de facto government’s efforts to increase revenue by cutting fuel subsidies. This has not translated into an improved economic and social landscape for Haitians; the effects of the fuel subsidies instead brought the country to a virtual stand-still last fall and were felt most acutely by the poor. Roberson Alphonse, *Jean Baden Dubois optimiste quant à un renforcement future de la gourde*, LE NOUVELLISTE (Apr. 17, 2023), <https://lenouvelliste.com/article/241816/jean-baden-dubois-optimiste-quant-a-un-renforcement-futur-de-la-gourde>; [IJDH November 2022 Update](#) at 9.

²⁹³ OCHA, [Haiti: Humanitarian Response Plan 2023 At a Glance](#) at 3.

²⁹⁴ OCHA, [Haiti: Humanitarian Response Plan 2023 At a Glance](#) at 3.

²⁹⁵ World Bank, *Poverty & Equity Brief: Haiti 1* (Apr. 2023), https://databankfiles.worldbank.org/public/ddpext_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global_POVEQ_HTI.pdf.

²⁹⁶ *Compare Haiti – FLASH : Annual inflation continues to rise to 49.3% (January 2023)*, HAITI LIBRE (Mar. 17, 2023), <https://www.haitilibre.com/en/news-39083-haiti-flash-annual-inflation-continues-to-rise-to-493-january-2023.html> with *Haiti Inflation Rate*, TRADING ECONOMICS, <https://tradingeconomics.com/haiti/inflation-cpi> (last visited Jun. 13, 2023) (reporting that inflation was at 23.95 percent in January 2022); see also [Haiti Inflation Rate](#) (the most recent available data indicates that inflation was at 48.3 percent in March).

²⁹⁷ [Haiti: Amid rising hunger levels, ‘world cannot wait for disaster before it acts’, WFP warns](#); *Haiti: Acute Food Insecurity Projection Update for March – June 2023*, IPC INFO (Mar. 23, 2023), <https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1156263/> (reporting that rising costs of transportation have forced individuals to turn to unsustainable coping strategies); *Compare Haiti – FLASH : Annual inflation continues to rise to 49.3% (January 2023)* (reporting that the cost of food products and non-alcoholic beverages rose 48.6 percent, clothing and footwear rose 47.3 percent, furniture, household items and routine household maintenance rose 44.6 percent, health care rose 44.9 percent, and transportation rose 120.8 percent); Khorsandi, *‘Haiti can’t wait’: People on the brink as hunger levels rise, warns food security report* (reporting that the price of a food basket in 2023 had risen by 88 percent compared to 2022); FSIN, [2023 Global Report on Food Crises](#) at 98 (as of October 2022, “the cost of a food basket was 134 percent higher than the five-year average for that period, pushing the basic food basket out of reach for many Haitians”).

²⁹⁸ Jacqueline Charles, *The number of Haitians going hungry amid gang violence is now nearly half the population*, MIAMI HERALD (Mar. 23, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article273506840.html>.

²⁹⁹ FSIN, [2023 Global Report on Food Crises](#) at 98; *see also* David Amaglobeli et al., International Monetary Fund, Policy Responses to High Energy and Food Prices 6 (Mar. 2023), <https://www.imf.org/-/media/Files/Publications/WP/2023/English/wpica2023074-print-pdf.ashx> (reporting that, on average, food consumption accounts for 44 percent of household income, and in some cases amounts to more than 60 percent); *see also* Wethzer Piercin, *De plus en plus d’Haïtiens «cherchent la vie» dans les ordures à Port-au-Prince*, AYIBO POST (Apr. 3, 2023), <https://ayibopost.com/de-plus-en-plus-dhaitiens-cherchent-la-vie-dans-les-ordures-a-port-au-prince/> (reporting that the rising prices and lack of economic opportunity have driven some Port-au-Prince residents to search garbage piles for anything of value that can be resold to help feed their families); Food and Agriculture Organization of the UN, Haiti: DIEM – Data in Emergencies Monitoring brief 3 (Mar. 2023), <https://www.fao.org/3/cc5014en/cc5014en.pdf> (a UN Food and Agricultural Organization survey found that 33 percent of households used begging as a coping strategy, while over 75 percent used credit).

³⁰⁰ *See* Banque de la République d’Haïti, Note Sur La Politique Monétaire: 1er trimestre de l’exercice fiscal 2022-2023 (Octobre – Décembre 2022) 2, https://www.haitilibre.com/docs/Politique_monetaire_decembre2022.pdf (last visited Jun. 14, 2023) (reporting that deteriorating security circumstances have particularly disrupted the production of goods and services by local businesses and their distribution); *Haïti : Situation désastreuse – Aucune condition favorable aux activités économiques, pointe l’économiste Enomy Germain*, ALTERPRESSE (May 5, 2023), <https://www.alterpresse.org/spip.php?article29281> (reporting that addressing insecurity is a condition precedent to restoring the economy); *Haïti-Criminalité : A Fort Jacques, « nous sommes devenus néant »*, ALTERPRESSE (May 10, 2023), <https://www.alterpresse.org/spip.php?article29293> (reporting that commercial activities have been shut down in Fort Jacques since February). Port-au-Prince and the Artibonite region – Haiti’s main industrial and agricultural hubs, respectively – are particularly impacted. Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*; *see, e.g., Haïti/ Insécurité: Une 2e succursale de banque commerciale fermée au Centre-ville de Port-au-Prince*, VANT BÈF INFO (Mar. 27, 2023), <https://vantbefinfo.com/haiti-insecurite-une-2e-succursale-de-banque-commerciale-fermee-au-centre-ville-de-port-au-prince/> (two major commercial banks closed branches in downtown Port-Au-Prince this year due to insecurity); *Haïti-Criminalité : Risques de famine dans l’Artibonite, avec les pertes de récoltes dues aux manœuvres des gangs*, ALTERPRESSE (Feb. 28, 2023), <https://www.alterpresse.org/spip.php?article29085> (reporting that gangs prevent female produce sellers in the Artibonite from bringing their goods to market).

³⁰¹ Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*; UNSC, Meetings Coverage, *Security Council Highlights Sanctions in Tackling Haitian Gangs, but Underscores Need for Dialogue, Effective Police, in Resolving Country’s Crisis* (Dec. 21, 2022), <https://press.un.org/en/2022/sc15161.doc.htm> (according to a BINUH report, as of 21 December, gangs controlled all main roads in and out of the capital, disrupting the flow of people and resources in the area); *Haiti: political instability, gang violence and disease*, INTERNATIONAL RESCUE COMMITTEE (Apr. 7, 2023), <https://www.rescue.org/article/haiti-political-instability-gang-violence-and-disease>; *Haiti: Gang-related insecurity and unrest likely to affect much of the country through at least early May*, CRISIS 24 (Apr. 4, 2023), <https://crisis24.garda.com/alerts/2023/04/haiti-gang-related-insecurity-and-unrest-likely-to-affect-much-of-the-country-through-at-least-early-may-update-12> (reporting that along controlled roads, gangs will often demand payments for their use, hindering access); *Haïti : Situation désastreuse – Aucune condition favorable aux activités économiques, pointe l’économiste Enomy Germain* (reporting that wholesaler traders are forced to increase the purchase prices for essential goods due to exorbitant tolls on gang controlled routes and additional transportation costs resulting from navigating gang territory); *Haiti, Nord-ouest : Isolement total 19 organisations du Nord-ouest interpellent le gouvernement*, ALTERPRESSE (May 10, 2023), <https://www.alterpresse.org/spip.php?article29292> (reporting that gang activity has left the entire northwest region in “complete isolation” from the rest of the country, preventing its 800,000 inhabitants from accessing goods and services); *see also* *Haiti: Gang-related insecurity and unrest likely to affect much of the country through at least early June*, CRISIS 24 (May 5, 2023), <https://crisis24.garda.com/alerts/2023/05/haiti-gang-related-insecurity-and-unrest-likely-to-affect-much-of-the-country-through-at-least-early-june-update-13> (reporting that gangs control areas surrounding key infrastructure, including the Varreux fuel terminal, enabling them to control access).

³⁰² For example, in January, the United States stopped importing mangos from Haiti due to concerns about the rampant insecurity. Emmanuel Moïse Yves, *Coup dur pour les producteurs de la mangue Francisque d’Haïti*, AYIBO POST (Dec. 14, 2023), <https://ayibopost.com/exportation-mangues-francisque-vers-usa/>. Garment factories in Haiti have laid off hundreds of employees amid concerns about instability in the country, with thousands more at risk of losing their jobs by June. *See* Jacqueline Charles, *Once the promise of hope in Haiti, textile park is now laying off thousands of workers*, MIAMI HERALD (Feb. 2, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article271963327.html> (describing the trend of losses in textile jobs in Haiti since 2021); *Haiti – Economy : Thousands of additional jobs could be lost by June in the textile sector*, HAITI LIBRE (Feb. 9,

2023), <https://www.haitilibre.com/en/news-38811-haiti-economy-thousands-of-additional-jobs-could-be-lost-by-june-in-the-textile-sector.html> (also noting that other employers are considering moving factories out of Haiti as customers prefer to order textiles from more reliable suppliers).

³⁰³ See, e.g., Blaise, *Laborers in Haiti continue striking for \$18 daily wage* (reporting that textile workers demand higher wages, noting that, with their current wages, they can afford to “neither eat nor drink”); Renel Exentus, *Haiti : pour une solidarité active avec les travailleurs haïtiens*, LE NATIONAL (May 17, 2023), https://www.lenational.org/post_article.php?tri=1139 (reporting that workers have been denouncing dire working conditions which have been exacerbated by gang-based insecurity and union repression by multinational firms and local elites).

³⁰⁴ *UNSG April BINUH Report* at ¶ 38 (gangs recruit children who are then used as street informants and errand runners, in addition to committing attacks themselves); Press Release, UN, *As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council* (reporting that gang recruit from neighborhoods of extreme poverty); see also Brian Concannon & Mario Joseph, *The last thing Haiti needs is military intervention. It didn’t work in the past, and won’t work now | Opinion*, MIAMI HERALD (Sep. 19, 2023), <https://www.miamiherald.com/opinion/op-ed/article266022281.html> (calling Haiti’s gang violence “a symptom of the government’s inability to provide basic government services” because “[w]ithout schools and jobs for young people or an adequate police force, gangs are inevitable”); Daut, *What’s the path forward for Haiti?* (“One gang member who joined when he was just fourteen . . . remarked that, if given the opportunity, ‘the youth would wake up to work—not fight—because they [would be] making money.’”).

³⁰⁵ OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence* at ¶¶ 8-9.

³⁰⁶ OHCHR, *The Population of Cité Soleil in the Grip of Gang Violence* at ¶ 9.

³⁰⁷ OCHA, *Haiti: Humanitarian Response Plan 2023 At a Glance* at 2, 4 (further reporting that only 55 percent of households have access to basic drinking water services and only 49 percent have access to improved latrines); Robenson Bertrand, *Plus de 3 millions d’Haïtiens dans le besoin en eau, des organisations accusent le gouvernement*, HAITI 24 (Mar. 23, 2023), <https://haiti24.net/plus-de-3-millions-dhaitiens-dans-le-besoin-en-eau-des-organisations-accusent-le-gouvernement/>; see also Pablo Ferri, *The misery and politics of Haiti’s cholera epidemic*, EL PAÍS (Feb. 20, 2023), <https://english.elpais.com/international/2023-02-21/the-misery-and-politics-of-haitis-cholera-epidemic.html> (reporting that some Haitians make three-hour round trips to access water); *In Haiti, Access to Water and Sanitation is Vital, and the World Bank Is Making This Possible*, WORLD BANK (Mar. 22, 2023), <https://www.worldbank.org/en/news/feature/2023/03/22/in-haiti-access-to-water-and-sanitation-is-vital-and-the-world-bank-is-making-this-possible#:~:text=In%202020%2C%20only%2043%25%20of,in%202022%2C%20a%20worrying%20trend> (reporting that in remote areas of Haiti, individuals face difficulties accessing water supplies due to reservoirs being downstream from small communities in mountainous regions and poorly maintained water systems).

³⁰⁸ See *Haiti*, WORLD HEALTH ORGANIZATION, <https://www.who.int/emergencies/funding/outbreak-and-crisis-response-appeal/2023/2023-appeals/appeal-haiti> (last visited Jun. 14, 2023) (reporting that improved access to potable water has been marginal since 2010, with only a 4.5 percent increase in access to basic drinking water services between 2010 and 2022).

³⁰⁹ See *Droits humains : Appel à la mobilisation de plusieurs organisations et institutions, en faveur de l’accès à l’eau potable et l’assainissement en Haïti* (reporting that a number of Haitian civil society organizations called on the government to ensure equitable access to water in both rural and urban areas and denounced the privatization of water); *En Haïti, l’accès à l’eau et à l’assainissement est vital, et la Banque mondiale rend cela possible* (as of 2022, only 40 percent of the 1,041 piped water supply systems serving small towns and population dense rural areas were functional due to consistent underfunding); *1 in 2 children depend on humanitarian aid to survive this year* (reporting that damaged water supplies have still not been repaired); *Environnement: L’accès à l’eau potable, un véritable calvaire pour les habitants de Montagne Lavoute*, HAITI PRESS NETWORK (Apr 25, 2023), <https://www.hpninfo.com/post/environnement-l-acc%C3%A8s-%C3%A0-l-eau-potable-un-v%C3%A9ritable-calvaire-pour-les-habitants-de-montagne-lavoute>.

