



## Human Rights and the Rule of Law in Haiti: Key Recent Developments December 2021 through May 2022

Since IJDH's last Human Rights and Rule of Law in Haiti update in December 2021,<sup>1</sup> the human rights situation has continued to deteriorate. Increased waves of gang violence further impede all aspects of life, with incidents of mass violence and kidnappings increasing amid continuing allegations of government complicity.<sup>2</sup> Chronic impunity, a driver as well as a consequence of the insecurity crisis, persists, as the de facto government further undermines the judiciary, dismantles accountability mechanisms, and presides over a shrinking of civic space that threatens Haitians' civil and political rights.<sup>3</sup> Millions of Haitians are without adequate food or water.<sup>4</sup> Access to other core human rights such as healthcare, education, and a living wage is extremely and increasingly limited.<sup>5</sup> Unlivable conditions and pervasive insecurity are driving Haitians to emigrate; those who have sought refuge in the United States and other American countries have been subject to mass expulsions under racist,<sup>6</sup> illegal policies that violate their right to seek asylum.<sup>7</sup> Civil society, government officials, and other observers continue to call attention to the de facto government's failure to provide security, ensure basic services, or protect or vindicate the rights of Haitians.<sup>8</sup> Equivalent concerns were raised during Haiti's third Universal Periodic Review (UPR) in January,<sup>9</sup> with the de facto government downplaying some of the challenges the country faces.<sup>10</sup>

Below, this update details (a) violations of rights to life and security of the person; (b) government abuse, including institutionalized violence and corruption; (c) lack of access to justice and chronic impunity; (d) lack of equal protections for socially vulnerable individuals, especially women and girls; (e) the collapse of economic and social rights; and (f) emigration pressures.

These challenges and abuses are first and foremost the legacy of persistent foreign extractive policies and interference – referenced as neocolonial practices throughout the update.<sup>11</sup> The acute crisis Haiti faces now was further directly precipitated by ten years of misrule by the corrupt *Pati Ayisyen Tèt Kale* (PHTK), for which Prime Minister Ariel Henry is a long-standing operative and political heir.<sup>12</sup> As a consequence, none of these challenges can be understood or confronted without also tackling the PHTK-caused governance crisis that has left Haiti without a legitimate government, functioning democratic institutions,<sup>13</sup> or even elected government officials.<sup>14</sup>

The international community, led by the U.S. government, has continued to support Henry after installing him as de facto Prime Minister in July 2021, despite a lack of constitutional and popular support for his rule.<sup>15</sup> Haitians themselves have continued to mobilize for government reform and to protest its misrule, despite omnipresent risks to their lives and severe economic challenges.<sup>16</sup> One example of this mobilization is the “Montana Accord,”<sup>17</sup> a political consensus movement with broad support from civil society and political groups that were historically at odds but came together to put forward a mechanism for government transition and for addressing structural injustices. During the reporting period, the Montana group took concrete steps to actualize that transition.<sup>18</sup> At the same time, the group has faced criticisms for insufficiently including marginalized voices and for undue concessions to the de facto regime.<sup>19</sup>

International support for Henry, especially the U.S. State Department's insistence that any accord include his government, undermines Haitians' self-determination and hobbles civil society initiatives. The support hands Henry an effective veto, reducing his incentives to negotiate in good faith or relinquish power through elections.<sup>20</sup> U.S. support also forces potentially counter-productive power-sharing discussions with the PHTK in spite of its role in causing the present crisis.<sup>21</sup> Diaspora and civil society groups, as well as lawmakers, have been putting pressure on the Biden administration to stop such interference.<sup>22</sup> A path to genuine democracy and reconciliation will also require that Haiti's marginalized majority in fact has a claim on their government: a social compact of rights, protections, and participation that does not currently exist.

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

Haiti's catastrophic insecurity crisis has deepened since IJDH's last human rights update. Gangs remain in control of most of Port-au-Prince and block major arteries for circulation around the country,<sup>23</sup> with some reports describing an effective state of siege in parts of the capital.<sup>24</sup> Mass violence, often as a result of intergang warfare, is prevalent and has resulted in large-scale death and displacement.<sup>25</sup> Gangs continue to use kidnapping as a means of control and a method for acquiring significant funds.<sup>26</sup> The resulting ubiquitous threat of violence is curtailing every aspect of life in Haiti, forcing closures of critical social infrastructure such as hospitals, schools, and courts, and impeding Haitians' access to their most basic rights like food and water.<sup>27</sup> There are increasing reports of child recruitment by gangs, sometimes by force. An important structural driver of Haiti's growing gang numbers is the lack of opportunities for children and youth in poor areas<sup>28</sup> – a consequence of Haiti's stagnating economy and neocolonial failures to invest in education and livelihoods that are further exacerbated by the current crisis.<sup>29</sup> The Henry regime remains unable or unwilling to address insecurity and its consequences.<sup>30</sup> Police lack adequate resources to confront gangs effectively.<sup>31</sup> Regular and credible indications of government collusion with gang members persist.<sup>32</sup> Yet, despite dangerous conditions and the government's own brutal crack-downs on protesters,<sup>33</sup> Haitians continue to advocate for their rights through demonstrations and call on the government to protect their right to life and security.<sup>34</sup>

#### *Violence and displacement driven by gang violence*

- According to Guardians for Human Rights, gangs were responsible for at least 295 civilian deaths in the first quarter of 2022.<sup>35</sup> Port-au-Prince is the epicenter of the violence – at least 250 people were killed in the Ouest department, which includes Port-au-Prince, from January to March,<sup>36</sup> with the National Episcopal Commission for Justice and Peace reporting 112 deaths from violence in Port-au-Prince in February 2022 alone.<sup>37</sup>
- The *400 Mawozo* gang and, to a lesser extent, the *G-9 an Fanmi* gang alliance (**G-9**), dominated accounts of brutal attacks on civilians during the reporting period.<sup>38</sup> A territorial dispute between *400 Mawozo* and G-9 member *Chen Mechan*<sup>39</sup> in Croix-des-Bouquets<sup>40</sup> resulted in intense fighting that lasted for at least two weeks<sup>41</sup> and killed at least 188 people.<sup>42</sup> Gang members employed particularly horrific methods, with survivors reporting decapitations, people set on fire, mutilation, and rape.<sup>43</sup> The gangs also destroyed infrastructure, blocked roads – including key escape routes – and burned houses.<sup>44</sup> The violence displaced over 9,000 residents.<sup>45</sup> Those who were displaced by the violence are now living in makeshift shelters with limited access to humanitarian assistance and are vulnerable to exploitation.<sup>46</sup>
- A report by the National Network for the Defense of Human Rights (**RNDDH**) on the violence revealed that authorities failed to intervene in a timely or effective manner.<sup>47</sup> Residents and advocates pointed to the authorities' delayed response as evidence of the government's failure to respond effectively or even to take the bloodshed seriously.<sup>48</sup>
- The violence in Croix-des-Bouquets is reminiscent of the massacre that took place in Martissant in June 2021, which displaced approximately 19,000 people.<sup>49</sup> Many of those displaced are still

living in makeshift camps today, with limited access to basic necessities and at elevated risk of sexual and other violence.<sup>50</sup> The government's delayed response to the Martissant massacre and the lack of accountability since is yet another example of its failure to prioritize Haitians' rights to life and security.<sup>51</sup>

- Gangs have been increasingly vying for territory as they seek to expand their political influence.<sup>52</sup> Another territorial dispute between armed gang members in Cité Soleil from May 2 to May 5 resulted in at least 20 deaths.<sup>53</sup> Ten others were killed in another territorial dispute in Mariani on March 4.<sup>54</sup>
- Insecurity hangs over the lives of most Haitians, preventing access to basic rights and quality of life.<sup>55</sup> Violence has forced the closure of a number of health centers, impacting Haitians' right to healthcare.<sup>56</sup> This impact is felt disproportionately by women, who are particularly vulnerable to gang violence and already lack access to specialized healthcare.<sup>57</sup> Gangs still maintain effective control over Martissant<sup>58</sup> and have cut off critical access between Port-au-Prince and the south of Haiti,<sup>59</sup> severely impacting the movement of people and critical goods like fuel and food.<sup>60</sup> Civilians have been forced to travel by air or sea to avoid being targeted by gang members on the roads, putting those without the means to do so – i.e. the vast majority of Haitians – at even greater risk or leaving them unable to exercise their rights to freedom of movement.<sup>61</sup> Haitians' rights to food, water, and education are also impacted: UNICEF reported nearly 1,700 school closures in the Port-au-Prince metropolitan area as a result of gang violence in late April,<sup>62</sup> and the Office for the Protection of the Citizen (**OPC**) reported additional closures of hospitals and markets in Croix-des-Bouquets in early May.<sup>63</sup> People who have been internally displaced by violence have even greater difficulty accessing basic necessities like food, water, and shelter.<sup>64</sup>
- Insecurity also plays a significant role in Haiti's economic downturn,<sup>65</sup> as gangs' control of critical transportation routes and infrastructure around Port-au-Prince<sup>66</sup> impedes commerce and freedom of movement.<sup>67</sup>
- Haiti's deteriorating economic landscape is a principal driver of gang violence, as young men and boys without economic opportunities see joining a gang as their only option for survival.<sup>68</sup>
- The Henry regime remains unwilling and unable to address the pervasive violence and its consequences, or to offer meaningful protections to the affected population.<sup>69</sup> Human rights and media reports document the government's collusion with gang members,<sup>70</sup> with the Haitian state allegedly "the largest supplier of weapons and ammunition" to armed gangs.<sup>71</sup> RNDDH executive director Pierre Espérance has specifically accused de facto Prime Minister Henry of maintaining close relations with gang members and even financing them.<sup>72</sup>
- Police remain severely under-resourced, particularly in comparison with Haiti's gangs, leaving them unable to effectively confront gang violence.<sup>73</sup> The spokesperson of the National Union of Haitian Police Officers questioned the ability of the police to respond to gang violence and criticized the government's failure to adequately arm and train officers.<sup>74</sup> Although acting Director-General of the Haitian National Police (**PNH**) Frantz Elbé has claimed significant progress in terms of security over the past six months,<sup>75</sup> Center for Analysis and Research in Human Rights (**CARDH**) reports indicate that the number of kidnappings actually increased during that period.<sup>76</sup> Meanwhile, UN officials cite the PNH's inability to curb the violence as a major hurdle to establishing security in the country.<sup>77</sup>
- The pervasive insecurity has resulted in protests against the government's complicity and failures to protect.<sup>78</sup> In addition to general protests, trade unionists and hospital workers have been demonstrating since March to denounce the government's failure to protect workers from kidnappings and other violence.<sup>79</sup>