³¹⁰ See *Haiti*, World Health Organization (reporting that fuel shortages and the blockade of the oil terminal at Varreux by gangs resulted in serious disruptions to water distribution); HRW, *Haiti: Events of 2022*.

³¹¹ See UNGA, *New Approach to Cholera in Haiti*, UN Doc. A/71/895 (May 3, 2017), <https://reliefweb.int/report/haiti/new-approach-cholera-haiti-report-secretary-general-a71895#:~:text=The%20United%20Nations%20new%20approach,to%20those%20Haitians%20most%20directly,p> 1 (the UN’s New Approach to Cholera included a promise “to support Haiti in overcoming the epidemic and building sound water, sanitation and health systems”); see also *Haiti*, WHO UNICEF JMP,

<https://washdata.org/data/household#!/hti> (last visited Jun. 14, 2023) (between 2015 and 2020, the latest available data, access to clean water and basic sanitation remained virtually unimproved).

³¹² Press Release, BAI & IJDH, *Broken UN Promises Lead to Haiti Cholera Resurgence* (Oct. 11, 2022), http://www.ijdh.org/press_release/broken-un-promises-lead-to-haiti-cholera-resurgence/.

³¹³ OCHA, *Haiti: Humanitarian Response Plan 2023 At a Glance* at 4, 7; *In Haiti, Access to Water and Sanitation is Vital, and the World Bank Is Making This Possible* (reporting that women who travel long distance to bring water home are exposed more than men to waterborne diseases).

³¹⁴ See Victoria Koski-Karell & Elio Dortilus, *Colonialism Created Food Insecurity in Haiti, Now Climate Change Compounds It*, TRUTHOUT (Mar. 11, 2023), <https://truthout.org/articles/colonialism-created-food-insecurity-in-haiti-now-climate-change-compounds-it/>; *Strengthening the climatic resilience of the drinking water sector in the South of Haiti*, UN DEVELOPMENT PROGRAMME, <https://www.adaptation-undp.org/projects/strengthening-climate-resilience-drinking-water-haiti> (last visited Jun. 14, 2023).

³¹⁵ *Haiti : La production agricole dans l'Artibonite, rudement affectée par les actes de terreur et de criminalité des gangs*.

³¹⁶ Charles, *At least 42 dead, thousands homeless in Haiti after a weekend of heavy rains, flooding*.

³¹⁷ *Haiti: Factsheet*, EUROPEAN COMMISSION, <https://reliefweb.int/report/haiti/echo-factsheet-haiti-last-updated-17042023> (last updated Apr. 14, 2023); *Haiti: Amid rising hunger levels, 'world cannot wait for disaster before it acts', WFP warns* (reporting that the number of severely hungry people in Haiti has tripled since 2016); Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*.

³¹⁸ Bottin, *Haiti's spiralling crisis: Political instability, hunger and gang violence*; Francklyn B Geffard, *Le nombre d'Haïtiens souffrant de la faim ne cesse d'augmenter, selon le PAM...*, RHINEWS (Mar. 23, 2023), <https://www.rhinews.com/actualites/le-nombre-dhaitiens-souffrant-de-la-faim-ne-cesse-daugmenter-selon-le-pam/>; *Haiti: Amid rising hunger levels, 'world cannot wait for disaster before it acts', WFP warns* ("Haiti can't wait – we can't wait for the scale of the problem to translate into deaths before the world responds – but that's where we're headed," said Jean-Martin Bauer, Country Director of the World Food Programme in Haiti); *Crise : Des experts craignent une famine généralisée en Haïti* (reporting that experts fear impending widespread famine).

³¹⁹ FSIN, *2023 Global Report on Food Crises* at 97 (projecting that this will increase to 4.89 million this year); Emmanuel Marino Bruno, *Crise : Nécessité d'une aide d'urgence à 4,9 millions de personnes en situation d'insécurité alimentaire en Haïti, alerte la Cnsa*, ALTERPRESSE (Mar. 17, 2023), <https://www.alterpresse.org/spip.php?article29138>. Crisis-level food insecurity refers to households that are living with high or above-usual acute malnutrition or are barely able to meet their food needs through depleting essential livelihood assets or crisis-coping strategies. *What is the IPC?*, FAMINE EARLY WARNING SYSTEMS NETWORK, <https://fews.net/about/integrated-phase-classification#:~:text=The%20IPC%20Acute%20Malnutrition%20Scale.3.1%20manual%20for%20more%20information> (last visited Jun. 14, 2023).

³²⁰ FSIN, *2023 Global Report on Food Crises* at 97; Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*. Emergency-level food crisis refers to households either living with very high acute malnutrition and excess mortality or only able to meet their food needs by resorting to emergency livelihood strategies and asset liquidation. *What is the IPC?*.

³²¹ FSIN, *2023 Global Report on Food Crises* at 97.

³²² Geffard, *Le nombre d'Haïtiens souffrant de la faim ne cesse d'augmenter, selon le PAM...*; Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*.

³²³ Chronic malnutrition has "long-lasting physical consequences," affecting both physical and cognitive capabilities. *Armed violence plunging children into severe acute malnutrition in Haiti*, UNICEF (May 11, 2023), <https://www.unicef.org/press-releases/armed-violence-plunging-children-severe-acute-malnutrition-haiti>; see *supra* notes **Error! Bookmark not defined.**-62.

³²⁴ *Haïti – Agriculture : \$50M de la Banque Mondiale pour améliorer les systemes de production alimentaire*, HAITI LIBRE (Feb. 10, 2023), [https://www.haitilibre.com/en/news-38819-haiti-agriculture-\\$50m-de-la-banque-mondiale-pour-ameliorer-les-systemes-de-production-alimentaire.html](https://www.haitilibre.com/en/news-38819-haiti-agriculture-$50m-de-la-banque-mondiale-pour-ameliorer-les-systemes-de-production-alimentaire.html); World Food Programme, WFP Haiti Country Brief 1 (Apr. 2023), <https://docs.wfp.org/api/documents/WFP-0000149572/download/>.

³²⁵ Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says*; *UNSG January BINUH Report* at ¶ 58.

³²⁶ *United Nations: Haiti at risk of starvation*, AP NEWS (May 30, 2023), <https://newsroom.ap.org/editorial-photos-videos/detail?itemid=a9f50163d23d4ad08122396c2f6d752c>; see also *Haiti commune cut off from capital by violent gangs*, AP NEWS (Apr. 24, 2023), <https://apnews.com/video/crime-haiti-organized-violence-jovenel-moise->

[2f2287274a244a05b0f2883f6c50147e](#) (reporting that gang violence has effectively cut off the neighborhood Cité Soleil from Port-au-Prince, with gangs controlling the flow of goods in and out).

³²⁷ See Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*; Marvens Compere & Murdith Joseph, *State of Haiti: Food vendors speak about hunger crisis*, HAITIAN TIMES (Feb. 10, 2023), <https://haitiantimes.com/2023/02/10/state-of-haiti-food-vendors-speak-about-hunger-crisis/> (during interviews with food vendors in Port-au-Prince on the acute hunger many Haitians are facing due to inflation, one vendor said they were all “dead people walking”); see *supra* notes **Error! Bookmark not defined.**-300.

³²⁸ See *Un Haïtien sur deux peine à se nourrir, s'alarme l'ONU*, LE NOUVELLISTE (Mar. 23, 2023), <https://lenouvelliste.com/article/241443/un-haitien-sur-deux-peine-a-se-nourrir-salarme-lonu>; Taylor, *Haiti faces 'hunger emergency' amid escalating gang violence and surging inflation*; *Haiti on 'brink of civil war', humanitarian group warns*, AL JAZEERA (May 1, 2023), <https://www.aljazeera.com/news/2023/5/1/haiti-on-brink-of-civil-war-humanitarian-group-warns>.

³²⁹ Francklyn B Geffrard, “*Les droits civils, économiques, politiques, sociaux du peuple haïtien sont constamment violés*”, *selon le RNDDH...*, RHINEWS (Mar. 2, 2023), <https://www.rhinews.com/actualites/les-droits-civils-economiques-politiques-sociaux-du-peuple-haitien-sont-constamment-violes-selon-le-rnddh/>; Voss, *Haiti's Rural Gangs Threaten Food Production as Hunger Crisis Looms*; Claudy Junior Pierre, « *Haïti ne peut pas attendre. Ce pays est dans une crise sans précédent* », *selon le directeur national du PAM*, LE NOUVELLISTE (Feb. 3, 2023), <https://www.lenouvelliste.com/article/240506/haiti-ne-peut-pas-attendre-ce-pays-est-dans-une-crise-sans-precedent-selon-le-directeur-national-du-pam>; see, e.g., FSIN, *2023 Global Report on Food Crises* at 97 (reporting that gangs have hindered access to main highways connecting the country, with a minor road connecting Port-au-Prince with the south fully blocked since 2021); *Haïti-Criminalité : SOS dans plusieurs communes de l'Artibonite, livrées aux gangs armés*, ALTERPRESSE (Feb. 23, 2023), <https://www.alterpresse.org/spip.php?article29073> (reporting that gangs have negatively impacted agricultural production in the Artibonite Valley, which was without water for several weeks); *Haïti-Criminalité : Risques de famine dans l'Artibonite, avec les pertes de récoltes dues aux manœuvres des gangs*; *Haiti – FLASH : The Artibonite Valley hostage of armed groups*, HAITI LIBRE (Mar. 5, 2023), <https://www.haitilibre.com/en/news-38992-haiti-flash-the-artibonite-valley-hostage-of-armed-groups.html>; Jean Junior Celestin, *Insécurité alimentaire : les demandes d'aide ont augmenté*, LE NOUVELLISTE (Mar. 23, 2023), <https://www.lenouvelliste.com/article/241441/insecurite-alimentaire-les-demandes-daide-ont-augmente> (Food for the Poor reported difficulties transporting food from Port-au-Prince to other regions due to insecurity).

³³⁰ See *Haïti-Criminalité : SOS dans plusieurs communes de l'Artibonite, livrées aux gangs armés*; *Haïti-Criminalité : Risques de famine dans l'Artibonite, avec les pertes de récoltes dues aux manœuvres des gangs*; Voss, *Haiti's Rural Gangs Threaten Food Production as Hunger Crisis Looms* (reporting that attacks in January and February by the *Baz Gran Grif* gang resulted in thousands fleeing and a halt to maintenance on irrigation canals, which were without water for weeks); *Haiti – FLASH : The Artibonite Valley hostage of armed groups*; Geffrard, “*Les droits civils, économiques, politiques, sociaux du peuple haïtien sont constamment violés*”, *selon le RNDDH...*; Wethzer Piercin & Jérôme Wendy Norestyl, *Artibonite : les agriculteurs forcés d'abandonner leurs terres face aux gangs armés*, AYIBO POST (Mar. 29, 2023), <https://ayibopost.com/les-gangs-plantations-artibonite/> (reporting that gangs seize property, commit theft and destruction and force farmers to pay gangs in order to sell their yields); Geffrard, *Le nombre d'Haïtiens souffrant de la faim ne cesse d'augmenter, selon le PAM...* (reporting that farmers have been forced to plant on smaller plots or flee their land entirely to avoid gang violence, depriving them of their livelihoods and impacting the amount of food available nation-wide); see also *Haïti – Agriculture : \$50M de la Banque Mondiale pour améliorer les systèmes de production alimentaire* (“[A]griculture is critical to addressing food insecurity in Haiti, as it contributes to twenty percent of the country’s GDP and employs over two-fifths of the workforce.”).

³³¹ *Haïti : La production agricole dans l'Artibonite, rudement affectée par les actes de terreur et de criminalité des gangs*.

³³² Robertson, *Haiti at risk of famine as farmers kidnapped, 'extremely bad' hunger fuels tumult*; *Crise : Des experts craignent une famine généralisée en Haïti*; *Haïti – Grand'Anse : On the verge of famine*.

³³³ *Haïti-Criminalité : Risques de famine dans l'Artibonite, avec les pertes de récoltes dues aux manœuvres des gangs*.

³³⁴ For example, Food for the Poor, an organization that has been operating in Haiti for 34 years, has not received enough donations to meet the 30 percent increase in requests for food since 2020. Celestin, *Insécurité alimentaire : les demandes d'aide ont augmenté*; see also *Haiti – FLASH : The hour is serious, 19,000 Haitians affected by famine, 4.7 million in food insecurity*, HAITI LIBRE (Dec. 13, 2023), <https://www.haitilibre.com/en/news-38357-haiti-flash-the-hour-is-serious-19-000-haitians-affected-by-famine-4-7-million-in-food-insecurity.html> (according to an Integrated Food Security Phase Classification report, only seven percent of the population that was analyzed had

received emergency food assistance through a ration or cash transfer); Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report* (according to WFP's Country Director for Haiti, Jean-Martin Bauer, WFP needs US \$125 million over the next six months to tackle food shortages in Haiti but donors were not stepping up); cf. *Haiti: Acute Food Insecurity Projection Update for March – June 2023* (reporting that increases in humanitarian support in recent months have marginally alleviated food access for some of the most vulnerable populations).

³³⁵ See *Haiti – Agriculture : \$50M de la Banque Mondiale pour améliorer les systèmes de production alimentaire* (describing lack of rainfall and watershed degradation as negatively impacting Haiti's agricultural sector).

³³⁶ See Sandra C. Wisner, *Starved for Justice: International Complicity in Systematic Violations of the Right to Food in Haiti*, HRLR ONLINE (May 10, 2022), <https://hrlr.law.columbia.edu/hrlr-online/starved-for-justice-international-complicity-in-systematic-violations-of-the-right-to-food-in-haiti/>.