#### *Continuing kidnapping epidemic*

- Haiti continues to have the highest rate of kidnappings per capita in the world.<sup>80</sup> CARDH reported 225 kidnappings in the first quarter of 2022 – nearly 100 more than during that same

time period in 2021.<sup>81</sup> In that same update, CARDH reported that there were 1,009 kidnappings in 2021; December had the highest rate, with 166 kidnappings.<sup>82</sup>

- Gangs continue to kidnap civilians from different sectors of the population.<sup>83</sup> For example, within one week in late April and early May gangs kidnapped twelve people, including businessmen, children, government officials, students, and a Dominican embassy official.<sup>84</sup> The kidnappings of several medical professionals triggered hospital closures and strikes by healthcare workers, critically impacting access to healthcare.<sup>85</sup> Kidnappers have increasingly been targeting both private and public transportation, including buses and personal cars, impacting people's freedom of movement.<sup>86</sup> Gangs often demand huge sums of money as ransom, making kidnapping a primary means of income generation that enables further gang activity.<sup>87</sup>
- The vast majority of those being kidnapped are Haitians.<sup>88</sup> International media has nevertheless dedicated a disproportionate amount of attention to kidnappings of foreign citizens.<sup>89</sup>
- The government remains unable and unwilling to curb the kidnapping epidemic,<sup>90</sup> despite continued promises to restore safety.<sup>91</sup> Credible allegations of government complicity in kidnappings persist – for example, in January, three police officers were arrested for involvement in the kidnapping of a man in La Victoire.<sup>92</sup>

#### *Government abuse and failure to protect human rights defenders, including journalists*

- The government continues to fail to protect human rights defenders, including journalists, from threats by gang members,<sup>93</sup> and is itself often complicit in these threats.<sup>94</sup> Several human rights defenders have been forced to flee Haiti as a consequence.
- In February, RNDDH documented death threats by former President Michel Martelly against its Executive Director, Pierre Espérance.<sup>95</sup> Espérance and his colleagues also reported receiving death threats from former director general of the Ministry of the Interior Fednel Monchéry<sup>96</sup> as well as by members of the *Eskwad Demokratik* and *Krache Dife* gangs in March.<sup>97</sup>
- As previously reported, human rights defenders Emmanuela Douyon and Pascale Solages left Haiti for the United States in 2021. Due to persistent threats against them, they remain unable to return to Haiti due to personal risk.<sup>98</sup> Solages and the staff of her feminist organization, *Nègès Mawon*, are still receiving threats, which have paralyzed their work on behalf of women and girls in Haiti. Solages is also having to relocate her family. Police have failed to help. These experiences are representative of the risks facing human rights defenders. In combination with government failures to protect its citizens, the result is a continued shrinking of civic space in Haiti and severe impediments to human rights protections and advancement.
- Freedom of the press in Haiti remains in jeopardy.<sup>99</sup> In May, the Committee to Protect Journalists and the Inter-American Press Association both called Haiti the most dangerous country for journalists in the Western Hemisphere.<sup>100</sup>
- On January 6, 2022, gang members brutally killed two journalists, John Wesley Amady and Wilguens Louissaint, who were investigating the murder of a PNH divisional inspector by armed men.<sup>101</sup> Wilmann Vil, a journalist and the only survivor of the massacre that killed Amady and Louissaint, was forced to flee Haiti due to threats against his life.<sup>102</sup> This is yet another example of the Henry regime's inability or unwillingness to protect human rights defenders and an illustration of how insecurity is choking off Haitian freedoms of expression and access to critical public information. The government is also sometimes directly responsible: police officers killed a third journalist, Maxiben Lazzarre, on February 23 while he was covering a garment workers protest in Port-au-Prince.<sup>103</sup>
- Gangs also target judicial actors, including lawyers and judges<sup>104</sup> – at least seven lawyers were kidnapped by armed gangs in February 2022 alone,<sup>105</sup> and judges are subject to persistent threats and intimidation.<sup>106</sup> The government's consistent failure to protect judicial actors from threats and violence has contributed profoundly to the dysfunction of the justice sector.<sup>107</sup>

- Impunity has persisted for individuals who attack and threaten human rights defenders, with no known progress in the investigations into the deaths of several prominent human rights activists and journalists, including Diego Charles, Antoinette Duclaire, and Vladimir Legagneur.<sup>108</sup>

### **Government misconduct, including institutionalized violence and corruption**

Government corruption at the highest level remains a mainstay of de facto Prime Minister Henry's regime, which has continued the PHTK trend of using access to power to extract resources from Haitians.<sup>109</sup> The de facto government, which lacks a constitutional mandate to govern,<sup>110</sup> has continued to violate Haitians' rights by impeding democratic processes. As discussed above, the government fundamentally fails to protect citizens from violence and insecurity, instead sometimes using the police as weapons and colluding with gangs to suppress dissent and consolidate power.<sup>111</sup> Anti-government protests have consistently been met with police brutality and excessive force, leaving civilians with nowhere to turn for protection.<sup>112</sup>

- Henry, whose de facto government is operating in the absence of institutions needed for democratic governance, has continued his campaign, begun in October 2021, to reestablish the Provisional Electoral College (**CEP**) – which he dismantled in September 2021<sup>113</sup> – even though the above-described conditions on the ground make it impossible to hold elections that are free, fair, credible, and safe.<sup>114</sup> Meanwhile, he has impeded democratic progress by repeatedly refusing to engage with civil society and the Haitian Senate to work toward a solution to the political crisis.<sup>115</sup>
- Particularly notable examples of the government abuse that pervades Henry's administration are the allegations of his own involvement in the assassination of former President Jovenel Moïse and his efforts to impede the investigation (see further below), all left without adequate response.<sup>116</sup>
- High-ranking government officials continue to be involved in credible allegations of corruption and embezzlement. Two former directors general of the National Telecommunications Council, Léon Jean Marie Guillaume and Jean Marie Altéma, are being investigated for embezzling funds in the early 2010s from the Free and Compulsory Universal Schooling Program, (**PSUGO**) which subsidizes school fees for first and second graders.<sup>117</sup> Former Presidents Michel Martelly and Jocelerme Privert are currently being sued in U.S. federal court for their involvement in a separate PSUGO embezzlement scheme.<sup>118</sup> A scandal of theft and embezzlement has embroiled the National Identification Office under the Henry government.<sup>119</sup>
- Two Haitian consulates in the United States were audited this year following allegations that embassy and consulate employees embezzled millions of dollars in passport fees.<sup>120</sup>
- As discussed above, there are numerous allegations of the government funding and arming gang members.<sup>121</sup> Observers on the ground likewise report on collusion between gangs and Haiti's business elite – who hold significant political power. Meanwhile, investigations into the assassination of former President Moïse brought to light the long-time involvement of Justice Minister Berto Dorcé, former President Michel Martelly, and prominent businessman Charles Saint-Rémy with drug trafficking in Haiti.<sup>122</sup>
- Police continued to use excessive force against civilians, particularly in the context of anti-government demonstrations, using tear gas, throwing rocks, and shooting at protesters.<sup>123</sup> General insecurity and the government's failure to protect protesters makes it extremely difficult for Haitians to exercise their civil rights; police brutality and government repression of protesters has further shrunk that civic space.

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

The Henry administration has continued dismantling Haiti's judiciary and accountability mechanisms, rendering the judiciary unable to provide justice, accountability, and due process of law to Haitians.<sup>124</sup> Such executive interference, along with corruption, has resulted in persistent impunity for grave human rights violations and violent crimes,<sup>125</sup> which is in turn a driver of insecurity – and thus further disruptions

to governance. The failures of the Moïse investigation, particularly in light of credible allegations of complicity by government officials, including Henry himself, are a salient illustration.<sup>126</sup> Addressing these challenges is fundamentally dependent on re-establishing a legitimate, democratic government committed to safeguarding Haitians' rights.

*Justice sector dysfunction and denial of due process*

- Courts are barely functioning. Haiti's highest court has lacked a quorum since February, with only three judges out of the mandated twelve currently on the bench.<sup>127</sup> Meanwhile, going to court has become so dangerous due to general insecurity that in one tribunal, no cases were heard for months.<sup>128</sup> In March, the Port-au-Prince Bar Association asked the government to relocate the Port-au-Prince courthouse to a safer location after several attacks in the area over the last few years, including the murder of a bailiff by armed men in 2019.<sup>129</sup> Judicial personnel, including lawyers, clerks, and judges, have expressed repeated concerns for their safety given the general insecurity in Port-au-Prince and have criticized the Henry regime's failure to protect them.<sup>130</sup>
- Henry's renewal of 58 judicial mandates on March 18 was met with concern from judicial actors and human rights organizations that the renewals were extra-constitutional.<sup>131</sup>
- Theft of evidence from courthouses and other government offices continues to be a serious, unaddressed problem. Items were stolen from the offices of at least five investigating judges and six deputy government commissioners on May 10.<sup>132</sup> This comes less than one month after the Senate – located in the same area – was robbed by unidentified individuals, who stole weapons, computers, documents, and other items.<sup>133</sup>
- The Haitian government continues to starve the judiciary of badly needed resources. An RNDDH study, first published in October 2021<sup>134</sup> and updated in April 2022, revealed that the judiciary is chronically under-resourced, with over 77 percent of courts lacking basic necessities for proper functioning, including electricity, toilets, computers, and other critical equipment.<sup>135</sup>
- The functioning of the justice sector is further impeded by regular strikes as clerks demand better working conditions and increased salaries and benefits.<sup>136</sup> Clerks called for a strike on April 12 to protest discrimination, inadequate wages, lack of benefits, and unsafe working conditions<sup>137</sup> and as of May 31, clerks across the country remained out indefinitely.<sup>138</sup>
- High rates of prolonged pretrial detention remain a serious violation of human rights arising out of Haiti's dysfunctional judiciary.<sup>139</sup> Police arrest more individuals than the judiciary can process, while the politicization of the judiciary means that some cases are processed while others languish.<sup>140</sup> In its response to recommendations offered during Haiti's January UPR, the de facto government claimed that it has taken steps to improve pretrial detention rates,<sup>141</sup> but reports indicate that at least 85 percent of the prison population is in pretrial detention,<sup>142</sup> the real number is likely even higher.<sup>143</sup>
- Conditions of detention likewise remain deplorable and far below minimum human rights standards. Haiti's prisons remain severely overcrowded.<sup>144</sup> Detainees lack access to food, sanitation, and healthcare, resulting in malnutrition and the spread of disease.<sup>145</sup> In recent weeks, the food crisis has intensified, with detainees reporting that they had not been given food or let out of their cells for 72 hours.<sup>146</sup> In an April 14 letter to the Director of the Prison Administration, RNDDH reported that detainees in the prison received food only once per day and were kept in their cells all day without access to a shower, in violation of their rights under Haiti's Internal Regulation of Prisons, and that the prison itself was not supplied with electricity.<sup>147</sup> RNDDH also reported that the Croix-des-Bouquets prison is severely understaffed and under-resourced,<sup>148</sup> making it easier for illicit weapons and drugs to enter the prison and increasing detainees' vulnerability to violence.<sup>149</sup> Human rights organizations are concerned that the horrific conditions will lead to a prison revolt.<sup>150</sup>

### *Impunity for human rights abuses and other crimes*

- Haiti's chronic impunity is largely driven by lack of political will to investigate cases and a politicized judiciary.<sup>151</sup> Prosecutorial dysfunction also plays a role, with offices operating "in complete and total disorder," according to RNDDH's Rosy Auguste Ducena.<sup>152</sup>
- The murders of several human rights defenders and journalists remain unsolved. There has been no progress in the cases of journalist Diego Charles and human rights activist Antoinette Duclaire, who were murdered by armed men in July 2021.<sup>153</sup> The disappearance of Vladimir Legagneur likewise remains unsolved four years on.<sup>154</sup>
- Now nearly five years later, there likewise has been virtually no accountability for the 2018 La Saline massacre,<sup>155</sup> despite calls from Haitians<sup>156</sup> and the international community<sup>157</sup> for justice. Accountability for the other 17 massacres that occurred from 2018 to 2021<sup>158</sup> remains equally lacking. The government's failure to respond adequately to this year's massacres in Croix-des-Bouquets suggests a concerning continuation of this trend.<sup>159</sup>
- Impunity also persists for Haitian government officials involved in the PetroCaribe corruption scandal,<sup>160</sup> who embezzled over \$2 billion – originally intended for social spending – from Venezuela's PetroCaribe project from 2008 to 2016.<sup>161</sup>
- The lawyers of the Port-au-Prince Bar continue to demand justice for Monferrier Dorval, the former president of the Port-au-Prince Bar Association who was assassinated in August 2020.<sup>162</sup> The investigation, like many others, has been impeded by evidentiary theft and instances of judicial intimidation.<sup>163</sup> As of the time of writing, the Central Directorate of the Judicial Police (**DCPJ**) has failed to appoint a new judge after the previous one retired due to threats to his safety, and the investigation is on hold.<sup>164</sup>
- The lack of progress in the investigation into the July 2021 assassination of former President Jovenel Moïse is emblematic of the chronic impunity for perpetrators of all forms of human rights abuses and other crimes in Haiti.<sup>165</sup>
  - Several high-level officials have been implicated in the assassination, including de facto Prime Minister Henry.<sup>166</sup> In August 2021, the top prosecutor, Bed-Ford Claude, released an official report revealing connections between Henry and a top suspect in the case and requested that Henry appear for questioning.<sup>167</sup> Several days later, Henry dismissed Claude from office.<sup>168</sup> The allegations were echoed by Judge Orélien, who had been overseeing the investigation in 2021.<sup>169</sup> Other implicated officials include former President Michel Martelly, Henry's Justice Minister Berto Dorcé<sup>170</sup> – both close allies of Henry<sup>171</sup> – and former Haitian Supreme Court judge Wendelle Coq-Thelot.<sup>172</sup>
  - Although more than 40 individuals have been arrested,<sup>173</sup> these arrests, and the investigation in Haiti,<sup>174</sup> have gone nowhere.<sup>175</sup> The investigation was on hold from April 25 until May 31 because the government failed to renew the mandate of the last investigating judge, Merlan Belabre, which expired on April 25,<sup>176</sup> and did not appoint a new judge, Judge Walter Wesser Voltaire, until May 31.<sup>177</sup> This is reflective of the complete lack of political will to investigate the assassination, with top officials, including de facto Prime Minister Henry, accused of obstructing the investigation by multiple law enforcement officials in Haiti.<sup>178</sup>
  - Allegations of corruption by former investigating Judge Garry Orélien and the administration, as well as evidentiary theft and mismanagement,<sup>179</sup> have further impeded the investigation.<sup>180</sup> The government has also fundamentally failed to protect judicial actors involved in the investigation from threats<sup>181</sup> – two previous investigating judges withdrew from the case citing security concerns.<sup>182</sup> RNDDH also reported that approximately thirty DCPJ investigators assigned to the case have left Haiti since 2021, citing persecution.<sup>183</sup>
  - Both the assassination and the subsequent lack of accountability as outlined above embody and result from the combination of factors described in this report, and are

critical to understanding how government corruption and interference is working in this space.

### **Lack of equal rights and protections for socially vulnerable individuals, especially women and girls**

Vulnerable individuals, particularly women and girls, continue to be marginalized in all aspects of life in Haiti.<sup>184</sup> The government has failed to ensure women's participation in political and public life, particularly as decision-makers; and women and girls remain extremely disadvantaged with respect to their economic, social, and political rights.<sup>185</sup> The government has consistently failed to prioritize women's safety, including through legislative reform and the provision of legal and social resources.<sup>186</sup> As a result, women are disproportionately impacted by Haiti's intersecting crises, and are increasingly fleeing Haiti alone, with one activist referring to the phenomenon as the "feminization of migration."<sup>187</sup> Gender-based violence (GBV)<sup>1</sup> remains pervasive, and perpetrators operate with virtual impunity.<sup>188</sup> The practice of using children – mostly girls – as domestic workers known as "restavèks," persists, increasing their vulnerability to sexual and other forms of abuse and rights violations.<sup>189</sup> Individuals with other intersecting identities subject to social disadvantage, including people with disabilities<sup>190</sup> and LGBTQIA+<sup>191</sup> individuals, are also particularly vulnerable to Haiti's security, political, and economic crises. Despite these challenges, women and other marginalized groups in Haiti continue to emphasize the importance of women's leadership and the need for inclusive engagement and solidarity around these issues.<sup>192</sup>

- Despite efforts by some political groups, including the Commission for a Haitian Solution to the Crisis<sup>193</sup> and a new political party called "En Avant"<sup>194</sup> to prioritize gender parity in the political sphere,<sup>195</sup> women's participation remains abysmally low<sup>196</sup> – far below the 30 percent quota mandated by the Haitian Constitution.<sup>197</sup> They are also systematically excluded from decisions around Haiti's development, despite offering critical perspectives in navigating Haiti's intersecting crises.<sup>198</sup>
- Women face higher levels of poverty than men and lack equal access to education and formal work opportunities, deepening the gender divide in the long-term.<sup>199</sup> Rural women are particularly impacted.<sup>200</sup>
- Women's unequal status in society<sup>201</sup> and restricted legal rights<sup>202</sup> make them especially vulnerable to GBV.<sup>203</sup> Chronic underreporting – largely due to social stigma and lack of recourse<sup>204</sup> – makes it difficult to quantify GBV incidence. In January 2022, Global Protection Cluster reported that there were an average of 75 victims of sexual and GBV per month between June and November 2021.<sup>205</sup> The most recent national survey, in October 2020, found that more than one in three women have suffered intimate partner violence and 29 percent of women and teenage girls are survivors of physical violence.<sup>206</sup> Rural and poor women are especially at risk, with human rights observers citing poverty as one of the key factors leading to sexual and gender-based abuse.<sup>207</sup> The actual rates of GBV are almost certainly higher than those reported.
- Gangs target women and girls for special violence.<sup>208</sup> According to a February 2022 report by the United Nations Integrated Office in Haiti (BINUH), gangs use "sexual violence, rape and sexual slavery...to terrorize and assert control over the local population."<sup>209</sup> Women who are internally displaced due to gang violence are particularly at risk of sexual abuse and exploitation.<sup>210</sup>
- Police and judicial actors are failing in their duty to protect women and girls.<sup>211</sup> Lawyers from human rights organization *Bureau des Avocats Internationaux*<sup>212</sup> reported that judicial response to GBV reports has declined,<sup>213</sup> and that bribery and stigma were common occurrences, with judges often blaming the victims.<sup>214</sup>

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<sup>1</sup> The UN defines GBV as "harmful acts directed at an individual based on their gender," and notes that GBV "is rooted in gender inequality, the abuse of power and harmful norms." *Gender-based Violence*, UN REFUGEE AGENCY, <https://www.unhcr.org/en-us/gender-based-violence.html> (last visited Jun. 4, 2022).