³³⁷ See Claudy Junior Pierre, *L'insécurité fait fuir les médecins haïtiens, selon le secrétaire général de l'Association médicale haïtienne*, LE NOUVELLISTE (Feb. 23, 2023), <https://www.lenouvelliste.com/article/240914/linsecurite-fait-fuir-les-medecins-haitiens-selon-le-secetaire-general-de-lassociation-medicale-haitienne> (according to Dr. Jean Ardouin Louis-Charles, secretary general of the Haitian Medical Association, kidnappers appear to target health professional); *Haiti : Le directeur du Laboratoire national de santé publique, Dr. Jacques Boncy, kidnappé, blessé par balle et relâché*, ALTERPRESSE (Apr. 6, 2023), <https://www.alterpresse.org/spip.php?article29204> (according to the Haitian Medical Association, between January and March, at least ten doctors were kidnapped in comparison with the total of twenty doctors kidnapped in 2022). Representing only a handful of cases, see e.g., Juhakenson Blaise, *Kidnapers target doctors in Haiti*, HAITIAN TIMES (Feb. 23, 2023), <https://haitiantimes.com/2023/02/23/kidnapers-target-doctors-in-haiti/> (reporting that among the kidnapping victims are the Director of Communication at the Ministry of Public Health and Population and a doctor from St. Damien Hospital); *Criminalité : Sept individus armés tués dans des échanges de tirs avec la Police nationale d'Haïti*, ALTERPRESSE (Feb. 15, 2023), <https://www.alterpresse.org/spip.php?article29058> (reporting that the Haitian Group for the Study of Kaposi's Sarcoma and Opportunistic Infections suspended operations beginning on February 15 to demand the release of two kidnapped employees); Claudy Junior Pierre, *Blessé puis libéré, le Dr Jacques Boncy et d'autres médecins allongent la liste des victimes de kidnapping*, LE NOUVELLISTE (Apr. 6, 2023), <https://lenouvelliste.com/article/241681/blesse-puis-libere-le-dr-jacques-boncy-et-dautres-medecins-allongent-la-liste-des-victimes-de-kidnapping> (reporting that the director of the National Public Health Laboratory Dr. Jacques Bouncy was kidnapped on April 2 and subsequently released on April 5 due to his extensive injuries).

³³⁸ OCHA, *Haiti : Humanitarian note 1* (Apr. 23, 2023), <https://reliefweb.int/report/haiti/haiti-humanitarian-note-series-new-paradigm-issue-2-impact-violence-access-health-care-23-april-2023> (reporting that approximately 48 percent of hospitals in the Port-au-Price metropolitan area are located in territories controlled or influenced by gangs and that due to attacks on patients, staff, and infrastructure, several health facilities have been forced to close); see, e.g., *Haïti-Criminalité : Suite à l'assassinat d'un patient par des hommes armés, Msf forcé de suspendre ses activités à l'hôpital Raoul Pierre Louis de Carrefour*, ALTERPRESSE (Jan. 27, 2023), <https://www.alterpresse.org/spip.php?article29003> (reporting that armed men executed a patient in the emergency room of the Raoul Pierre Louis public hospital on January 26 along with other cases of attacks); *L'hôpital périphérique de Dzoumogné attaqué par des délinquants en plein après-midi*, MAYOTTE 1 (May 12, 2023), <https://la1ere.francetvinfo.fr/mayotte/l-hopital-peripherique-de-dzoumogne-attaque-par-des-delinquants-en-plein-apres-midi-1394910.html> (reporting that on May 12, approximately 15 hooded individuals with machetes attacked the Dzoumogné hospital); OCHA, *Haiti : Humanitarian Note* at 2 (reporting that surgeons, doctors, and nurses of the Higgins Brothers Surgicenter for Hope in Fonds Parisien were the targets of several shootings and robberies, in addition to kidnappings).

³³⁹ MSF suspended operations in its facilities in Carrefour and Cité Soleil in January and March, respectively. *Haïti-Criminalité : L'organisation Médecins sans frontières suspend temporairement ses activités à Cité Soleil*, ALTERPRESSE (Mar. 8, 2023), <https://www.alterpresse.org/spip.php?article29111> (reporting that the Cité Soleil location was closed due to MSF's inability to guarantee the safety of staff and patients due to the violent gang clashes occurring just outside the hospital doors); *'War scene': MSF temporarily shuts hospital in Haiti's capital*, AL JAZEERA (Mar. 9, 2023), <https://www.aljazeera.com/news/2023/3/9/war-scene-msf-temporarily-shutters-hospital-in-haitis-capital> (according to the head of the Cité Soleil facility, the situation just meters outside the hospital was as a "war zone"); OCHA, *Haiti : Humanitarian note* at 2; *Haïti-Criminalité : Suite à l'assassinat d'un patient par des hommes armés, Msf forcé de suspendre ses activités à l'hôpital Raoul Pierre Louis de Carrefour*; see also Joseph, *Doctors group in Haiti appeals for respect after threatening incidents* (reporting on other attacks in, around, and on MSF healthcare facilities); *Doctors Without Borders Considers Suspending Haiti Operations Amid Gang Violence*, DEMOCRACY NOW! (Mar. 7, 2023),

https://www.democracynow.org/2023/3/7/headlines/doctors_without_borders_considers_suspending_haiti_operations_amid_gang_violence (reporting that MSF is considering a suspension of its entire Haiti operation following a series of shootouts and other violent incidents in its facilities).

³⁴⁰ See *Environ 48 % des hôpitaux de la zone métropolitaine de Port-au-Prince situés dans les zones sous influence ou contrôle des gangs*, ENQUET ACTION (May 19, 2023), <https://www.enquetaction.com/articles/environ-48-des-hopitaux-de-la-zone-metropolitaine-de-port-au-prince-situes-dans-les-zones-sous-influence-ou-contrrole-des-gangs-1> (according to OCHA, numerous health facilities have been forced to suspend their services due to attacks on staff, patients, and facilities); see, e.g., OCHA, [Haiti : Humanitarian note](#) at 2 (reporting that the Albert Schweitzer hospital, which serves over 700,000 people in the Artibonite Valley and the Central Plateau, suspended operations in February for the first time in 67 years due to gang violence); Claudy Junior Pierre, *Insécurité, les hôpitaux déplorent le départ des professionnels de santé*, LE NOUVELLISTE (Mar. 30, 2023), <https://lenouvelliste.com/article/241569/insecurite-les-hopitaux-deplorent-le-depart-des-professionnels-de-sante> (reporting that the Development of Health Activities in Haiti group was forced to close half of their approximately twenty facilities in Haiti in March due to the gang violence); *Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care*, PARTNERS IN HEALTH (Mar. 24, 2023), <https://www.pih.org/article/chaos-haiti-escalates-gang-violence-fuel-shortages-threaten-access-health-care> (reporting that in late March, *Zanmi Lasante*'s regional director was forced to relocate staff, temporarily suspend services for safety, and triage patients to different facilities; despite this, care continues for the most acute cases).

³⁴¹ See Charles, [‘Intolerable risks’: Haiti’s escalating violence, including sexual attacks, shuts hospital](#) (reporting that, in addition to the devastating impacts that closures will have on gunshot and sexual violence victims, impacts will be felt in regards to the treatment of cholera as MSF was among the front-line responders); *Violent clashes force temporary closures of MSF hospital in Cité Soleil*, MSF (Mar. 9, 2023), <https://www.msf.org/haiti-violent-clashes-force-temporary-closures-msf-hospital-cit%C3%A9-soleil> (“We realize that closing the hospital will have a serious impact on the people of Cité Soleil, but our teams cannot work until security conditions are guaranteed.”); Taylor, [‘Warfare is encroaching’: aid groups may have to cut back services in Haiti as violence grows](#) (according to a representative of Italian non-governmental organization Avsi Foundation, should MSF limit or withdraw its operations in Haiti, the result would “be a catastrophe”).

³⁴² See *Surrounded By Instability, Care Continues at PIH Hospital in Haiti*, PARTNERS IN HEALTH (Mar. 30, 2023), <https://www.pih.org/article/surrounded-instability-care-continues-pih-hospital-haiti> (reporting that despite being surrounded by violence, health professionals have adjusted to kidnappings, fuel shortages and general safety concerns to continue providing care); Charles, [As Caribbean leaders meet to discuss Haiti, gang violence has new victim: a rural hospital](#) (reporting that the Albert Schweitzer hospital stated it would still accept life-threatening emergencies, despite considerable risk to its staff); Cristiano Antonio, *Haiti, MSF: “People Trapped By Violence In Need Of Medical Assistance,”* EMERGENCY LIVE (May 16, 2023), <https://www.emergency-live.com/news/haiti-msf-people-trapped-by-violence-in-need-of-medical-assistance/> (reporting that MSF staff continue operating mobile clinics to treat patients in areas impacted by urban violence in Port-au-Prince despite extremely high levels of violence); see, e.g., OCHA, [Haiti : Humanitarian note](#) at 2 (reporting that some hospitals are asking patients to pay or provide fuel, and in early April, it was reported that hospitals in Artibonite were conducting childbirths by cellphone light); Pierre, [L’insécurité fait fuir les médecins haïtiens, selon le secrétaire général de l’Association médicale haïtienne](#) (reporting that some doctors use camouflage techniques just to go to their offices).

³⁴³ See Blaise, [Kidnappers target doctors in Haiti; Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care](#) (according to regional director Dr. Ralph Blondel Charles, *Zanmi Lasante* staff’s “mental health is highly affected” by the heightened danger and “[w]hen they have to go an entire month or more without being able to return home to visit their families, it is hard and it takes a toll”); Janetsky & Pesce, [In heart of Haiti’s gang war, one hospital stands its ground](#) (according to Jean Baptiste, medical director at one of the last medical facilities open in Cité Soleil, the sentiment at the hospital is that despite doctors’ worry, they continue working and keep facing off the risks).

³⁴⁴ See Joseph, [Doctors group in Haiti appeals for respect after threatening incidents; Haiti: Humanitarian Response Plan 2023 At a Glance](#) at 7; Joseph, [Doctors group in Haiti appeals for respect after threatening incidents; Doctors Without Borders Considers Suspending Haiti Operations Amid Gang Violence](#).

³⁴⁵ See, e.g., *Haiti | HUEH – Poursuite de la grève des médecins-résidents pour obtenir des meilleures conditions de travail*, REZO NODWES (Jan. 22, 2023), <https://rezonodwes.com/?p=302193> (reporting that resident doctors earn less than US \$3 a day); *Grève à l’HUEH: les médecins résidents s’opposent à l’ouverture d’une cellule d’urgence*, LE NOUVELLISTE (Feb. 23, 2023), <https://www.lenouvelliste.com/article/240859/ greve-a-lhueh-les-medecins-residents-sopposent-a-louverture-dune-cellule-durgence> (reporting that frequent power outages mean hospitals are often operating with less than four hours of electricity a day).

- ³⁴⁶ Francklyn B Geffard, *Haïti/Santé : L'Hôpital général toujours paralysé par la grève des médecins résidents....*, RHINEWS (Feb. 19, 2023), <https://www.rhinews.com/actualites/haiti-sante-lhopital-general-toujours-paralyse-par-la-grève-des-medecins-residents/>; *Haiti – News : Zapping...*, HAITI LIBRE (Apr. 28, 2023), [https://www.haitilibre.com/en/news-39412-haiti-news-zapping.html#:~:text=HUEH%20%3A%20End%20of%20the%20resident,in%20particular%20on%20salary%20increases](https://www.haitilibre.com/en/news-39412-haiti-news-zapping.html#:~:text=HUEH%20%3A%20End%20of%20the%20resident,in%20particular%20on%20salary%20increases;); Claudy Junior Pierre, *Grève maintenue à Justinien, timide reprise des activités à l'hôpital général*, LE NOUVELLISTE (May 9, 2023), <https://lenouvelliste.com/article/242204/gréve-maintenue-a-justinien-timide-reprise-des-activites-a-lhopital-general> (reporting that activities resumed “timidly” in early May).
- ³⁴⁷ *Grève des médecins résidents à l'Hôpital universitaire Justinien du Cap-Haïtien*, LE NATIONAL (Apr. 6, 2023), https://www.lenational.org/post_article.php?pol=3393; Gérard Maxineau, *L'Hôpital universitaire Justinien déserté*, LE NOUVELLISTE (May 27, 2023), <https://lenouvelliste.com/article/158576/lhopital-universitaire-justinien-deserte> (reporting that residents at the Justinian University Hospital were still striking as of May 27).
- ³⁴⁸ See *supra* notes **Error! Bookmark not defined.-59**.
- ³⁴⁹ See BAI et al., [Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti](#) at 35; Janetsky & Pesce, *In heart of Haiti's gang war, one hospital stands its ground* (reporting that many pregnant women fear what gangs will do to them whilst traveling and therefore delay going to a hospital and that in one case, a woman was found delivering a baby on the street because she was unable to find transportation due to gang lockdowns; she lost the baby); HOPE, *Haiti Cholera and Insecurity Response – Situation Report #8 at 2* (May 18, 2023), <https://reliefweb.int/report/haiti/haiti-cholera-and-insecurity-response-situation-report-8-may-18-2023> (reporting that 46 percent of women do not have access to a health facility for childbirth).
- ³⁵⁰ Janetsky & Pesce, *In heart of Haiti's gang war, one hospital stands its ground*.
- ³⁵¹ See Janetsky & Pesce, *In heart of Haiti's gang war, one hospital stands its ground*; *Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care* (reporting that *Zanmi Lasante* staff sometimes sleep at the clinics to avoid the dangerous commute and report hearing gunshots all night); OCHA, [Haiti : Humanitarian note](#) at 1 (reporting that 25 percent of Haitians take more than an hour, by regular transport – primarily by motorbike or on foot – to reach a health facility; that number increases to 44 percent in rural areas).
- ³⁵² See *Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care* (reporting that with long delays for essential medicines and supplies and many transport routes inaccessible due to security concerns, some staff have been forced to purchase supplies from local sources in much smaller amounts); OCHA, *Haïti Aperçu des Besoins Humanitaires 2023 7* (Mar. 2023), <https://reliefweb.int/report/haiti/haiti-aperçu-des-besoins-humanitaires-2023-mars-2023-fren> (according to a WHO report, 73 percent of the 22 largest health facilities reported being unable to function normally due in part to road blockages); IFRC, *Haiti | Earthquake and Cholera Outbreak - Emergency Appeal No MDRHT018 - Operation update #5 at 13* (May 31, 2023), <https://reliefweb.int/report/haiti/haiti-earthquake-and-cholera-outbreak-emergency-appeal-no-mdrht018-operation-update-5> (reporting that closures to ports are a significant barrier to importing medical supplies, thus impeding service provision).
- ³⁵³ See OCHA, *Haiti: Humanitarian and cholera Situation Report # 7 – as of 17 January 2023* (Jan. 21, 2023), <https://haiti.un.org/sites/default/files/2023-01/20230120%20-%20Sitrep%20%237%20-%20Cholera%20%26%20Humanitarian%20situation.pdf> (because of the high cost of fuel, some hospitals have been forced to cover transportation costs for patients, eating away at their already meager funds); OCHA, [Haiti : Humanitarian note](#) at 2 (reporting that there has been an explosion in operational costs due to higher fuel prices, which has forced some hospitals to limit their services to emergency care, ask patients to pay for fuel, and perform certain surgeries by cellphone light).
- ³⁵⁴ See *Grève à l'HUEH: les médecins résidents s'opposent à l'ouverture d'une cellule d'urgence*.
- ³⁵⁵ Khorsandi, *'Haiti can't wait': People on the brink as hunger levels rise, warns food security report*; OCHA, [Haïti Aperçu des Besoins Humanitaires 2023](#) at 7 (“Fuel supply difficulties have forced [medical] facilities to ration their electricity consumption, even leading to the temporary closure of services. In December, 45% of the 22 facilities reported fuel problems.”); *Grève à l'HUEH: les médecins résidents s'opposent à l'ouverture d'une cellule d'urgence*.
- ³⁵⁶ See World Health Organization, *Multi-Country Outbreak of Cholera, External Situation Report # 3 at 14* (Jun. 1, 2023), <https://reliefweb.int/report/malawi/multi-country-outbreak-cholera-external-situation-report-3-published-1-june-2023> (reporting that, after a decrease in new cases starting in January, since May 1 there has been a renewed upsurge); *Haïti : hausse de plus de 50% des cas de choléra en un mois, selon l'ONU* (reporting an almost 60 percent increase in cholera cases between December and January and the risk of continued spread both in Haiti and to the Dominican Republic); Ferri, *The misery and politics of Haiti's cholera epidemic* (observers remain concerned that the epidemic will spiral out of control due to the insecurity crisis); UNICEF, *Haiti Humanitarian Situation Report*

No. 2: March – April 2023 2 (May 18, 2023), <https://reliefweb.int/report/haiti/unicef-haiti-humanitarian-situation-report-no-2-march-april-2023> (reports that there are concerns of an uptick in infections to come during the cyclone season).

³⁵⁷ [UNSG April BINUH Report](#) at ¶¶ 35, 63 (reporting that a total of 850,067 individuals had received one dose of the cholera vaccine, including either 3,297 or 3,733 detainees (report offers both numbers) in three major prisons); PAHO, *Cholera Outbreak in Hispaniola - Situation Report #13 at 1* (Feb. 6, 2023), <https://reliefweb.int/report/haiti/cholera-outbreak-hispaniola-13-6-february-2023>.

³⁵⁸ *Haiti – Cholera : Daily Bulletin #206*, HAITI LIBRE (Jun. 13, 2023), <https://www.haitilibre.com/en/news-39768-haiti-cholera-daily-bulletin-206.html>.

³⁵⁹ *Haiti: Factsheet*, EUROPEAN COMMISSION; PAHO, *Cholera epidemic in Haiti and the Dominican Republic 2* (Apr. 7, 2023), <https://www.paho.org/en/file/126268/download?token=tU31PzAp> (reporting that surveillance of cholera cases has been impacted by a lack of access to affected areas).

³⁶⁰ *Haiti*, CENTERS FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/cholera/haiti/index.html> (last visited Jun. 14, 2023).

³⁶¹ See Ferri, *The misery and politics of Haiti's cholera epidemic; Haiti: political instability, gang violence and disease*, INTERNATIONAL RESCUE COMMITTEE (Apr. 13, 2023), <https://www.rescue.org/en/article/haiti-political-instability-gang-violence-and-disease> (reporting that climate shocks, damaged infrastructure, and a breakdown in public services reducing access to water and sanitation have increased the likelihood of cholera outbreaks); [Haiti: Humanitarian Response Plan 2023 At a Glance](#) at 4, 7; BINUH, [The Population of Cité Soleil in the Grip of Gang Violence](#) at ¶ 71 (reporting that gang restrictions on drinking water have exacerbated the cholera crisis); *Cholera – Haiti*, WORLD HEALTH ORGANIZATION (Dec. 13, 2022), <https://www.who.int/emergencies/disease-outbreak-news/item/2022-DON427> (reporting that lack of access to healthcare has heightened the population's vulnerability to the ongoing outbreak); see *supra* notes **Error! Bookmark not defined.-17**.

³⁶² Charles, [Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says](#) (according to the UN, “[a]mid the ongoing cholera outbreak, the lack of fuel has further undermined access to health services owing to restrictions on movement and to the impact of fluctuations in the supply of water and electricity on the functioning of medical facilities”).

³⁶³ See [5 ways UNICEF is supporting Haiti's children](#) (“[C]holera and malnutrition create a double burden that the national health system is unable to respond to due to critical human resource shortages and lack of supplies.”).

³⁶⁴ [Haiti: Armed violence against schools increases nine-fold in one year](#) (reporting that 30 schools closed due to gang violence in just the first six days of February); see, e.g., Geffrard, [L'UNNOH alarmée par l'indifférence des autorités face à la dégradation du climat sécuritaire du pays...](#) (reporting that insecurity has caused several schools to close following the broad daylight kidnappings of school children accompanied by their parents and at the entrance to schools by gangs); Murdith Joseph, *In parts of Haiti, schools stay shuttered, too risky for thousands*, HAITIAN TIMES (Jan. 23, 2023), <https://haitiantimes.com/2023/01/23/in-parts-of-haiti-schools-stay-shuttered-too-risky-for-thousands/> (reporting that Haiti's largest school for the deaf and blind-deaf has been closed for months due to the violence in Croix-des-Bouquets, with its 30 residents –including nuns, staff members, and deaf children trapped inside, and those living nearby unable to commute for fear of being killed or injured); Juhakenson Blaise, *Unicef gives Haitian police 30 motorcycles to protect schoolchildren*, HAITIAN TIMES (Apr. 14, 2023), <https://haitiantimes.com/2023/04/14/unicef-gives-haitian-police-30-motorcycles-to-protect-schoolchildren/> (reporting that the *Collège Canado-Haïtien* suspended activities after it was attacked by armed individuals on January 26); Onz Chéry, *Haitian gangs target students and teachers, forcing some schools to close*, HAITIAN TIMES (Mar. 8, 2023), <https://haitiantimes.com/2023/03/08/haitian-gangs-target-students-and-teachers-forcing-some-schools-to-close/> (reporting that many schools in Port-au-Prince announced their closure until further notice on March 6 after a student was shot dead, two teachers were wounded by gunshots, and at least three teachers were kidnapped).

³⁶⁵ [UNSG January BINUH Report](#) at ¶ 55.

³⁶⁶ Valéry Daudier, *Pour l'inclusion de l'éducation à l'ordre du jour de G7*, LE NOUVELLISTE (Apr. 4, 2023), <https://lenouvelliste.com/article/241634/pour-linclusion-de-leducation-a-lordre-du-jour-du-g7>; see also, Charles, [In Haiti, schools increasingly being targeted for looting, kidnapping, violence by gangs](#) (according to UNICEF, in January, children lost on average one and a half days of school per week due to gang violence); Francklyn B Geffrard, *Haiti : la violence armée contre les écoles multipliée par neuf en un an, selon l'UNICEF...*, RHINEWS (Feb. 9, 2023), <https://www.rhinews.com/actualites/haiti-la-violence-armee-contre-les-ecoles-multipliee-par-neuf-en-un-an-selon-lunicef/>.

³⁶⁷ *Haiti: UNICEF reports nine-fold increase in violence targeting schools*, UN NEWS (Feb. 9, 2023), <https://news.un.org/en/story/2023/02/1133352>; Charles, [In Haiti, schools increasingly being targeted for looting](#),

[kidnapping, violence by gangs](#); Geffrard, *Haiti : la violence armée contre les écoles multipliée par neu fen un an, selon l'UNICEF...*

³⁶⁸ Press Release, OHCHR, [Haiti – gang violence](#); *Haiti: UN flags violence as 531 die in gang wars in 2023 so far*, WION (Mar. 21, 2023), <https://www.wionews.com/world/haiti-un-flags-violence-as-531-die-in-gang-wars-in-2023-so-far-574337>; Francklyn B Geffrard, *Guerre des gangs en Haïti : plus de 530 morts et 160.000 personnes déplacées, selon l'ONU...*, RHINEWS (Mar 21, 2023), <https://www.rhinews.com/actualites/guerre-des-gangs-en-haiti-plus-de-530-morts-et-160-000-personnes-deplacees-selon-lonu/>.

³⁶⁹ Charles, [In Haiti, schools increasingly being targeted for looting, kidnapping, violence by gangs](#) (this includes one school that was burnt down, one student killed, and at least two staff members that were kidnapped); [5 ways UNICEF is supporting Haiti's children](#); *Criminalité : Neuf fois plus de violence armée contre les écoles en douze mois, en Haïti, condamne l'Unicef*, ALTERPRESSE (Feb. 9, 2023), <https://www.alterpresse.org/spip.php?article29040>.

³⁷⁰ Press Release, OHCHR, [Haiti – gang violence](#); see, e.g., Joseph, [In parts of Haiti, schools stay shuttered, too risky for thousands](#) (reporting that gunshots are heard day and night at the Institute Montfort campus in Croix-des-Bouquets, the stress of which has resulted in some staff developing diabetes); Chéry, [Haitian gangs target students and teachers, forcing some schools to close](#) (reporting that after a student was shot dead, two teachers were wounded by gunshots, and at least three teachers kidnapped, many schools in Port-au-Prince announced on March 6 they would close until further notice); *Criminalité : Après la mort par balle d'un de ses étudiants, l'École normale supérieure dénonce un prolongement de la terreur instituée en Haïti*, ALTERPRESSE (Mar. 22, 2023), <https://www.alterpresse.org/spip.php?article29155> (reporting that a third-year student at the École Normale Supérieure of the State University of Haiti was shot and killed by a stray bullet outside the literature department on March 21, causing the school to shut the following day in protest of the killing); *Haïti - FLASH : Une école attaquée, un élève de 10 ans blessé mortellement par balle*, HAITI LIBRE (Feb. 10, 2023), <https://www.haitilibre.com/article-38815-haiti-flash-une-ecole-attaquee-un-eleve-de-10-ans-blesse-mortellement-par-balle.html> (reporting that a 10-year old student was fatally injured after being shot while inside a classroom at school in Liancourt in February); *Haïti-Éducation : Attaque contre des lycées à Port-au-Prince, malgré un renforcement des patrouilles policières*, ALTERPRESSE (Mar. 14, 2023), <https://www.alterpresse.org/spip.php?article29126> (reporting that several individuals were attacked outside of Marie Jeanne and Cent Cinquantenaire high schools on March 13, despite increased police patrolling); *Crise : Le Rectorat de l'Ueh interpelle les autorités sur les actions criminelles des gangs en Haïti*, ALTERPRESSE (Mar. 21, 2023), <https://www.alterpresse.org/spip.php?article29150> (reporting on a March 18 attack by armed gangs on the Faculty of Agronomy and Veterinary Medicine at the State University of Haiti that resulted in the university's rector calling on Haitian authorities to do more to protect citizens).

³⁷¹ See, e.g., Jonasson Odigène, *Mort par balle de l'étudiant Tchadensky Jean Baptiste et attaques diverses contre l'Université*, LE NOUVELLISTE (Mar. 22, 2023), <https://lenouvelliste.com/article/241416/mort-par-balle-de-letudiant-tchadensky-jean-baptiste-et-attaques-diverses-contre-luniversite> (reporting on numerous cases of students and staff being kidnapped and held for ransom); *Haïti-Criminalité : L'Unitech exige la libération de deux personnes kidnappées devant ses locaux*, ALTERPRESSE (Mar. 27, 2023), <https://www.alterpresse.org/spip.php?article29168> (reporting that two people were kidnapped in front of the University of Technology of Haiti on March 26 during a graduation ceremony); Rachel Opota, « *Mon chemin de l'école est parsemé d'embûches* », UNICEF (Feb. 10, 2023), <https://www.unicef.org/haiti/recits/%C2%AB-mon-chemin-de-l%C3%A9cole-est-parsem%C3%A9-demb%C3%BBches%C2%BB> (reporting on the kidnapping of several minor students).