- Medical and social support resources for women are severely lacking, with only a few select health centers offering specialized care for survivors of sexual and GBV.<sup>215</sup> Numerous hospital closures – including a maternity clinic – due to insecurity and fuel shortages have further limited women’s access to health and trauma-related care.<sup>216</sup> The closure of the Doctors Without Borders (MSF) facility in Cité Soleil<sup>217</sup> also affected women’s access to legal resources – lawyers from BAI reported that survivors are referred to them from organizations such as MSF.<sup>218</sup>
- Maternal mortality rates in Haiti are the highest in the Western hemisphere.<sup>219</sup> Reproductive care remains extremely difficult to access,<sup>220</sup> largely due to the government’s chronic failure to invest resources into maternal and reproductive care, and what the UN called a “severe midwifery workforce shortage.”<sup>221</sup> Security further impacts access.<sup>222</sup> Haiti continues to maintain a complete ban on abortions.<sup>223</sup> Pregnant Haitian women in the Dominican Republic, many of whom are undocumented and therefore at risk of arbitrary arrest and expulsion, are disproportionately at risk – Haitian women represented 56 percent of maternal deaths in the Dominican Republic in 2022, despite accounting for only 30.8 percent of total births.<sup>224</sup>
- A report by IJDH, Nègès Mawon and the Global Justice Clinic (GJC) at New York University School of Law outlines how the climate crisis disproportionately impacts women in Haiti due to their unequal status in society, their reliance on small-scale farming, and their exclusion from resilience and recovery planning and responses despite being a powerful resource.<sup>225</sup> Climate change and natural disasters also increase women’s susceptibility to gender-based violence – women and girls who are displaced or whose livelihoods are destroyed by natural disasters are exponentially more vulnerable to domestic violence and sexual abuse and exploitation.<sup>226</sup> Another report by *Solidarite Fanm Aysisyèn* (Haitian Women’s Solidarity), GJC, and IJDH found that government land-grabs – for example, the expropriation of farming land for the creation of free trade zones – also disproportionately impacted women, depriving them of their livelihoods and contributing to both their economic marginalization and their vulnerability to the impacts of climate change.<sup>227</sup>

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

The social and economic landscape has seen some of the most significant decline since our last update. Cost of living has skyrocketed,<sup>228</sup> complicating already-limited access to food and water<sup>229</sup> and spurring protest movements across Haiti.<sup>230</sup> The healthcare and education sectors continue to face massive problems due to under-resourcing and insecurity.<sup>231</sup> Haiti also remains vulnerable to natural disasters and extreme weather patterns,<sup>232</sup> to which the government has failed to adequately respond or prepare for.<sup>233</sup> Concerns about the quality of international aid and the humanitarian response also persist, with Haitians calling for more autonomy and involvement in decision-making.<sup>234</sup> The UN Sustainable Development Solutions Network found that Haiti was the seventh unhappiest country in the world, largely based on an evaluation of the socioeconomic landscape.<sup>235</sup>

#### *Economy in decline*

- Inflation, which was at 15.94 percent in 2021, has increased sharply to 25.49 percent so far in 2022.<sup>236</sup> The gourde has depreciated 13 percent since our last update.<sup>237</sup> The rise of consumer prices in the global market has compounded the issue.<sup>238</sup> Everyday consumer products – including staples like rice,<sup>239</sup> flour,<sup>240</sup> sugar,<sup>241</sup> powdered milk, and cooking oil – have become unaffordable for many.<sup>242</sup> This has had a profound impact on Haitians, whose wages have not increased to meet the rising cost of living.<sup>243</sup> The National Food Security Coordination warns that prices may increase further over the summer.<sup>244</sup>
- Russia’s invasion of Ukraine is also negatively impacting the price of basic goods, such as oil, propane, and food.<sup>245</sup> CARDH stresses that the global fuel crisis will likely cause a second economic shock in Haiti.<sup>246</sup>

- Insecurity has had a profound impact on the Haitian economy, with protracted incidents of violence halting virtually all economic activity for days or weeks at a time.<sup>247</sup> Gangs' control of critical fuel infrastructure, compounded by the government's failure to settle its massive debts with oil companies, has prolonged Haiti's fuel shortage and impacts the movement of goods throughout Haiti and critical services and infrastructure.<sup>248</sup>
- The lack of economic opportunities for young people is a principal structural driver both of gang violence – as gangs recruit young men and boys with no economic alternatives<sup>249</sup> – and emigration.<sup>250</sup>

#### *Workers' rights violations*

- The *Conseil Supérieur des Salaires* (Superior Council on Wages), the entity in charge of annually analyzing the socioeconomic situation in Haiti and revising the minimum wage accordingly, has not increased the minimum wage since July 2019, despite the rising costs of living.<sup>251</sup> At the beginning of 2022, the minimum wage was just USD \$4.50 per eight-hour workday,<sup>252</sup> by contrast, the most recent estimate of the living wage for garment workers in Haiti, conducted by Solidarity Center in April 2019, put the living wage at approximately USD \$15.50 per day.<sup>253</sup> After months of protests by workers calling for an increase in wages to approximately USD \$13 per eight-hour work day,<sup>254</sup> on February 21 the government finally granted garment workers a 37 percent wage increase – still less than half what protesters were demanding, and nowhere near a living wage.<sup>255</sup> Workers have been protesting again since May.<sup>256</sup>
- Protesters were met with retaliation from employers, who fired unionists,<sup>257</sup> and brutal repression from police, who fired tear gas, threw rocks, and even shot at demonstrators – further violating workers' rights to unionize and protest.<sup>258</sup>
- The international community bears much responsibility for these rights violations. For example, the Caracol Industrial Park, where the wage protests began,<sup>259</sup> was conceived and funded by the United States and the Inter-American Development Bank.<sup>260</sup> Many of the factories that are perpetrating workers' rights abuses are either owned by or supply foreign companies – 62 U.S. companies have their clothing manufactured in Haiti, in factories that have been shown year after year to be non-compliant with international labor standards.<sup>261</sup>

#### *Access to water*

- According to International Action for Human Rights, Haiti is the worst country in the Caribbean for access to water.<sup>262</sup> Some 3.3 million Haitians do not have access to drinking water,<sup>263</sup> with advocacy groups warning of an impending water crisis in Haiti.<sup>264</sup>
- Haiti's weakened democracy – particularly the government's inability to provide basic services<sup>265</sup> – and failures in the international community's approach to aid are largely to blame for the crisis. For example, the gang violence in Croix-des-Bouquets in April and May, which was exacerbated by the government's failure to respond effectively,<sup>266</sup> complicated access to drinking water by interrupting access for treated water plants and home deliveries.<sup>267</sup> The UN's failure to fulfil its promise to improve water, sanitation, and health infrastructure after UN peacekeepers introduced cholera to Haiti in 2010<sup>268</sup> – particularly egregious in light of its legal obligation to provide reparations to victims of the outbreak – has compounded the problem and is a striking example of how the international community has failed Haiti.<sup>269</sup>
- The lack of access to water has severe consequences for Haitians. Working-class Haitians are particularly impacted, with residents in the southern city of Jérémie – parts of which have been without drinking water for three years – accusing the National Directorate of Drinking Water of discrimination against people from working-class neighborhoods.<sup>270</sup> Farmers have lost livestock and crops to drought,<sup>271</sup> and Haitians' vulnerability to waterborne diseases has increased.<sup>272</sup>

### *Access to food*

- Haiti is among the world's worst ten hunger crises.<sup>273</sup> According to the World Food Programme, 4.5 million Haitians – nearly half the population – are food insecure.<sup>274</sup> The overall number is expected to increase to 4.6 million by June 2022, with 1.3 million facing extreme food insecurity.<sup>275</sup> UNICEF reported that in 2021, more than 325,000 Haitian children suffer from malnutrition.<sup>276</sup>
- The current acute food crisis is a direct result of inflation, rising prices of food and fuel, and the increasing intensity of extreme weather events, which destroy crops and kill livestock.<sup>277</sup> The war in Ukraine has had a further profound impact on global food security, including in Haiti, which imports at least 70 percent of its goods.<sup>278</sup> In recent years, the Haitian government has exacerbated the crisis by expropriating land used for subsistence farming and giving it to companies for the production of export goods.<sup>279</sup>
- Haiti's chronic food insecurity, however, is largely a result of decades of irresponsible foreign lending that decimated Haiti's food sovereignty.<sup>280</sup> In response, Haitians continue to call for international accountability and greater investment into subsistence farming to reinvigorate the agricultural sector.<sup>281</sup> Anse Rouge, a commune in the Artibonite department whose residents rely primarily on subsistence farming, is a particularly salient example of how urgently the government and the international community needs to prioritize investment into agriculture and small-holder farming – it is one of the areas most impacted by food insecurity, and its residents are fleeing or dying.<sup>282</sup>

### *Access to healthcare*

- Several hospitals have been forced to close due to gang violence, including two in Port-au-Prince<sup>283</sup> and the MSF facility in Cité Soleil.<sup>284</sup> As a result, MSF head of mission Thierry Goffeau noted, “access [to healthcare] will be drastically reduced while the needs are only increasing.”<sup>285</sup> MSF took in over 15,000 trauma cases alone in 2021 – a clear indication of the dire need for medical care and improved investment into the health sector.<sup>286</sup> Women's access to healthcare has been particularly impacted by the closures: both hospitals that closed in May provide critical reproductive health services, and a maternity clinic in Haiti's southern region was forced to close for a week in January after gang members stole its generator, without which it could not treat pregnant women and newborns.<sup>287</sup>
- Hospitals in Haiti remained chronically under-resourced, largely due to the government's failure to prioritize healthcare spending.<sup>288</sup> Sanitary conditions in hospitals have deteriorated, with patients forced to pay for access to latex gloves and other supplies.<sup>289</sup> Reports indicate that beds at the hospital of the State University of Haiti in Port-au-Prince have holes in them and are filled with bedbugs, and patients often resort to using plastic bags in the absence of toilets.<sup>290</sup>
- Medical personnel have been striking on and off since February to protest insecurity<sup>291</sup> and to demand better working conditions and increased wages.<sup>292</sup> The strikes have impacted Haitians' access to healthcare,<sup>293</sup> already difficult due to the insecurity that prevents many people from leaving their homes to seek medical attention.<sup>294</sup>
- Haiti and the rest of the Caribbean continue to be vulnerable to COVID-19,<sup>295</sup> with healthcare professionals expressing concern about the physical and mental toll of the pandemic on Haitians.<sup>296</sup> Haiti has the worst vaccination rate in the Caribbean and Latin America,<sup>297</sup> as of March 10, 2022, less than two percent of the population was vaccinated.<sup>298</sup> The impact of the COVID-19 crisis has been magnified by Haiti's pre-existing institutional deficiencies, including the political crisis, earned mistrust of the government, and the government's failure to invest in the healthcare system.<sup>299</sup>

### *Access to education*

- The government has failed to invest sufficient resources into rebuilding the education sector in Haiti's South after the August 2021 earthquake.<sup>300</sup> More than 300,000 children in Haiti are still unable to go to school because the buildings were destroyed in the earthquake and have yet to be rebuilt.<sup>301</sup>
- Insecurity has made access to education incredibly difficult for many – approximately 500,000 children currently lack access to education as a result of gang violence.<sup>302</sup> In May, the Ministry of National Education and Professional Training reported 772 schools closed in Croix-des-Bouquets, 446 in Tabarre, 274 in Cité Soleil, and 200 across Martissant, Fontamara, Centre-Ville, and Bas-Delmas due to violence.<sup>303</sup> Meanwhile, university students have resorted to sleeping at school to avoid having to commute through gang-controlled areas.<sup>304</sup>
- Public schools in the Northeast of Haiti are nearly dysfunctional, largely due to lack of government investment.<sup>305</sup> Schools operate under deplorable conditions, with classes taking place in sheds and teachers routinely receiving only one month's salary every three months.<sup>306</sup> Private schools, meanwhile, continue to operate, further driving inequality and deepening the divide between those who can afford to pay exorbitant private school fees and those who cannot.<sup>307</sup>