³⁷² [Haiti: Factsheet](#), EUROPEAN COMMISSION; [Haiti: UNICEF reports nine-fold increase in violence targeting schools](#); Charles, [In Haiti, schools increasingly being targeted for looting, kidnapping, violence by gangs](#) (according to Bruno Maes, UNICEF Representative in Haiti, “in certain urban areas of the country, armed groups consider looting schools as a lucrative alternative to other forms of extortion and crime”); *Haitian Schools Have Become A Target Of Gangs' Violence: UNICEF*, TELESUR (Feb. 10, 2023), <https://www.telesurenglish.net/news/Haitian-Schools-Have-Become-A-Target-Of-Gangs-Violence-UNICEF-20230210-0007.html#:~:text=Gangs%20also%20stole%20food%20supplies,used%20by%20children%20to%20eat.&text=In%20addition%2C%20they%20looted%20school,and%20staff%20from%20possible%20attacks> (reporting that gangs will steal food supplies – rice, dough, and corn – and school supplies – desks, laptops, solar panels, photocopiers, and blackboards).

³⁷³ See e.g., Joseph, [In parts of Haiti, schools stay shuttered, too risky for thousands](#) (reporting that gangs have taken over Notre Dame du Rosaire, a school managed by the Sisters of Marie Reine Immaculée, forcing the nuns who live on campus to flee); Press Release, UN, [As Haiti Slides into Violence, Its People 'Cannot Wait Any Longer' for Assistance, Foreign Minister Tells Security Council](#) (reporting that gangs use schools as their operational bases);

[UNSG April BINUH Report](#) at ¶ 61 (reporting that at least eleven schools in Port-au-Prince are used by gangs as bases to launch attacks from, with some schools being occupied since 2021).

³⁷⁴ Chéry, [Police: Haitian Episcopal church a front for gangs, government paid priest](#); see *infra* notes **Error! Bookmark not defined.**-52.

³⁷⁵ See Press Release, OHCHR, [Haiti – gang violence](#) (reporting that students and teachers have been hit by stray bullets as gang confrontations and kidnappings of parents and students in the vicinity of schools have surged, forcing many of them to close); [Haiti: UN flags violence as 531 die in gang wars in 2023 so far](#); Geffrard, [Guerre des gangs en Haïti : plus de 530 morts et 160.000 personnes déplacées, selon l'ONU...](#)

³⁷⁶ See [Gang violence drives hundreds from their homes in Haitian capital](#), PRENSA LATINA (Mar. 7, 2023), <https://www.laprensalatina.com/gang-violence-drives-hundreds-from-their-homes-in-haitian-capital/> (reporting that the schools that have remained open sit largely deserted); Joseph, [In parts of Haiti, schools stay shuttered, too risky for thousands](#) (reporting that, when schools reopened on November 5, many families were too scared to send their children back, a persistent fear that saw only a few students returning in late December); [Escalating Violence is Pushing Haiti to the Brink of Civil War Between Gangs and Civilians](#). “Nobody is safe. Nowhere is safe.”, MERCY CORPS (May 1, 2023), <https://www.mercycorps.org/press-room/releases/violence-pushing-haiti-civil-war>.

³⁷⁷ [Crise : L'Unnoh se mobilise contre la criminalité et les mauvaises conditions de travail des enseignants en Haïti](#), ALTERPRESSE (Apr. 14, 2023), <https://www.alterpresse.org/spip.php?article29227>; [Haiti – Education : The Minister Manigat met with about fifty unionist teachers](#), HAITI LIBRE (Apr. 21, 2023), <https://www.haitilibre.com/en/news-39356-haiti-education-the-minister-manigat-met-with-about-fifty-unionist-teachers.html>; Franklyn B Geffrard, [L'UNNOH dénonce la confiscation des chèques de nombreux enseignants empêchés de se présenter à leur poste à cause de l'insécurité...](#), RHINEWS (Apr. 13, 2023), <https://www.rhinews.com/actualites/lunnoh-denonce-la-confiscation-des-cheques-de-nombreux-enseignants-empêchés-de-se-présenter-a-leur-poste-a-cause-de-linsécurité/>.

³⁷⁸ Ndiaga Seck, [Children receive school kits in remote rural Haiti](#), UNICEF (Mar. 27, 2023), <https://reliefweb.int/report/haiti/children-receive-school-kits-remote-rural-haiti>. This further disrupts access to education for rural children, deepening the rural-urban education divide. See [The World Bank in Haiti](#) (explaining that rural areas are subject to a “welfare gap,” further driving poverty).

³⁷⁹ Germina Pierre Louis, [Insécurité : « Les écoles aux abois », Marguerite Clerié invite les autorités à rétablir la paix](#), LE NOUVELLISTE (Mar. 8, 2023), <https://lenouvelliste.com/article/241113/insecurite-les-ecoles-aux-abois-marguerite-clerie-invite-les-autorites-a-retablir-la-paix> (reporting that special considerations need to be taken for traumatized children living in areas impacted by insecurity, as trauma effects their ability to concentrate and perform well on examinations); [Gang violence drives hundreds from their homes in Haitian capital](#) (according to Marguerite Clerié, president of the Professional Association of Private Schools, “[a]ll the children in Haiti live in a war situation... mak[ing] them stress and not very interested in school”).

³⁸⁰ See Pierre Louis, [Insécurité : « Les écoles aux abois », Marguerite Clerié invite les autorités à rétablir la paix](#); see also [Haiti](#), GLOBAL PARTNERSHIP, <https://www.globalpartnership.org/where-we-work/haiti> (last visited Jun. 14, 2023) (80 percent of schools in Haiti are run privately and cost approximately US \$80 per year, forcing many families living in poverty to forego an education for their children); BAI et al., [Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti](#) (reporting generally on harms faced by women and girls living in poverty in Haiti).

³⁸¹ See Roc Rejy Joseph, [Cap-Haitien students protest against no-show teachers as exams loom](#), HAITIAN TIMES (Apr. 19, 2023), <https://haitiantimes.com/2023/04/19/cap-haitien-students-protest-against-no-show-teachers-as-exams-loom/>.

³⁸² [Crise : Plusieurs syndicats enseignants dressent un sombre tableau du système éducatif en Haïti](#), ALTERPRESSE (Jan. 25, 2023), <https://www.alterpresse.org/spip.php?article28997> (reporting that funding for education was reduced from 17 to 11.2 percent of the national budget).

³⁸³ Joseph, [Cap-Haitien students protest against no-show teachers as exams loom](#).

³⁸⁴ Geffrard, [L'UNNOH dénonce la confiscation des chèques de nombreux enseignants empêchés de se présenter à leur poste à cause de l'insécurité...](#)

³⁸⁵ [Crise : L'Unnoh se mobilise contre la criminalité et les mauvaises conditions de travail des enseignants en Haïti](#) (reporting that teachers went on strike between April 17 and April 19); Geffrard, [L'UNNOH dénonce la confiscation des chèques de nombreux enseignants empêchés de se présenter à leur poste à cause de l'insécurité...](#) (in an open letter to the Minister of National Education, the National Union of Haitian Normaliens lamented the insecurity and called on the government to ensure that teachers’ salaries are paid); Joseph, [Cap-Haitien students protest against no-show teachers as exams loom](#) (reporting that teachers are seeking a salary increase of 80,000 gourdes, approximately US \$480, to cover inflation, social benefits, and allowances for food expenses).

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- ³⁸⁶ Daudier, [Pour l'inclusion de l'éducation à l'ordre du jour de G7](#); Jordany Junior Verdieu, *Cayes: les élèves dans la rue pour réclamer le retour des professeurs dans les salles de classe*, LE NOUVELLISTE (Apr. 25, 2023), <https://lenouvelliste.com/article/241972/cayes-les-eleves-dans-la-rue-pour-reclamer-le-retour-des-professeurs-dans-les-salles-de-classe> (reporting that students from the Philippe Guerrier high school in Les Cayes demonstrated on April 25 to demand teachers return to their classrooms amidst their strike calling for better work conditions and wages).
- ³⁸⁷ See Bhatia, [Haiti's descent into hell](#).
- ³⁸⁸ See, e.g., U.S. Department of State, [2022 Country Reports on Human Rights Practices: Haiti](#); *Haiti Travel Advisory*, U.S. DEPARTMENT OF STATE (May 17, 2023), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html> (the United States warns U.S. citizens not to travel to Haiti “due to kidnapping, crime, civil unrest, and poor health care infrastructure”).
- ³⁸⁹ See, e.g., Jacqueline Charles, *Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians*, MIAMI HERALD (Mar. 20, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article273122880.html>; University of Miami School of Law Human Rights Clinic et al., *Urgent Call to Stop All U.S. Deportations to Haiti* (Feb. 2023), <https://www.law.miami.edu/assets/files-exp/files-clinic-human-rights/urgent-call-to-stop-all-u-s-deportations-to-haiti-february-202312.pdf>; see also *Response to Russian invasion of Ukraine exposes an international system unfit to deal with global crises*, AMNESTY INTERNATIONAL (Mar. 28, 2023), <https://www.amnesty.org/en/latest/news/2023/03/international-system-unfit-to-deal-with-global-crises-annual-report-2022/> (comparing the United States’ immigration response to Ukrainian asylum-seekers – who were largely welcomed with open arms – with its response to Haitian asylum-seekers).
- ³⁹⁰ See Michelson Césaire, *Les bénéficiaires du programme Humanitarian Parole du président Biden de plus en plus nombreux à quitter Haïti*, LE NOUVELLISTE (Feb. 13, 2023), <https://www.lenouvelliste.com/article/240717/les-beneficiaires-du-programme-humanitarian-parole-du-president-biden-de-plus-en-plus-nombreux-a-quitter-haiti>; Bhatia, [Haiti's descent into hell](#); see also *Temporary Protected Status Designated Country: Haiti*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS), <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti> (last visited Jun. 14, 2023) (the United States redesignated Haiti for Temporary Protected Status in December because conditions make repatriations unsafe).
- ³⁹¹ See Charles, [Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians](#).
- ³⁹² See, e.g., *Haiti – FLASH : Panama suspends the transport of migrants by bus to the North*, HAITI LIBRE (Feb. 28, 2023), <https://www.haitilibre.com/en/news-38953-haiti-flash-panama-suspends-the-transport-of-migrants-by-bus-to-the-north.html> (reporting that on February 15, 41 people, 16 of whom were Haitian, died after a bus transporting migrants fell into a ravine); *Migration-République Dominicaine : Rapatriement massif de plus de 13 mille Haïtiens, en février 2023 en Haïti, enregistre la plateforme Garr*, ALTERPRESSE (Mar. 15, 2023), <https://www.alterpresse.org/spip.php?article29131> (reporting that on February 20, an accident involving a vehicle transporting migrants in Mexico resulted in the death of 13 Haitians).
- ³⁹³ See [UNSG April BINUH Report](#) at ¶ 41; *2023: A Moment of Truth for Global Displacement*, UN HIGH COMMISSIONER FOR REFUGEES, <https://www.unhcr.org/spotlight/2023/01/2023-a-moment-of-truth-for-global-displacement/> (last visited Jun. 14, 2023); UNODC, [Haiti's criminal markets: mapping trends in firearms and drug trafficking](#) at 3 (the U.S. Coast Guard reported a four-fold increase in interceptions of Haitian migrants at sea in 2022).
- ³⁹⁴ *Missing Migrants in the Caribbean Reached a Record High in 2022*, IOM (Jan. 24, 2023), <https://www.iom.int/news/missing-migrants-caribbean-reached-record-high-2022>.
- ³⁹⁵ *Missing Migrants in the Caribbean Reached a Record High in 2022*; see also Syra Ortiz-Blanes, *Haitian toddler dies after migrant voyage capsizes on Puerto Rican beach*, MIAMI HERALD (Dec. 23, 2022), <https://www.miamiherald.com/news/local/immigration/article270373592.html> (reporting that a three-year old died after the boat the child was on capsized near Puerto Rico); Fondasyon Je Klere, [Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d'Ariel Henry](#) at ¶ 80 (reporting that eight babies drowned after their family fled a massacre).
- ³⁹⁶ Under-resourced and understaffed police, boarder controls, and coast guards have resulted in an extremely porous border, making migrants easy targets for kidnappings. UNODC, [Haiti's criminal markets: mapping trends in firearms and drug trafficking](#) at 1; Charles, [U.N. details Haiti's serious challenges with gangs, guns and drugs – and issues a warning](#).
- ³⁹⁷ *Stop deporting Haitians: Rights experts' appeal to countries in Americas*, UN NEWS (Apr. 28, 2023), <https://news.un.org/en/story/2023/04/1136192>.

³⁹⁸ *Haitian migration to South America, a growing and worrying phenomenon*, CECI (Mar. 7, 2023), <https://www.ceci.ca/en/news-events/haitian-migration-to-south-america-a-growing-and-worrying-phenomenon> (also reporting extortion by border authorities); *Humanitarian parole : Dans les centre d'émission de passeport, chaque policier est «une agence de voyage»*, INFO THANZIE (Mar. 2023), https://infothanzie.com/humanitarian-parole-dans-les-centres-demission-de-passeport-chaque-policier-est-une-agence-de-voyage/#.ZBCFHi6A_ug.whatsapp.

³⁹⁹ *Stop deporting Haitians: Rights experts' appeal to countries in Americas*.