### **Emigration pressures**

- Haiti's ongoing political, economic, and security crises, fueled by the Haitian government's inability to provide services and address gang violence, continue to force Haitians to seek security elsewhere.<sup>308</sup> Haitians have increasingly resorted to making the dangerous journey over sea,<sup>309</sup> since October 2021, the U.S. Coast Guard has intercepted approximately 4,500 Haitian migrants at sea.<sup>310</sup>
- Haitian migrants who make it to places of hoped-for safety continue to be subject to mass expulsions<sup>311</sup> and racist policies,<sup>312</sup> with over 27,000 Haitian migrants returned to Haiti since January 2021.<sup>313</sup> Many of those being expelled from countries like the United States originally emigrated to Brazil or Chile, but were forced to seek refuge elsewhere in recent years by racism and severe economic downturns, exacerbated by the inability to obtain immigration documents and work permits.<sup>314</sup>
- Most expulsions from the United States – which is responsible for about 80 percent of Haitian migrant returns<sup>315</sup> – have been conducted pursuant to the racist, illegal Title 42 policy,<sup>316</sup> which experts deem “a clear violation” of Haitians' right to seek asylum.<sup>317</sup>
- The Dominican army continues to employ cruel measures to intercept Haitian individuals at their border,<sup>318</sup> including building a border fence.<sup>319</sup> The Dominican army has also continued targeting undocumented pregnant Haitian women – between November 2021 and January 2022, 200-300 pregnant Haitians were chased, arrested, and expelled from the Dominican Republic.<sup>320</sup>
- Haitians are being returned to a “humanitarian nightmare.”<sup>321</sup> Returnees are further particularly vulnerable to violence and extortion as they often lack social or familial support networks, and are explicitly targeted because gang members believe that their friends or family abroad are able to pay a significant ransom.<sup>322</sup> Humanitarian observers reported that returnees who are flown into Port-au-Prince are especially at risk because of the proximity of the airport to gang-controlled areas such as Tabarre, Croix-des-Bouquets, La Plaine and Croix-des-Missions. As a result, recent surveys indicate that most returnees are likely to flee Haiti again.<sup>323</sup>
- Women are increasingly fleeing Haiti alone,<sup>324</sup> and face additional risks at every step. During the journey, they are vulnerable to sexual assault from smugglers.<sup>325</sup> After they are deported to Haiti, women and girls are disproportionately in need of specialized trauma services, which are extremely difficult to access.<sup>326</sup>

## Failure of the international community to respect the rights of Haitians

The international community bears significant responsibility for the challenges described in this update.<sup>327</sup> Foreign intervention in Haiti's governance<sup>328</sup> and aid policies that failed to respect the rights of Haitians<sup>329</sup> forced Haiti into a neocolonial cycle of debt and aid dependence and laid the foundations for the current crisis.<sup>330</sup> An especially egregious example, which recent reporting concludes cost Haiti between USD \$21 billion and USD \$115 billion in growth and social investment, was an immense "debt" forcefully imposed by France for the freedom Haitians won from enslavement and colonialism.<sup>331</sup>

When foreign assistance is provided in collaboration with Haitians and in a manner that is accountable, transparent and sustainable, foreign engagement can be a positive – but the presumption of knowing better than Haitians is not. The extent to which past aid has reflected a deeply flawed approach is evident in how little it has accomplished: despite USD \$13 billion of foreign aid since 2010,<sup>332</sup> many Haitians affected by the 2010 earthquake still lack permanent, safe housing.<sup>333</sup> Another striking illustration of ongoing international interference disguised as good intentions is the persistent support for de facto Prime Minister Henry and the PHTK regime from the United States and the broader international community.<sup>334</sup> Haitians and their allies are not asking for the international community to endorse any particular party or initiative or to oppose one; rather, they ask external actors to stop trying to direct Haiti's political transition and instead to center Haitian majority perspectives in dialogues about Haiti's future.<sup>335</sup> At the same time, proposed solutions that focus on security in isolation from governance do not consider the complexity of and cannot hope to solve Haiti's intersecting crises.<sup>336</sup> The international community should therefore be very careful about how it chooses to assist and ensure that it does so in a way that centers Haitian rights, civil society perspectives, and best practices.

Two recent pieces of U.S. legislation offer some hope of a shift towards a rights-based framework. The 2022 U.S. Appropriations Act,<sup>337</sup> which emphasizes the need for either genuinely free and fair elections or the installation of a broadly representative transitional government, is an important reflection of bipartisan Congressional opinion that the Biden administration needs to stop propping up the de facto Henry government. A report on the Moïse investigation required by the Appropriations Act, due on June 13, will be a good litmus test.<sup>338</sup> The inclusion on April 1 of Haiti as a partner country in the U.S. Global Fragility Act<sup>339</sup> – which emphasizes participatory political solutions and the promotion of local perspectives over external pressure – is another important opportunity for the Biden administration to end neocolonialist policies.<sup>340</sup>

Finally, the international community, whose extractive and interventionist policies are at the root of so many of Haiti's challenges, must itself accept responsibility for violations of Haitians' human rights and take steps to ensure redress for victims. The UN has an obligation to take responsibility and provide redress for harms perpetrated by UN peacekeepers, including the 2010 cholera outbreak<sup>341</sup> and sexual exploitation and abuse of women and girls.<sup>342</sup> France likewise has an obligation to pay Haiti restitution for the immense and illegal debt it imposed at Haiti's hard-won independence.<sup>343</sup> BINUH, whose mandate expires on July 15, 2022 and is currently undergoing review,<sup>344</sup> has persisted in supporting de facto Prime Minister Henry, even as it refuses to criticize his regime's rampant repression and corruption.<sup>345</sup> The renewal of BINUH's mandate will only be helpful to Haitians if the mission lives up to its own human rights obligations and is run by human rights professionals insulated from political pressure by the U.S. government and Henry regime.<sup>346</sup> As the UN mechanism tasked with supporting human rights in Haiti, BINUH should adopt a rights-based approach that sees Haitians as rights-holders rather than charity cases. In doing so, it should seriously engage with the UN's – and the broader international community's – lack of accountability for the harms it has perpetrated on Haitians.

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<sup>1</sup> Institute for Justice and Democracy in Haiti (IJDH), Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2021 (2021), <http://www.ijdh.org/wp-content/uploads/2021/12/IJDH-Human-Rights-Update-November-2021.pdf> (hereinafter **IJDH December 2021 Update**); see also Institute for Justice and Democracy in Haiti (IJDH), Human Rights and Rule of Law in Haiti: Key Recent Developments

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

<sup>2</sup> See, e.g., *Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, HUMAN RIGHTS WATCH, (Mar. 24, 2022), <https://www.hrw.org/news/2022/03/24/haitians-being-returned-country-chaos> (reporting that “Haiti is experiencing a dire security situation, including loss of government control over strategic areas to the hands of dangerous armed gangs, widely believed to be financed by politicians and to have police officers on their payroll”); *What Is Behind the Rise in Gang Activity in Haiti?*, The Dialogue (May 17, 2022) (concluding that “the current Ariel Henry interim regime has only emboldened gangs into quasi-politicized networks – more extortion and even less governance”); see *infra* section *Violations of the rights to life and security of the person*.

<sup>3</sup> See e.g., *Lawyers fed up with paralyzed judicial system in Haiti*, FRANCE24 (Apr. 9, 2022), <https://www.france24.com/en/live-news/20220409-lawyers-fed-up-with-paralyzed-judicial-system-in-haiti>; Emmanuel Marino Bruno, *Justice: Nouvelle mise en garde contre toute tentative de nomination incostitutionnelle et illégale de juges à la Cour de Cassation en Haïti*, ALTERPRESSE (Apr. 27, 2022), <https://www.alterpresse.org/spip.php?article28234>; *What Is Behind the Rise in Gang Activity in Haiti?*, *supra* note 2 (concluding that “[i]f impunity continues to thrive, the justice system is still corrupt and there are no economic opportunities for young people, gangs will continue to flourish in Haiti”); see *infra* section *Lack of access to justice and chronic impunity*.

<sup>4</sup> See e.g., IPC, HAITI: Integrated Food Security Phase Classification Snapshot | March - June 2022 (2022), <https://reliefweb.int/report/haiti/haiti-integrated-food-security-phase-classification-snapshot-march-june-2022-projection>; UNICEF warns that 3.3 million Haitians have no access to safe drinking water, Radio HC (Dec. 29, 2021), <https://www.radiohc.cu/en/noticias/internacionales/281230-unicef-warns-that-33-million-haitians-have-no-access-to-safe-drinking-water>; see *infra* sections *Access to water* and *Access to food*.

<sup>5</sup> See generally Global Protection Cluster, *Protection Analysis Update: Gang-controlled areas of Port-au-Prince*, (Feb. 2022), [https://www.globalprotectioncluster.org/wp-content/uploads/Haiti\\_Protection-Analysis-Update\\_February-2022-1.pdf](https://www.globalprotectioncluster.org/wp-content/uploads/Haiti_Protection-Analysis-Update_February-2022-1.pdf); see *infra* section *Collapse of economic and social rights*.

<sup>6</sup> The disparate treatment at the United States’ southern border of white Ukrainian refugees – who immediately received Temporary Protected Status and were exempt from deportations – and Black Haitian refugees – who have been subject to mass deportations and rounded up on horseback – is a salient example. See Elizabeth Sweet, *The U.S. is trying to do right by Ukrainian refugees. What about Afghans? Haitians?*, WBUR (Apr. 12, 2022), <https://www.wbur.org/cognoscenti/2022/04/12/ukraine-refugee-crisis-title-42-elizabeth-sweet>; Alexandra Hunter, *U.S. Criticized for Welcoming Ukrainians as Haitians Face Deportation*, NEWSWEEK (Mar. 24, 2022) <https://www.newsweek.com/us-criticized-welcoming-ukrainians-haitians-face-deportation-1691620>.