⁴⁰⁰ *Humanitarian parole : Dans les centre d'émission de passeport, chaque policier est «une agence de voyage»*; *Stop deporting Haitians: Rights experts' appeal to countries in Americas*.

⁴⁰¹ See Evan Dyer, *Migrant numbers at jungle crossing point to a record-breaking year for irregular migration in North America*, CBC NEWS (Mar. 19, 2023), <https://www.cbc.ca/news/politics/migrants-panama-darien-gap-haiti-1.6783199>; *USA: At border, humanitarian delegation witnesses an end of Title 42 without chaos and cruelty of new asylum ban*, AMNESTY INTERNATIONAL (May 12, 2023), <https://www.amnesty.org/en/latest/news/2023/05/usa-humanitarian-delegation-end-title-42/>.

⁴⁰² See IOM, *Repatriated migrants in Haiti by air and sea in 2022: Profiles and needs 3* (2023), <https://dtm.iom.int/reports/haiti-profiles-haitians-repatriated-haiti-2022-january-december-2022> (from January to December 2022, foreign states repatriated a total of 22,444 Haitian migrants to Haiti); IOM, *Migrants' repatriation and reception assistance in Haiti 1* (Feb. 2023), <https://haiti.iom.int/sites/g/files/tmzbd11091/files/documents/2023-03/Migrant%20Returns%20and%20Reception%20Assistance%20in%20Haiti%20-%20February%202023%20%20pdf.pdf> (in January 2023, the United States expelled 926 migrants); *UNSG January BINUH Report* at ¶ 45 (in November 2022 alone, 187 migrants, including several unaccompanied children, were repatriated after the U.S. Coast Guard intercepted their boats).

⁴⁰³ See, e.g., Charles, *Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians*; *Stop deporting Haitians: Rights experts' appeal to countries in Americas*; *UN High Commissioner for Human Rights Volker Türk concludes his official visit to Haiti*, OHCHR (Feb. 10, 2022), <https://www.ohchr.org/en/statements/2023/02/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit-haiti>.

⁴⁰⁴ See, e.g., Andrea Shalal & Ted Hesson, *Facing pressure over border crossings, Biden steps up migrant expulsions*, REUTERS (Jan. 5, 2023), <https://www.reuters.com/world/us/biden-lay-out-new-cuba-nicaragua-haiti-migrant-policy-border-speech-2023-01-05/>.

⁴⁰⁵ See, e.g., @Jacquiecharles, TWITTER (Mar. 9, 2023, 12:53 PM), <https://twitter.com/Jacquiecharles/status/1633888700831608832>; University of Miami School of Law Human Rights Clinic et al., *Urgent Call to Stop All U.S. Deportations to Haiti*; Press Release, Robert F. Kennedy Human Rights, *Civil society organizations condemn collective expulsions from the Dominican Republic and call for their immediate end* (Dec. 9, 2022), <https://rfkhumanrights.org/press/civil-society-organizations-condemn-collective-expulsions-from-the-dominican-republic-and-call-for-their-immediate-end>; see also Amnesty International, *Amnesty International Report 2022/23: The state of the world's human rights* at 184 (“The U.S. authorities subjected Haitian asylum seekers to arbitrary detention and discriminatory and humiliating ill-treatment that amounted to race-based torture.”).

⁴⁰⁶ Expulsions by the United States pursuant to its illegal and discriminatory Title 42 policy officially ended on May 11 and were replaced by expedited removals under Title 8. The new policies under Title 8 processing, which restrict asylum rights at U.S. land borders, allow the U.S. government to expel Haitians to Mexico rather than Haiti, leaving them extremely vulnerable to abuse and exploitation. They also require asylum seekers to have first sought asylum in one of the countries they have passed through, an unrealistic requirement given asylum's practical unavailability in those countries. *Asylum*, USCIS, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum#:~:text=Effective%20May%2011%2C%202023%2C%20the,rule%20or%20rebut%20the%20presumption> (last visited Jun. 14, 2023); Press Release, Homeland Security, DHS and DOJ Finalize Rule to Incentivize Use of Lawful Immigration Pathways (May 10, 2023), <https://www.dhs.gov/news/2023/05/10/dhs-and-doj-finalize-rule-incentivize-use-lawful-immigration-pathways>. Removal under the new policy also carries with it a five-year bar on re-entry and possible criminal prosecution for those who unlawfully try to enter without using the new procedures – this bar also applies to those seeking to enter by unlawful sea migration. See *Implementation of a Change to the Parole Program for Haitians*, 88 Fed. Reg. 26327 (Apr. 28, 2023), <https://www.federalregister.gov/documents/2023/04/28/2023-09014/implementation-of-a-change-to-the-parole-process-for-haitians>; *Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration*, HOMELAND SECURITY (Apr. 27, 2023), <https://www.dhs.gov/news/2023/04/27/fact-sheet-us-government-announces-sweeping-new-actions-manage-regional-migration#:~:text=In%20a%20historic%20move%2C%20the.and%20lawful%20pathways%20from%20the>.

⁴⁰⁷ *Migración asegura en lo que va de enero se han repatriado casi 9,000 extranjeros, mayoría haitianos*, N DIGITAL (Jan. 18, 2023), <https://n.com.do/2023/01/18/migracion-asegura-en-lo-que-va-de-enero-se-han-repatriado-casi-9000-extranjeros-mayoria-haitianos/>; Charles, *Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians*.

⁴⁰⁸ Charles, *Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians*.

⁴⁰⁹ Charles, *Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians* (noting that the Dominican government's number is about 30,000 higher); see also Widlore Mérancourt & Amanda Coletta, *Dominican Republic sending children, pregnant migrants back to Haiti*, WASHINGTON POST (Mar. 17, 2023), <https://www.washingtonpost.com/world/2023/03/16/haiti-dominican-republic-migrant-crackdown/> (reporting that Dominican authorities deported over 170,000 Haitians in 2022).

⁴¹⁰ *Stop deporting Haitians: Rights experts' appeal to countries in Americas; Migration-République Dominicaine : Rapatriement massif de plus de 13 mille Haïtiens, en février 2023 en Haïti, enregistre la plateforme Garr* (reporting that 13,090 Haitian nationals were expelled from the Dominican Republic in February); *République Dominicaine : plus de 25 mille Haïtiens refoulés durant le mois de mars*, HAITI 24 (Apr. 12, 2023), <https://haiti24.net/republique-dominicaine-plus-de-25-mille-haitiens-refoules-durant-le-mois-de-mars/> (reporting that 25,133 Haitian nationals were expelled from the Dominican Republic in March); *Haiti – Dom. Republic : 31,810 illegal Haitians return to Haiti in one month*, HAITI LIBRE (May 23, 2023), <https://www.haitilibre.com/en/news-39602-haiti-dom-republic-31-810-illegal-haitians-return-to-haiti-in-one-month.html> (reporting that Dominican migration services repatriated 15,973 Haitians in April).

⁴¹¹ Numerous cases have arisen where Black individuals with valid visas have been deported. Other cases of Black Dominicans being deported or mistaken for Haitian migrants and thus abused have also been reported. See, e.g., Charles, *Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians*; Press Release, Robert F. Kennedy Human Rights, *Civil society organizations condemn collective expulsions from the Dominican Republic and call for their immediate end; Stop deporting Haitians: Rights experts' appeal to countries in Americas; UNSG January BINUH Report* at ¶ 44.

⁴¹² *Migration-République Dominicaine : Rapatriement massif de plus de 13 mille Haïtiens, en février 2023 en Haïti, enregistre la plateforme Garr*.

⁴¹³ The Turks and Caicos has imposed immigration policies that specifically target undocumented Haitian migrants by punishing employers that hire them and issuing a six-month visa ban starting in January. Jacqueline Charles, *Turks and Caicos Islands issues warning against Haitians trying to go there*, MIAMI HERALD (Feb. 10, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/article272348028.html>; David Goodhue & Jacqueline Charles, *After a migrant pause, 114 Haitians arrive in the Florida Keys on an overloaded boat*, MIAMI HERALD (Feb. 9, 2023), <https://www.miamiherald.com/news/local/community/florida-keys/article272312628.html>. In Mexico, anti-Black racism has resulted in increased risks of violence and kidnapping. Dianne Solis, *Deadly Matamoros kidnapping has sparked fear among Black migrants, aid workers say*, DALLAS MORNING NEWS (Mar. 10, 2023), <https://www.dallasnews.com/news/2023/03/10/deadly-matamoros-kidnapping-has-sparked-fear-among-black-migrants-aid-workers-say/>; *USA: At border, humanitarian delegation witnesses an end of Title 42 without chaos and cruelty of new asylum ban*. Prime Minister Philip Davis of the Bahamas has announced comprehensive plans to halt Haitian migration which will work to actively pursue, identify, and repatriate Haitian migrants. Jacqueline Charles, *Bahamas announces crackdown on undocumented migrants, saying it's affected by Haiti crisis*, MIAMI HERALD (Feb. 22, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/article272565004.html>.

⁴¹⁴ The parole program permits entry for up to 30,000 Haitian, Cuban, Nicaraguan, and Venezuelan beneficiaries per month. The program allows U.S.-based sponsors with legal status and adequate finances to apply online for Haitians outside of the United States. *Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, USCIS, <https://www.uscis.gov/CHNV> (last visited Jun. 14, 2023). Approximately 18,000 Haitians entered the U.S. through the program between its inception in early January and March; at least 580,000 applications for Haitians – approximately five percent of Haiti's population – are still pending. In comparison, the number of pending applications for Cubans represents approximately one third of the population (380,000) and less than one percent for both Nicaraguans (over 12,000) and Venezuelans (nearly 120,000). Camilo Montoya-Galvez, *1.5 million apply for U.S. migrant sponsorship program with 30,000 monthly cap*, CBS NEWS (May 22, 2023), <https://www.cbsnews.com/news/us-migrant-sponsorship-program-cuba-haiti-nicaragua-venezuela-applications/>.

⁴¹⁵ Alexandra Villarreal, *The US asylum rule replacing Title 42 is strict – here's what we know*, THE GUARDIAN (May 15, 2023), <https://www.theguardian.com/us-news/2023/may/15/explainer-strict-asylum-rules-replacing-title-42>; Camilo Montoya-Galvez, *What is Title 8, and what has changed along the U.S.-Mexico border after Title 42's expiration?*, CBS NEWS (May 15, 2023), <https://www.cbsnews.com/news/what-is-title-8-immigration-law-vs-title->

[42-border-policy/](https://humanrightsfirst.org/wp-content/uploads/2023/05/Barriers-and-Harms-As-Biden-Asylum-Ban-Takes-Effect31.pdf); Human Rights First, Lives at Risk: Barriers and Harms As Biden Asylum Ban Takes Effect, <https://humanrightsfirst.org/wp-content/uploads/2023/05/Barriers-and-Harms-As-Biden-Asylum-Ban-Takes-Effect31.pdf> (last visited Jun. 14, 2023). The mobile application that the U.S. government is requiring asylum seekers to use is not properly translated into Haitian Creole, further disadvantaging Haitian migrants seeking asylum at the U.S. border. *Respond Crisis Translation in the news: Language violence is threatening asylum seekers at the border*, RESPOND CRISIS TRANSLATION (Jun. 5, 2023), <https://respondercrisistranslation.org/en/newsb/rct-in-the-news-language-violence-is-threatening-asylum-seekers-20230605>.

⁴¹⁶ See Bhatia, [Haiti's descent into hell](#).

⁴¹⁷ See Césaire, [Les bénéficiaires du programme Humanitarian Parole du président Biden de plus en plus nombreux à quitter Haïti](#); Bhatia, [Haiti's descent into hell](#) (the author calls the program “a success for the White House,” as “[i]llegal crossings at the border have plummeted” and “[t]he press has fewer opportunities to document horrifying scenes of white supremacist violence” by border agents against immigrants); Chiraayu Gosrani, *Biden's Reported Plans to Detain Haitian Asylum Seekers at Guantanamo Perpetuates History of Anti-Black Racism in U.S. Immigration Policy*, NILC (Feb. 1, 2023), <https://www.nilc.org/2023/02/01/bidens-reported-plans-to-detain-haitian-asylum-seekers-at-guantanamo-perpetuates-history-of-anti-black-racism-in-u-s-immigration-policy/>; Daniel Di Martino, *Biden's Immigration Parole Programs Are Working*, MANHATTAN INSTITUTE (May 25, 2023), <https://manhattan.institute/article/bidens-immigration-parole-programs-are-working> (report explaining that the high barrier to entry imposed by the humanitarian parole program “successfully reduces total immigration and shifts the composition of immigrants toward those who can more easily support themselves or rely on their social and family networks rather than on government welfare”). Perceptions of the program among Haitians and immigration advocates has been mixed, with some viewing it as a lifeline and others criticizing its inaccessibility to the majority of Haitians. See, e.g., Edwin Rios, *Biden's 'carrot and stick' approach to deter migrants met with anger*, THE GUARDIAN (Jan. 8, 2023), <https://www.theguardian.com/us-news/2023/jan/08/biden-us-mexico-border-title-42-migrants>; Helen Acevedo, *Is Biden's new parole program a solution to the migrant crisis?*, WLRN (Jan. 24, 2023), https://www.wlrn.org/2023-01-24/is-bidens-new-parole-program-a-solution-to-the-migrant-crisis.

⁴¹⁸ Juhakenson Blaise, *Passport prices double in Haiti as US parole frenzy spreads*, HAITIAN TIMES (Jan. 17, 2023), <https://haitiantimes.com/2023/01/17/passport-prices-double-in-haiti-as-us-parole-frenzy-spreads/>; Bhatia, [Haiti's descent into hell](#) (“[T]he price of a passport . . . quintupled and is now the equivalent of \$300 – a sum that is out of reach for the most vulnerable.”); Pascal Fleuristil, *Société : Un passeport en échange de relations sexuelles*, IMAGE 7 HAITI (Mar. 10, 2023), <https://image7haiti.com/societe-un-passeport-en-echange-de-relations-sexuelles/>; see also Jacqueline Charles, *New U.S. parole program for Haitians leads to long passport lines, cops fleeing the country*, MIAMI HERALD (Feb. 13, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272389513.html> (reporting that police officers seeking to apply to the program expect preferential treatment).

⁴¹⁹ The program is being used by police officers, whose security services are desperately needed in Haiti, and students, professionals, and others who, if conditions in Haiti were quasi-normal, would not have to choose between fleeing Haiti's incredibly dangerous conditions and remaining and contributing to its future. See Bhatia, [Haiti's descent into hell](#); Charles, [New U.S. parole program for Haitians leads to long passport lines, cops fleeing the country](#) (approximately one third of Haiti's already grossly under-staffed police force requested passports after the program was announced). Doctors are also fleeing Haiti in large numbers, straining an already-understaffed health sector. Pierre, [L'insécurité fait fuir les médecins haïtiens, selon le secrétaire général de l'Association médicale haïtienne](#); Blaise, [Kidnapers target doctors in Haiti](#).

⁴²⁰ [IJDH November 2022 Update](#) at 11-12; [IJDH June 2022 Update](#) at 12.

⁴²¹ See Jacqueline Charles, *U.S. defends deportations to Haiti before Inter-American Commission on Human Rights*, MIAMI HERALD (Mar. 10, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272942400.html>.

⁴²² University of Miami School of Law Human Rights Clinic et al., [Urgent Call to Stop All U.S. Deportations to Haiti](#) (February 2023 report describing that migrants repatriated to Haiti faced illegal arrest and torture). Upon arriving in Haiti many returnees require immediate humanitarian assistance, however, support is limited. See IOM, *Migrants' repatriation and reception assistance in Haiti 2* (Apr. 2023), <https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/2023-05/migrant-returns-and-reception-assistance-in-haiti-april-2023.pdf> (reporting that many returnees – particularly unaccompanied and separated children, as well as pregnant and nursing mothers – arrive in highly vulnerable circumstances possessing limited, if any, resources, but that in April, only six percent of returnees were provided critical assistance by IOM); IOM, [Repatriated migrants in Haiti by air and sea in 2022: Profiles and needs 3 \(2023\)](#) at 3 (finding that the three primary concerns of returnees are financial support, employment, and safety and security); [OCHA, Haiti: Humanitarian and cholera Situation](#)

Report # 7. Support for individuals repatriated from the Dominican Republic in particular is declining, even as those repatriated from other countries continue to receive support from IOM. Compare IOM, [Migrants’ repatriation and reception assistance in Haiti](#) at 1 (in February, 12 percent of individual repatriated by the Dominican Republic received IOM support) with IOM, *Migrants’ repatriation and reception assistance in Haiti 1* (Mar. 2023), https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/2023-04/migrant-returns-and-reception-assistance-in-haiti-march-2023-3_jk.pdf (in March, 1.5 percent of returnees received support); see also OCHA, *Haiti: Humanitarian and cholera Situation Report # 7* (reporting that IOM “does not have the necessary resources to assist the most vulnerable at the Dominican border given the ever-increasing frequency and number of repatriations”).

⁴²³ Bhatia, *Haiti’s descent into hell*; Wisner & Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*. One particularly salient example is France’s extortion of the “Independence Debt” from Haiti in 1825, which ultimately cost Haiti US \$21 billion in economic growth, stunted Haiti’s development, and laid the foundations for nearly two centuries of subsequent foreign extraction. There has been tremendous movement around the issue of reparations for people of African descent broadly and for Haiti in particular. Haiti’s claim for restitution for its Independence Debt continues to be cited as one of regional and even global importance, including most recently during the second session of the Permanent Forum on People of African Descent. Haitians are capitalizing on this momentum by continuing to seek global solidarity with their claim. See *2023 Symposium: Haiti: Reparations & Restitution*, UNIVERSITY OF MIAMI SCHOOL OF LAW INTER-AMERICAN LAW REVIEW, <https://inter-american-law-review.law.miami.edu/2023-symposium-haiti-reparations-restitution/> (last visited Jun. 12, 2023) (the University of Miami School of Law held a symposium on Haiti’s restitution claim in March); *BAI and IJDH at the Second Session of the UN Permanent Forum on People of African Descent*, IJDH, http://www.ijdh.org/ijdh_events/bai-and-ijdh-at-the-second-session-of-the-un-permanent-forum-on-people-of-african-descent/ (last visited Jun. 12, 2023) (BAI’s Mario Joseph recorded a statement in connection with the second session of the UN Permanent Forum on People of African Descent on the fight for Haiti’s democracy and restitution and reparations for all people of African descent); Mario Joseph, Brian Concannon & Irwin Stotzky, *France demanded crippling payments. Now Haiti has a legitimate claim for slavery reparations* | *Opinion*, MIAMI HERALD (Mar. 27, 2023), <https://www.miamiherald.com/opinion/op-ed/article273642735.html>.

⁴²⁴ Daut, *What’s the path forward for Haiti?* (“What Haiti needs, above all, is a definitive rupture from the cycle of forced dependency kept in motion by foreign governments and international institutions.”); Wisner & Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*.

⁴²⁵ See, e.g., Mario Joseph & Beatrice Lindstrom, *What the World Owes Haiti Now*, JUST SECURITY (Jul. 29, 2022), <https://www.justsecurity.org/82115/what-the-world-owes-haiti-now/>; Sandra Wisner & Beatrice Lindstrom, *COVID-19 brings renewed urgency to remedies for cholera in Haiti*, AL JAZEERA (May 22, 2020), <https://www.aljazeera.com/opinions/2020/5/22/covid-19-brings-renewed-urgency-to-remedies-for-cholera-in-haiti>; Wisner, *Starved for Justice: International Complicity in Systematic Violations of the Right to Food in Haiti*.

⁴²⁶ See Clesca, *Haiti’s Rule of Lawlessness*; Johnston, *Who decides who runs Haiti?*.

⁴²⁷ See Wisner & Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*; Johnston, *Who decides who runs Haiti?*.

⁴²⁸ See, e.g., *Haiti gathers all the elements to be intervened militarily, according to the UN*, DOMINICAN TODAY (May 18, 2023), <https://dominican.today.com/dr/world/2023/05/18/haiti-gathers-all-the-elements-to-be-intervened-militarily-according-to-the-un/> (reporting that the UN has continued pushing for an armed intervention in Haiti); UNGA, *Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international* at ¶ 8 (the OHCHR appointed an expert on human rights in Haiti); Press Release, UNSC, Security Council Press Statement on Haiti (May 8, 2023), <https://press.un.org/en/2023/sc15277.doc.htm> (the UNSC reiterates its “deep concern over the deteriorating security and humanitarian situation in Haiti”).

⁴²⁹ *Organization of American States Permanent Council*, OAS, <https://www.oas.org/en/council/GT/Haiti/about.asp> (last visited Jun. 14, 2023).

⁴³⁰ Press Release, OHCHR, *UN Human Rights Chief designates William O’Neill as expert on human rights in Haiti*.

⁴³¹ See *infra* notes **Error! Bookmark not defined.**-60.

⁴³² U.S. Department of State, *The U.S. Strategy to Prevent Conflict and Promote Stability 10-Year Strategic Plan for Haiti* (Mar. 24, 2023), <https://www.state.gov/the-u-s-strategy-to-prevent-conflict-and-promote-stability-10-year-strategic-plan-for-haiti/>.

⁴³³ See Press Release, UN, *Key Political Developments, Sanctions Offer Hope to Haiti’s Recovery if Supported by International Community, Special Representative Tells Security Council* (numerous states – including Canada, China, and Mozambique – noted the need for a “Haitian-led” solution during a UNSC briefing in January); *OAS Addresses the Situation in Haiti*, U.S. MISSION TO THE OAS (Feb. 1, 2023), <https://usoas.usmission.gov/oas->

[addresses-the-situation-in-haiti/](#) (“[T]he ultimate resolution of the situation in Haiti is one that must be resolved by the people of Haiti themselves.”).

⁴³⁴ See Page, [A Smarter U.S. Assistance Strategy for Haiti](#) (offering the assessment of former UN Special Representative for Haiti Susan D. Page that “[p]ast efforts by the U.S. government focused on a wide range of activities that individually may have been well intentioned but ultimately failed to improve the security and welfare of Haitians, let alone prove a sound investment of U.S. taxpayer resources”).

⁴³⁵ See Khorsandi, [‘Haiti can’t wait’: People on the brink as hunger levels rise, warns food security report](#); UNICEF, Haiti 4 (2023), <https://www.unicef.org/media/132191/file/2023-HAC-Haiti.pdf> (“At least US \$23.5 million in additional funding is urgently required to respond to the resurgence of cholera cases.”); [Haiti: political instability, gang violence and disease](#) (“[T]he international response is 50 percent short of its goal.”).

⁴³⁶ 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>; Mohor, [O&A: Why Haiti’s ‘mafia state’ needs a homegrown solution](#); Sénat, [Crise, le sommet de Jonathan Powell reporté sine die](#); Bhatia, [Haiti’s descent into hell](#); Page, [A Smarter U.S. Assistance Strategy for Haiti](#).

⁴³⁷ See *supra* notes **Error! Bookmark not defined., Error! Bookmark not defined.**-32.

⁴³⁸ [Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January](#) (then-UN Special Representative for Haiti Helen La Lime described the accord as a popular “consensus” document whose “adherents are growing every day,” and which enjoys “positive reactions from major political leaders”); [Remarks at a UN Security Council Briefing on Haiti](#) (U.S. representative to the UN Robert Wood praised the accord as the work of “a broad spectrum” of actors and “an opportunity for Haitians to get back to restoring their country’s stability and improving governance”).

⁴³⁹ See Frantz Duval, *Jusqu’où Brian A. Nichols veut-il conduire Haïti avec Ariel Henry ?*, LE NOUVELLISTE (Mar. 7, 2023), <https://lenouvelliste.com/article/241116/jusquou-brian-a-nichols-veut-il-conduire-haiti-avec-ariel-henry>;

Page, [A Smarter U.S. Assistance Strategy for Haiti](#); Wilentz, [Haiti, April 2023: Soon There Will Be No One Left to Kidnap](#); Bhatia, [Haiti’s descent into hell](#) (despite U.S. claims to no longer be choosing winners and losers in Haiti, Haitians like author and political activist Monique Clesca say the United States – “the major power in Haiti” – continues to prop up Henry); Clesca, [Haiti’s Rule of Lawlessness](#).

⁴⁴⁰ It is important to understand that Haitians are not asking the United States to remove Henry from power, just to stop propping up his illegitimate rule; the core of the ask is that well-established right to self-determination without foreign interference. Clesca, [Haiti’s Rule of Lawlessness](#); see also Daut, [What’s the path forward for Haiti?](#) (Haitians are protesting to demand Henry’s resignation); Bhatia, [Haiti’s descent into hell](#).

⁴⁴¹ See Press Release, UN, [Key Political Developments, Sanctions Offer Hope to Haiti’s Recovery if Supported by International Community, Special Representative Tells Security Council; UN High Commissioner for Human Rights Volker Türk concludes his official visit to Haiti](#) (UN High Commissioner for Human Rights Volker Türk calls for “the authorities to pursue an inclusive dialogue”); Sénat, [Crise, le sommet de Jonathan Powell reporté sine die](#); Bhatia, [Haiti’s descent into hell](#); see also Page, [A Smarter U.S. Assistance Strategy for Haiti](#) (Page describes BINUH’s “charge against the one inclusive Haitian-led national dialogue” – the “Montana Accord”).