<sup>7</sup> See Jacqueline Charles & Gérard Maxineau, *Coast Guard Returned to Haiti Most of the 356 Haitians Who Arrived in Keys this Week*, MIAMI HERALD (Mar. 11, 2022), <https://www.miamiherald.com/news/nation-world/americas/haiti/article259307034.html>; Duncan Tucker & Taisha Saintil, *Haiti, The US must stop deportations and abuse against Haitians*, AMNESTY INTERNATIONAL (Dec. 15, 2021) <https://www.amnesty.org/en/latest/news/2021/12/haiti-us-must-stop-deportations-abuse-against-haitians/>; Refugees International, *Pushed into the Shadows: Mexico’s Reception of Haitian Migrants* (2022), <https://www.refugeesinternational.org/reports/2022/4/25/pushed-into-the-shadows-mexicos-reception-of-haitian-migrants>; Carvens Adelson, *Avec Joe Biden, la deportation massive des Haïtiens continue*, AYIBOPOST (May 1, 2022) <https://ayibopost.com/photos-avec-joe-biden-la-deportation-massive-des-haitiens-continue/>. In a meeting with stakeholders on January 26, U.S. Assistant Secretary of State for Western Hemisphere Affairs Brian Nichols acknowledged the State Department’s travel advisory to U.S. citizens, urging them not to travel to Haiti due to pervasive gang violence and insecurity, even as he defended the continued expulsions of Haitian asylum-seekers. *Way Forward in Haiti Meeting with Assistant Secretary of State Brian Nichols*, FAITH IN ACTION (Jan. 26, 2022), [https://faithinaction.zoom.us/rec/play/13X7rPD-B6AiseK4KQz7PzjCZTuN0VHDx\\_QciGD9UhOr9UVv2DlcDmyvHJbhXK5kAM0Tu4eWzwN9vw4.eJ2yOBIXji](https://faithinaction.zoom.us/rec/play/13X7rPD-B6AiseK4KQz7PzjCZTuN0VHDx_QciGD9UhOr9UVv2DlcDmyvHJbhXK5kAM0Tu4eWzwN9vw4.eJ2yOBIXji)

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<sup>8</sup> See Francklyn B Geffard, *La FJKL plaide pour le respect systématique des droits des femmes Haïtiennes*, RHINEWS (Mar. 8, 2022), <https://www.rhinews.com/actualites/la-fjkl-plaide-pour-le-respect-systematique-des-droits-des-femmes-haitiennes/>; Francklyn B Geffard, *L'UNNOH appelle à l'action collective des secteurs progressistes pour stopper les dérives d'Ariel Henry*, RHINEWS (Mar. 21, 2022), <https://www.rhinews.com/actualites/lunnoh-appelle-a-laction-collective-des-secteurs-progressistes-pour-stopper-les-derives-de-dr-ariel-henry/>; Ritzamarum Zetrénne, « *Le Premier ministre Ariel Henry mène le pays au bord du précipice* » dixit Joseph Lambert, LE NOUVELLISTE (Apr. 4, 2022), <https://lenouvelliste.com/article/235010/le-premier-ministre-ariel-henry-mene-le-pays-au-bord-du-precipice-dixit-joseph-lambert> (reporting that, according to Joseph Lambert, president of Haiti's senate, "Prime Minister Henry is leading the country to the edge of the precipice"); see *infra* section *Collapse of economic and social rights*.

<sup>9</sup> See UN General Assembly (UNGA), Report of the Working Group on the Universal Periodic Review: Haiti, A/HRC/50/15 (Mar. 30, 2022), <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F15&Language=E&DeviceType=Desktop&LangRequested=False>; see also U.S. Department of State, 2021 Country Reports on Human Rights Practices: Haiti (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/haiti/>; Human Rights Watch, Haiti Events of 2021 (2022), <https://www.hrw.org/world-report/2022/country-chapters/haiti>.

<sup>10</sup> See Webinar: *Haiti's Latest Universal Periodic Review & the Human Rights Situation in Haiti*, IJDH (Feb. 9, 2022), [http://www.ijdh.org/ijdh\\_events/webinar-haitis-latest-universal-periodic-review-the-human-rights-situation-in-haiti/](http://www.ijdh.org/ijdh_events/webinar-haitis-latest-universal-periodic-review-the-human-rights-situation-in-haiti/).

<sup>11</sup> See generally Catherine Porter et al., *The Ransom, The Root of Haiti's Misery: Reparations to Enslavers*, NY TIMES (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>; see also Jenée Osterheldt, *We should all celebrate Haitian Flag Day*, BOSTON GLOBE (May 17, 2022), <https://www.bostonglobe.com/2022/05/17/metro/we-should-all-celebrate-haitian-flag-day/#:~:text=We%20should%20all%20celebrate%20Haitian%20Flag%20Day..slave%20revolt%2C%E2%80%9D%20Louijeune%20said> (concluding that "America worked hard to disempower Haiti and put them in poverty.... In 2022, America is still struggling to do right by Haiti in lasting and meaningful ways"); Onz Chéry, *Activists: We're fed up with international calls for Haitian-led political accord*, HAITIAN TIMES (Apr. 29, 2022), <https://haitiantimes.com/2022/04/29/activists-were-fed-up-with-international-calls-for-haitian-led-political-accord/>; Vladimir Predvil, *Insecurity and high cost of living in Haiti: trade unionists announce two days of strike*, LE NATIONAL (May 5, 2022), [https://lenational.org/post\\_article.php?pol=2224](https://lenational.org/post_article.php?pol=2224); Francklyn B Geffard, *L'UNNOH rend le Core Group et le gouvernement en place responsable des violences meurtrières dans la région métropolitaine*, RHINEWS (May 6, 2022), <https://www.rhinews.com/actualites/lunnoh-rend-le-core-group-et-le-gouvernement-en-place-responsable-des-violences-meurtrieres-dans-la-region-metropolitaine/>; Sandra C. Wisner, *Starved for Justice: International Complicity in Systematic Violations of the Right to Food in Haiti* (2022), <https://blogs.law.columbia.edu/hrlr/files/2022/05/Wisner-Ready-to-Publish.pdf>; 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>; see *infra* section *Failure of the international community to respect the rights of Haitians*.

<sup>12</sup> See Fried, *supra* note 11 (describing Henry as "a key official in previous PHTK governments"); HFAC Members Briefing with Ambassador Daniel L. Foote, House Foreign Affairs Committee (Oct. 7, 2021), <https://foreignaffairs.house.gov/2021/10/hfac-members-briefing-with-ambassador-daniel-l-foote> (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").

<sup>13</sup> See Brian Concannon, *Biden must stop propping up the old guard in Haiti*, Responsible Statecraft (Nov. 12, 2021), <https://responsiblestatecraft.org/2021/11/12/how-biden-can-support-democracy-in-haiti/>; Fried, *supra* note 11, (reporting that Henry "Henry has presided over the continued dismantling of Haiti's democratic structures" since being installed by the U.S.-led Core Group in July).

<sup>14</sup> Haiti's Senate has been reduced to one-third of its capacity; there is no electoral council; the Supreme Court is currently nonfunctional; de facto Prime Minister Henry himself was installed unconstitutionally; and many of his appointed officials, including judges, were either appointed extra-constitutionally or as part of an effort to consolidate his own power. See *The Senate of Haiti meets, for Lambert the PM is de facto*, HAITI LIBRE (Jan. 11, 2022) <https://www.haitilibre.com/en/news-35685-haiti-politic-the-senate-of-haiti-meets-for-lambert-the-pm-is-de-facto-speech.html>; *Haiti's Outgoing Senate Chief to Continue Holding Sessions as Term Expires*, U.S. NEWS &

WORLD REPORT (Jan. 10, 2022), <https://www.usnews.com/news/world/articles/2022-01-10/haitis-outgoing-senate-chief-to-continue-holding-sessions-as-term-expires>; Evens Sanon, *Haiti's Senate reconvenes after 1 year amid instability*, ABC NEWS (Jan. 10, 2022), <https://abcnews.go.com/International/wireStory/haitis-senate-reconvenes-year-amid-instability-82183514>; Francklyn B Geffrard, *Paraison décline l'invitation du gouvernement à participer à la formation d'un nouveau CEP*, RHINEWS (Feb. 6, 2022), <https://www.rhinews.com/actualites/edwin-paraison-decline-linvitation-du-gouvernement-a-participer-a-la-formation-dun-nouveau-cep/>; Monique Clesca, *Haiti's Fight for Democracy, Why the Country Must Rebuild Before It Votes*, FOREIGN AFFAIRS (Feb. 1, 2022), <https://www.foreignaffairs.com/articles/haiti/2022-02-01/haitis-fight-democracy> (concluding that “[u]ntil it is safe enough for people to vote freely and democratic institutions are strengthened, Haiti would only be going through the motions of democracy, rather than putting in place a government elected by the people...With only ten democratically elected officials in the entire country and in the presence of a near-total constitutional void, someone needs to decide when and how elections will happen and who will oversee them.”); Concannon, *supra* note 13 (reporting in November that “[t]here is no electoral council, the judiciary has been cowed by illegal arrests and firings of judges, and government anti-corruption agencies were neutralized”); *see also infra* sections *Government misconduct, including institutionalized violence and corruption and Lack of access to justice and chronic impunity*.

<sup>15</sup> *See generally* Fried, *supra* note 11; *see also* *Communiqué du Core Group*, BUREAU INTÉGRÉ DES NATIONS UNIES EN HAÏTI (BINUH) (July 17, 2021), <https://binuh.unmissions.org/fr/communiqu%C3%A9-du-core-group-4> (the Core group – composed of ambassadors from Germany, Brazil, Canada, Spain, the United States, France, the European Union, the Organization of American States, and the UN – effectively installed Ariel Henry as Prime Minister through a press release after the assassination of Jovenel Moïse in July 2021); IJDH December 2021 Update, *supra* note 1; 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>; *Canada announces \$50.4 million in support for Haiti*, Government of Canada (Jan. 21, 2022), <https://www.canada.ca/en/global-affairs/news/2022/01/canada-announces-504-million-in-support-for-haiti.html> (the Canadian government held a high-level briefing on Haiti on January 21, 2022, in which it dialogued with Henry and pledged support for his government).

<sup>16</sup> *See* Onz Chéry, *On 35<sup>th</sup> anniversary of Haiti's constitution, marches planned to demand change*, HAITIAN TIMES (Mar. 29, 2022), <https://haitiantimes.com/2022/03/29/on-35th-anniversary-of-haitis-constitution-marches-planned-to-demand-change/>; *Protests over Labour Rights, Insecurity and Political Crisis in Haiti*, MONITOR (Apr. 4, 2022), <https://monitor.civicus.org/updates/2022/04/04/protests-over-labour-rights-insecurity-and-political-crisis-haiti/>.

<sup>17</sup> The Montana Accord – named for the hotel in Port-au-Prince where the idea was conceived – is a political agreement that establishes a broadly representative National Transitional Council and five-seat Presidential College, which on January 30 elected a President and Prime Minister. *See* Gessika Thomas & Brian Ellsworth, *Leader of Haitian advocacy group urges two-year transition government*, REUTERS (Feb. 4, 2022), <https://www.reuters.com/world/americas/leader-haitian-advocacy-group-urges-two-year-transition-government-2022-02-04/>; Cliff Coulanges & Liz Tillias, *A Haitian-led Solution Moves Forward*, HAITI WATCH (Dec. 14, 2021), <https://www.haitiwatch.org/home/haitian-led-solution-moves-forward/>; Fried, *supra* note 11.

<sup>18</sup> On January 31, the Montana Accord's National Transitional Council elected a President and Prime Minister to lead the country through the transition. *See* Elsy Fors Garzon, *Economist Fritz Jean elected interim president of Haiti*, PRENZA LATINA, (Jan. 31, 2022), <https://www.plenglish.com/news/2022/01/31/economist-fritz-jean-elected-interim-president-of-haiti/>; Sam Bojarski & Onz Chéry, *Montana group names transitional leadership for Haiti, with Fritz Jean as president*, HAITIAN TIMES (Jan. 31, 2022), <https://haitiantimes.com/2022/01/31/montana-group-names-transitional-leadership-for-haiti-with-fritz-jean-as-president/>; Fried, *supra* note 11; *see also* Robenson Geffrard, *Défection dans les rangs de l'accord de la Primature*, LE NOUVELLISTE (Apr. 12, 2022), <https://lenouvelliste.com/article/235178/defection-dans-les-rangs-de-laccord-de-la-primature> (reporting that Henry's own political agreement are distancing themselves from him, some in favor of the Montana Accord).

<sup>19</sup> *See US Hands Off Haiti's Democracy – A unified advocacy campaign for Haiti – April 21- May 18, 2022*, HAITI RESPONSE (Apr. 2022) <https://www.haitiresponse.org/hands-off>.

<sup>20</sup> *See* Francklyn B Geffrard, *Daniel Foote : « Ariel Henry doit démissionner immédiatement s'il veut du bien pour son pays et faciliter une sortie de crise en Haïti »*, RHINEWS (Mar. 21, 2022), <https://www.rhinews.com/actualites/daniel-foote-ariel-henry-doit-demissionner-immEDIATEMENT-sil-veut-du-bien-pour-son-pays-et-faciliter-une-sortie-de- crise-en-haiti/> (former U.S. Special Envoy to Haiti Daniel Foote “again insisted that the Biden administration withdraw its support for the de facto government of Dr. Ariel Henry, which he said had done nothing to seek a broad consensus with the various sectors present to solve the crisis, pointing out that the situation has worsened further in the last eight months”); Fried, *supra* note 11 (U.S. support “effectively hands



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Henry and the PHTK a veto over any transitional agreement or government, allowing them to make unreasonable demands that would upset the Accord's balance, with the assurance that civil society must satisfy them or risk the United States scuttling the process"); Valéry Daudier, *Sylvie Tabesse : « Croyez-vous que si les gens voulaient vraiment se parler, trouver une solution, ils n'auraient pas pu le faire »*, LE NOUVELLISTE (May 10, 2022), <https://lenouvelliste.com/article/235702/sylvie-tabesse-croyez-vous-que-si-les-gens-voulaient-vraiment-se-parler-trouver-une-solution-ils-nauraient-pas-pu-le-faire> (EU Ambassador to Haiti Sylvie Tabesse notes the lack of political will by Henry to resolve the crisis); Robenson Geffrard, *Joseph Lambert demande à la population de prendre note du refus d'Ariel Henry de dialoguer*, LE NOUVELLISTE (Mar. 18, 2022), <https://lenouvelliste.com/article/234761/joseph-lambert-demande-a-la-population-de-prendre-note-du-refus-dariel-henry-de-dialoguer> (Joseph Lambert, president of Haiti's Senate, criticizes Henry's refusal to engage with opposition groups to resolve the political impasse).

<sup>21</sup> Evidence of this comes from the decision of Fanmi Lavalas to suspend participation in Accord activities, and of MOLEGHAF to withdraw from the Accord. See Kim Ives, *MOLEGHAF se retire de l'accord de Montana*, LES MANCHETTES (May 18, 2022), <https://haitiliberte.com/moleghaf-se-retire-de-laccord-de-montana/>; *Fanmi Lavalas withdraws from the National Transition Committee of the Montana Agreement*, HAITI LIBRE (Jan. 30, 2021), <https://www.haitilibre.com/en/news-35838-haiti-politic-famni-lavalas-withdraws-from-the-national-transition-committee-of-the-montana-agreement.html>.

<sup>22</sup> See Fried, *supra* note 11; Clesca, *Haiti's Fight for Democracy, Why the Country Must Rebuild Before It Votes*, *supra* note 14; Monique Clesca, *My Group Can Save Haiti, Biden Is Standing in Our Way*, NY TIMES (Dec. 1, 2021), <https://www.nytimes.com/2021/12/01/opinion/haiti-commission-government.html>; Chéry, *supra* note 11; Haiti Response, *supra* note 19; Maria Abi-Habib & Natalie Kitroeff, *Haiti Opposition Group Calls on U.S. to End Support for Current Government*, NY TIMES (Feb. 6, 2022), <https://www.nytimes.com/2022/02/06/world/americas/haiti-opposition-group-montana-accord.html>; Brian Ellsworth, *Seven U.S. members of Congress call on Biden to withdraw support for Haiti's Henry*, REUTERS (Mar. 17, 2022), <https://www.reuters.com/world/americas/seven-us-members-congress-call-biden-withdraw-support-haitis-henry-2022-03-17/>; Francklyn B Geffrard, *Sheila Cherfilus McCormick insiste pour que l'administration Biden retire son soutien au Dr. Ariel Henry*, RHINEWS (Mar. 20, 2022), <https://www.rhinews.com/actualites/sheila-cherfilus-mccormick-insiste-pour-que-ladministration-biden-retire-son-soutien-au-dr-ariel-henry/>; Geffrard, *Daniel Foote : « Ariel Henry doit démissionner immédiatement s'il veut du bien pour son pays et faciliter une sortie de crise en Haïti »*, *supra* note 20; Francklyn B Geffrard, *Andy Levin : « L'Accord de Montana est la bonne décision pour Haïti »*, RHINEWS, (Apr. 17, 2022), <https://www.rhinews.com/actualites/andy-levin-laccord-de-montana-est-la-bonne-decision-pour-haiti/>.

<sup>23</sup> See, e.g., *Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, *supra* note 2; Global Protection Cluster, *supra* note 5 (reporting that “[a]ccording to local analysts, gangs control territories which account for more than 3.5 million potential electors”).

<sup>24</sup> Jacqueline Charles, *Chaos, gang violence erupt again in Haiti. Even human rights advocates are targets*, MIAMI HERALD (Apr. 27, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article260775917.html>; see also Renata Segura, *Haiti's State of Paralysis: How to Break the Deadly Relationship Between Politics and Crime*, FOREIGN AFFAIRS (Apr. 20, 2022), <https://www.foreignaffairs.com/articles/haiti/2022-04-20/haitis-state-paralysis> (reporting that “it is everyday insecurity that most Haitians see as their top concern.... Rampant kidnappings have reshaped daily life.”); UNGA, Report of the Working Group on the Universal Periodic Review: Haiti, *supra* note 9 (eleven out of 47 member states of the Human Rights Council (HRC) issued recommendations during Haiti's third UPR in January that the government take urgent steps to address insecurity); Evens Sanon & Dánica Coto, *Gangs strangle Haiti's capital as deaths, kidnappings soar*, ABC NEWS (May 22, 2022), <https://abcnews.go.com/International/wireStory/gangs-strangle-haitis-capital-deaths-kidnappings-soar-84892283>. At least some observers on the ground point out that gangs have a complicated – and not always negative – relationship with the communities in which they operate, sometimes advocating or providing for them in the absence of government services. They also note that reporting on gangs often fails to consider these nuances and misses important context, instead blankly criminalizing gangs and consequently ignoring opportunities for reintegration and reconciliation.

<sup>25</sup> United Nations Security Council (UNSC), United Nations Integrated Office in Haiti: Report of the Secretary-General, S/2022/117 (Feb.15, 2022), [https://binuh.unmissions.org/sites/default/files/binuh\\_report\\_of\\_the\\_un\\_sg\\_-\\_15\\_february\\_2022.pdf](https://binuh.unmissions.org/sites/default/files/binuh_report_of_the_un_sg_-_15_february_2022.pdf) (reporting “a rise in both kidnappings for ransom and intentional homicide”); National Network for the Defense of Human Rights (RNDDH), *Violent Clashes Between armed gangs: RNDDH demands*

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protection of the Haitian Population (2022), <https://web.rnddh.org/wp-content/uploads/2022/05/6-Rap-Plaine-du-Cul-de-Sac-10Mai2022-ENG.pdf>.

<sup>26</sup> See Center for Analysis and Research in Human Rights (CARDH), Kidnapping Bulletin #7 (March 30, 2022), <https://cardh.org/archives/3678>.

<sup>27</sup> See UN agencies warn of ‘unabated’ rise in hunger, UN NEWS (Mar. 22, 2022), <https://news.un.org/en/story/2022/03/1114422>; Jacqueline Charles, *Doctors Without Borders forced to suspend Haiti medical care again due to gang violence*, MIAMI HERALD (Apr. 2, 2022) <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article260043540.html>; *Gang Violence Leaves Haiti’s Health System in Hardship*, TELESUR (May 13, 2022), <https://www.telesurenglish.net/news/Gang-Violence-Leaves-Haitis-Health-System-in-Hardship-20220513-0026.html> (quoting Doctors Without Borders as stating that “Recurrent and widespread violence is crippling Port-au-Prince’s healthcare system. Distressed medical facilities are overburdened by the needs of a large number of injured patients, with less capacity to treat other new and existing patients.”); Melissa Beralus, *La Guerre des gangs menace la disponibilité de l’eau à Port-au-Prince*, AYIBO POST (May 12, 2022), <https://ayibopost.com/la-guerre-des-gangs-menace-la-disponibilite-de-leau-a-port-au-prince/>; Global Protection Cluster, *supra* note 5, at 7; Press Release, UNICEF, *Haiti: Gang violence pushes half a million children out of the classroom in Port-au-Prince*, (May 5, 2022), <https://www.unicef.org/lac/en/press-releases/haiti-gang-violence-pushes-half-a-million-children-out-classroom-in-port-au-prince>.