⁴⁴² Jacqueline Charles, *Race, discrimination and Haiti dominate discussions in Brazil as top Biden official visits*, MIAMI HERALD (May 25, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article275759421.html> (quoting Assistant Secretary of State for the Bureau of Western Hemisphere Affairs Brian Nichols: “The international community’s obligation to the Haitian people is such that we have to continue acting on security and part of that security cooperation is going to require an international presence”); Eddy Acevedo, *Haiti is a failed state. It needs an international force to bring security, stability | Opinion*, MIAMI HERALD (May 16, 2023), <https://www.miamiherald.com/opinion/op-ed/article275311531.html>; [Haiti gathers all the elements to be intervened militarily, according to the UN](#); Kelemen, [The UN says an outside force is needed in Haiti, but countries are reluctant to intervene](#); *Violences : L’Oif plaide pour l’envoi rapide d’une force internationale en soutien à la Police nationale d’Haïti*, ALTERPRESSE (Apr. 28, 2023),

<https://www.alterpresse.org/spip.php?article29269> (the International Organization of La Francophonie called for intervention in April); [Haiti ‘dangling over an abyss’, UN human rights chief says](#), AL JAZEERA (May 3, 2023), <https://www.aljazeera.com/news/2023/5/3/haiti-dangling-over-an-abyss-un-human-rights-chief-says> (UN High Commissioner for Human Rights Volker Türk called for intervention to “support Haiti’s institutions”); Edmond Campbell, *Robust int’l force needed to quell ‘tragic’ Haiti situation – Guterres*, JAMAICA GLEANER (May 16, 2023), <https://jamaica-gleaner.com/article/lead-stories/20230516/robust-intl-force-needed-quell-tragic-haiti-situation-guterres>; Edith M. Lederer, *UN chief: Haiti’s gang violence nears conflict, help needed*, AP NEWS (Apr. 24, 2023), <https://apnews.com/article/haiti-gangs-violence-rights-crisis-force-57f6850d22458eb5b30e2a82e86e9287>. Despite the continued calls, no country appears willing to lead the mission. Kelemen, [The UN says an outside force is](#)

needed in Haiti, but countries are reluctant to intervene; Charles, *Race, discrimination and Haiti dominate discussions in Brazil as top Biden official visits*; *US seeks Brazil help as frustration grows on Haiti force*, RFI (May 5, 2023), <https://www.rfi.fr/en/international-news/20230505-us-seeks-brazil-help-as-frustration-grows-on-haiti-force>; *Haiti – FLASH : At the G7 Summit, President Lula calls for quick action in the face of the crisis in Haiti*, HAITI LIBRE (May 22, 2023), <https://www.haitilibre.com/en/news-39590-haiti-flash-at-the-g7-summit-president-lula-calls-for-quick-action-in-the-face-of-the-crisis-in-haiti.html>; *Brazilian president begs G7 leaders to help Haiti now*, HAITIAN TIMES (May 23, 2023), <https://haitiantimes.com/2023/05/23/brazilian-president-begs-g7-leaders-to-help-haiti-now/>; Dylan Robertson, *MPs advise against military intervention in Haiti, but call for improved sanctions*, GLOBE AND MAIL (May 4, 2023), <https://www.theglobeandmail.com/canada/article-mps-advise-against-military-intervention-in-haiti-but-call-for/>; Chanel Spence, *Major Focus on Haiti at Meeting of COFCOR*, JAMAICA INFORMATION SERVICE (May 16, 2023), <https://jis.gov.jm/major-focus-on-haiti-at-meeting-of-cofcor/>; *CARICOM leaders plan further stakeholder engagements in Haiti*, LOOP NEWS (Mar. 6, 2023), <https://caribbean.loopnews.com/content/caricom-leaders-plan-further-stakeholder-engagement-haiti/>; *UN's Guterres says Haitian violence threatens entire region* (Jamaica has expressed willingness to join a broader multi-national force).

⁴⁴³ Jacqueline Charles, *Haiti's government to ask for international armed forces to help with humanitarian crisis*, MIAMI HERALD (Oct. 7, 2022), <https://www.miamiherald.com/news/nationworld/world/americas/haiti/article266939521.html>; Brian Ellsworth & Harold Isaac, *Haiti to Seek a Foreign Armed Force to Combat Gangs, Decree Says*, US NEWS (Oct. 7, 2022), <https://www.usnews.com/news/world/articles/2022-10-07/haitito-seek-foreign-military-assistance-to-combat-gangs-newspaper>; see also Duval, *Force spécialisée armée pour aider la PNH : accompagnement avec ou sans déploiement ?* (noting also that in May Henry denied ever requesting military intervention, instead claiming to have asked merely for “robust support for . . . law enforcement”).

⁴⁴⁴ See, e.g., *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> (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 organisations*, 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 féministes 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-peopleliving-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-topostpone-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).

⁴⁴⁵ See Mohor, *Q&A: Why Haiti's 'mafia state' needs a homegrown solution*; Danticat, *The Fight for Haiti's Future* (according to AyiboPost editor-in-chief Widlore Mérancourt, “although sending foreign troops to Haiti might halt violence and temporarily restore basic governance, it would only be ‘a Band-Aid, not a long-term solution’” and “wouldn't address the ‘root causes’ of a ‘social structure’ that cyclically produces gang leaders who lead mass uprisings that largely comprise Haiti's youth, resulting in government overthrows that lead to the deployment of foreign troops”); Mars, *To Curb Gang Violence in Haiti, Break with Politics as Usual* (the executive director of community peacebuilding organization Lakou Lapè explains that “[c]onfronting gangs with military force will not work without also supporting Haitians seeking to break the cycle of violence and establish true democracy and stability” and that space must be given for “systemic reform by leaders who do not traffic in weapons, arm gangs, or use violence to circumvent democracy”); Clesca, *Haiti's Rule of Lawlessness*; see also Bhatia, *Haiti's descent into hell* (Canada explicitly acknowledged that armed intervention is unlikely to create lasting stability for Haiti); Juhakenson Blaise, *CARICOM wants diplomacy over military intervention in Haiti*, HAITIAN TIMES (Feb. 27, 2023), <https://haitiantimes.com/2023/02/27/caricom-prefers-diplomacy-over-military-intervention-in-haiti/> (in February, CARICOM emphasized the need for a Haitian-led solution and called the push for armed intervention “premature”);

Tanya Wadhwa, *Haitians protest threat of foreign military intervention in the country*, PEOPLES DISPATCH (Oct. 11, 2022), <https://peoplesdispatch.org/2022/10/11/haitians-protest-threat-of-foreign-military-intervention-in-the-country/> (according to former senator Jean Charles Moïse, “neither Henry nor his ministers have the authority or legitimacy to request a foreign military presence in the country”); *Crise : La demande d’intervention militaire en Haïti, en crime et une trahison, estiment plusieurs organization*.

⁴⁴⁶ See, e.g., Kelemen, *The UN says an outside force is needed in Haiti, but countries are reluctant to intervene*; Jan D. Walter, *Haiti is in turmoil as police riot over officer deaths*, DW (Jan. 28, 2023), <https://www.dw.com/en/haiti-in-turmoil-as-police-riot-over-officer-deaths/a-64546340>.

⁴⁴⁷ Daut, *What’s the path forward for Haiti?*.

⁴⁴⁸ *Around 70% of Haitians back international force to fight gangs, survey says*, REUTERS (Feb. 3, 2023), <https://www.reuters.com/world/americas/around-70-haitians-back-international-force-fight-gangs-survey-says-2023-02-04/>; see also Daut, *What’s the path forward for Haiti?* (describing Haiti as “stuck between two bad options”); Bhatia, *Haiti’s descent into hell* (describing Haitian support for intervention despite the harms of previous foreign interventions as “a contradiction born of the need for survival and of political powerlessness: Haiti’s citizens have no way of challenging a leader who is not subject to democratic process”).

⁴⁴⁹ *Haiti – FLASH : Florida, arms and ammunition supply hub for Haiti*, HAITI LIBRE (May 1, 2023), <https://www.haitilibre.com/en/news-39429-haiti-flash-florida-arms-and-ammunition-supply-hub-for-haiti.html>; UNODC, *Haiti’s criminal markets: mapping trends in firearms and drug trafficking*; *Public Safety in Haiti: Now and Tomorrow*, CSIS (Jun. 8, 2023), <https://www.csis.org/events/public-safety-haiti-now-and-tomorrow> (former UN Special Representative for Haiti Susan D. Page says that arms are coming from the United States and that the United States “seem[s] to manage to use the tools to repatriate people back to a country that we warn and advise people not to travel to, so we could use those same tools to stop the flow of goods and weapons if we wanted to;” UN expert on human rights in Haiti William O’Neill expressed confusion as to “why the United States has not done more” to stop the flow of guns to Haiti).

⁴⁵⁰ Chéry, *Police: Haitian Episcopal church a front for gangs, government paid priest*; Petersen, *Diocese of Haiti Continues Its Descent into Chaos* (describing a culture of corruption and violence within the church, and impunity for perpetrators).

⁴⁵¹ *Justice : Arrestation, pour trafic d’armes, du révérend père Fritz Désiré de l’Église épiscopale d’Haïti*, ALTERPRESSE (May 10, 2023), <https://www.alterpresse.org/spip.php?article29295>; Chéry, *Police: Haitian Episcopal church a front for gangs, government paid priest*; see *supra* note **Error! Bookmark not defined.**

⁴⁵² See *supra* notes **Error! Bookmark not defined.**-53.

⁴⁵³ See *Haiti – FLASH : Florida, arms and ammunition supply hub for Haiti*; *Haiti activists urge U.S. to stop arms trafficking to gangs*.

⁴⁵⁴ On April 14, the Dominican Republic announced sanctions against 39 Haitian politicians, businessmen, activists, and gang members for corruption and financing gangs. *Haiti – FLASH : 39 Haitians banned from entering the Dominican Republic (list)*, HAITI LIBRE (Apr. 17, 2023), <https://www.haitilibre.com/en/news-39320-haiti-flash-39-haitians-banned-from-entering-the-dominican-republic-list.html>. G9 gang leader Chérizier remains the only individual sanctioned under the UNSC’s sanctions regime, adopted last October. UNSC, Resolution 2653 (2022), UN Doc. S/RES/2653 (Oct. 21, 2022), https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2653.pdf.

⁴⁵⁵ For example, the Canadian government sanctioned former Ministers Berto Dorcé and Liszt Quitel and businessman and associate of former President Michel Martelly – himself sanctioned by Canada in 2022 – Charles Saint-Rémy, for “gross and systematic human rights violations.” *Sanctions: Grave breach of international peace and security in Haiti*. The U.S. government announced sanctions against former Haitian government officials Romel Bell and Gary Bodeau for corruption and influence-peddling. *Combating Global Corruption and Human Rights Abuses*, U.S. DEPARTMENT OF STATE (Dec. 9, 2022), <https://www.state.gov/combating-global-corruption-and-human-rights-abuses/>; Press Release, U.S. Department of the Treasury, Treasury Sanctions Former President of Haiti’s Chamber of Deputies (Apr. 5, 2023), <https://home.treasury.gov/news/press-releases/jy1389>. On June 2, it joined Canada in sanctioning former PHTK government Prime Minister Laurent Salvador Lamothe, citing his involvement in the PetroCaribe corruption scandal. Press Release, U.S. Department of State, Designation of Laurent Salvador Lamothe – Former Haitian Prime Minister and Minister of Planning and External Cooperation – for Involvement in Significant Corruption (Jun. 2, 2023), <https://www.state.gov/designation-of-laurent-salvador-lamothe-former-haitian-prime-minister-and-minister-of-planning-and-external-cooperation-for-involvement-in-significant-corruption/>.

⁴⁵⁶ Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*. For a comprehensive list of foreign sanctions since 2020, see IJDH, Foreign Sanctions Against Haitian Individuals (December 2020 – Present),

https://docs.google.com/document/d/1RG0k34CaID3QmxHt1XW-S_C8Aeyj9Vum1qkhtmiopdo/edit (last visited Jun. 14, 2023).

⁴⁵⁷ See Dylan Robertson, *Ex-Haiti PM contests Canada's sanctions, but experts say there is little recourse*, TORONTO STAR (Mar. 9, 2023), <https://www.thestar.com/politics/2023/03/09/ex-haiti-pm-contests-canadas-sanctions-but-experts-say-there-is-little-recourse.html>.

⁴⁵⁸ Evan Dyer, *Canada still hasn't seized a single dollar through its Haiti sanctions*, CBC NEWS (Jan. 25, 2023), <https://www.cbc.ca/news/politics/haiti-canada-sanctions-1.6725547>; @moniclesca, TWITTER (May 10, 2023, 7:56 AM), https://twitter.com/moniclesca/status/1656267057946607616?s=51&t=thKHXes_CjCKXbJpVhuQfA (tweet by author and member of the Montana Group Monique Clesca highlighting the hypocrisy of EU ambassador to Haiti Stefano Gatto continuing to dialogue with Henry and two sanctioned individuals: former Prime Minister Jean-Henry Céant and former interim President Jocelerme Privert).

⁴⁵⁹ CARDH, *Kidnapping : Bulletin (#11) Janvier, Février Et Mars 2023* at ¶ 11; *Haiti rights group records three-fold rise in kidnappings for early 2023*, REUTERS (Apr. 5, 2023), <https://www.reuters.com/world/americas/haiti-rights-group-records-three-fold-rise-kidnappings-early-2023-2023-04-05/>; see *supra* note **Error! Bookmark not defined.**

⁴⁶⁰ UNGA, *Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international* at ¶ 8.

⁴⁶¹ UNGA, *Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international* at ¶ 10.

⁴⁶² UNGA, *Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international* at ¶ 8.

⁴⁶³ See Press Release, UN, *As Haiti Slides into Violence, Its People 'Cannot Wait Any Longer' for Assistance, Foreign Minister Tells Security Council* (reporting that Salvador “cited ongoing efforts towards the implementation of the 21 December agreement” as “a critical milestone for the eventual holding of elections that would hopefully usher in a return to democratic governance”); *Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January*.

⁴⁶⁴ *Leadership*, BINUH, <https://binuh.unmissions.org/en/leadership> (last visited Jun. 14, 2023). La Lime replaced Amb. Susan D. Page in 2018, after Page was removed from her position over Haitian government complaints that she publicly supported accountability for perpetrators of the PetroCaribe corruption scheme and the 2017 Grand Ravine massacre (two incidences of impunity widely cited by the international community as needing to be addressed today). See Kira Paulemon, *International Please Ring Hollow in Haiti*, CEPR (Feb. 26, 2020), <https://cepr.net/international-pleas-ring-hollow-in-haiti/>.

⁴⁶⁵ UNSC, Meetings Coverage, *Security Council Extends Mandate of United Nations Integrated Office in Haiti for One Year, Unanimously Adopting Resolution 2645 (2022)* (Jul. 15, 2022), <https://press.un.org/en/2022/sc14973.doc.htm>.