<sup>28</sup> See UN raises concern over Haitian gangs’ recruitment of children, AL JAZEERA (May 4, 2022), <https://www.aljazeera.com/news/2022/5/4/un-raises-concern-over-haitian-gangs-recruitment-of-children>; UNICEF, *supra* note 27 (“UNICEF has received credible information that children who are at risk of dropping out of school are reportedly recruited by gangs and paid weekly wages.”); Jacques Kolo, *Enrôlement de garçons dans des groupes de gangs à Port-au-Prince*, RHINEWS, (Apr. 27, 2022), <https://www.rhinews.com/actualites/enrolement-de-garconnets-dans-des-groupes-de-gangs-a-port-au-prince-2/>. Haitians’ dissatisfaction with their quality of life and lack of opportunities is evidenced by Haiti’s status as the seventh unhappiest country in the world. See *Haiti - Social: Haiti in the TOP 10 of the least happy countries in the world*, HAITI LIBRE (Mar. 20, 2022), <https://www.haitilibre.com/en/news-36223-haiti-social-haiti-in-the-top-10-of-the-least-happy-countries-in-the-world.html> (the UN Sustainable Development Solutions Network evaluated countries’ happiness based on their “1. Gross Domestic Product (GDP) per capita; 2. Healthy life expectancy; 3. Social support (individual and collective); 4. The freedom to make life choices; 5. The generosity of individuals; 6. Levels of internal and external corruption; 7. Positive affect in a person’s life; 8. Negative affect in a person’s life.”).

<sup>29</sup> See Wisner, *Starved for Justice*, *supra* note 11.

<sup>30</sup> See e.g., Francklyn B Geffrard, « *La population doit se soulever contre ceux qui alimentent les gangs armés pour mettre fin à l’insécurité* », selon Pierre Espérance, RHINEWS, (Apr. 27, 2022), <https://www.rhinews.com/actualites/la-population-doit-se-soulever-contre-ceux-qui-alimentent-les-gangs-armes-pour-mettre-fin-a-linsecurite-selon-pierre-esperance/>; Joe Parkin Daniels, *‘Incredible Cruelty’: gang battles leave 150 dead in Haitian capital*, GUARDIAN (May 13, 2022), <https://www.theguardian.com/global-development/2022/may/13/haiti-gang-battles-dead-wounded-displaced>.

<sup>31</sup> Global Protection Cluster, *supra* note 5, at 7 (reporting that “generally under-resourced and unremunerated, police officers and magistrates have also been widely accused of corruption”).

<sup>32</sup> See, e.g., *Haitians Being Returned to a Country in Chaos*, *supra* note 23 (reporting that gangs are “widely believed to be financed by politicians and to have police officers on their payroll”); RNDDH, *supra* note 25 (concluding that “successive state authorities...supply arms and ammunition to armed gangs, and they practice and promote smuggling to facilitate the entry of illegal weapons into the national territory”); *Haiti-Justice : Le Rnddh indexe des proches d’Ariel Henry dans la libération de membres du gang 400 Mawozo arrêtés par la police*, ALTERPRESSE (Mar. 21, 2022) <https://www.alterpresse.org/spip.php?article28106> (reporting that according to RNDDH executive director Pierre Espérance, “[m]embers of the cabinet of de facto Prime Minister Ariel Henry are reportedly involved in the release of members of the 400 Mawozo armed gang”); see also IJDH December 2021 Update, *supra* note 1 (IJDH’s previous update in December 2021 also reported prevalent government collusion with gang members).

<sup>33</sup> See, e.g., Ralph Tedy Erol & Gessika Thomas, *Haiti police open fire on demonstrators, one journalist killed*, REUTERS (Feb. 23, 2022) <https://www.reuters.com/world/americas/haiti-police-open-fire-demonstrators-one-journalist-killed-2022-02-23/>; Press Release, RNDDH, *Revendication de revision du salaire minimum : le RNDDH appuie la classe ouvrière et condamne les brutalités policières* (Feb. 21, 2022), <https://web.rnddh.org/wp-content/uploads/2022/02/1-CP-Manifestations-salaire-minimum-FR-21Fev2022-1.pdf>.

<sup>34</sup> See, e.g., *Protests over Labour Rights, Insecurity and Political Crisis in Haiti*, *supra* note 16.

<sup>35</sup> Marie Farah Fortuné, *Criminalité : Une bonne partie du territoire d'Haïti sous l'emprise des gangs armés. 295 personnes, dont 250 à Port-au-Prince, mortes de violences, de Janvier à mars 2022 en Haïti*, ALTERPRESSE (Apr. 25, 2022), <https://www.alterpresse.org/spip.php?article28230>; see also RNDDH, Systematic violation of human rights in Haiti: RNDDH urges the state to recognize the seriousness of the situation (2022), <https://web.rnddh.org/wp-content/uploads/2022/02/3-Rap-Droit-Humains-EPU-et-Janvier-2022-03Fev2022-ENG.pdf> (reporting that at least 50 people, including five police officers and two journalists, were murdered in January 2021).

<sup>36</sup> Fortuné, *supra* note 35.

<sup>37</sup> Marie Farah Fortuné, *Haïti-Criminalité : 112 personnes tuées dans des actes de violences, en un mois à Port-au-Prince*, ALTERPRESSE (Mar. 14, 2022), <https://www.alterpresse.org/spip.php?article28082>.

<sup>38</sup> 400 Mawozo controls large parts of Port-au-Prince and was also responsible for the majority of kidnappings in 2021. See *De Yonyon à Lanmò Sanjou, l'histoire du célèbre et puissant gang des « 400 Mawozo » retracée par le RNDDH*, REZO NODWES (May 12, 2022), <https://rezonodwes.com/?p=277896>; Daniels, 'Incredible Cruelty', *supra* note 30. The G-9 an Fanmi (G9 and Family) is a criminal federation of nine gangs that was founded in June 2020. See IJDH December 2021 Update, *supra* note 1 (discussing G-9's criminal activities in 2021).

<sup>39</sup> See RNDDH, *supra* note 25, at ¶¶ 1, 23 (reporting that *Chen Mechan* joined G-9 in 2020).

<sup>40</sup> Croix-des-Bouquets is a commune approximately eight miles northeast of Port-au-Prince, which "is highly strategic for the gangs because it allows control of road access to the northern half of the country as well as between the Haitian capital and the Dominican Republic." See *Haiti - FLASH: At least 20 civilians killed in gang fighting zones*, HAITI LIBRE (Apr. 28, 2022), <https://www.haitilibre.com/en/news-36528-haiti-flash-at-least-20-civilians-killed-in-gang-fighting-zones.html>.

<sup>41</sup> Intense fighting began on April 24 and continued until at least May 7 and as late to May 16. See Press Release, Doctors Without Borders, *Haiti: A wave of violence strikes Port-au-Prince: 96 people with gunshot wounds received by MSF* (May 12, 2022), <https://www.doctorswithoutborders.org/latest/haiti-wave-violence-strikes-port-au-prince> (Doctors without Borders (MSF) reporting that fighting lasted until May 7); Press Release, OHCHR, *Haiti: Bachelet deeply disturbed by human rights impact of deteriorating security situation in Port-au-Prince* (May 17, 2022), <https://www.ohchr.org/en/press-releases/2022/05/haiti-bachelet-deeply-disturbed-human-rights-impact-deteriorating-security> (the UN High Commissioner for Human Rights reported that the violence lasted until May 16).

<sup>42</sup> See OCHA, *Haiti: Violence in the Port-au-Prince metropolitan area, Situation Report #3, As of 26 May 2022* (May 30, 2022), <https://reliefweb.int/report/haiti/haiti-violence-port-au-prince-metropolitan-area-situation-report-3-26-may-2022>. Earlier reports indicated approximately 150 deaths. See RNDDH, *supra* note 25; Daniels, 'Incredible Cruelty', *supra* note 30.

<sup>43</sup> See Melissa Belarus, *Ils ont « coupé la tête d'un de mes voisins », témoigne une victime de la violence des gangs*, AYIBO POST (Apr. 28, 2022), <https://ayibopost.com/ils-ont-coupe-la-tete-dun-de-mes-voisins-temoigne-une-victime-de-la-violence-des-gangs/>; *Haïti-Criminalité : De nombreuses familles aux abois dans la Plaine du Cul-de-sac assiégée par des gangs armés*, ALTERPRESSE (May 2, 2022), <https://www.alterpresse.org/spip.php?article28253>; Gessika Thomas & Brian Ellsworth, *Haiti gangs raped women, burned people alive during turf wars -rights group*, REUTERS (May 11, 2022) <https://www.reuters.com/world/americas/haiti-gangs-raped-women-burned-people-alive-during-turf-wars-rights-group-2022-05-11/>; RNDDH, *supra* note 25, at ¶¶ 46, 51; Daniels, 'Incredible Cruelty', *supra* note 30 ("During a bloody fortnight of battle, gang members raped women and girls and burned people alive....In one neighbourhood, gangs killed 47 people before burning 17 of the bodies and burying the rest in mass graves."); OHCHR, *supra* note 41 ("Extreme violence has been reported, including beheadings, chopping and burning of bodies, and the killing of minors accused of being informants for a rival gang. Sexual violence, including gang rape of children as young as 10, has also been used by armed gang members to terrorize and punish people living in areas controlled by rival gangs.").

<sup>44</sup> See Robenson Geffrard & Jean Junior R. Célestin, *Le gang « 400 Mawozo » se replie, mais la violence continue*, LE NOUVELLISTE (May 5, 2022), <https://lenouvelliste.com/article/235600/le-gang-400-mawozo-se-replie-mais-la-violence-continue>; *Haiti-Violence: At least 20 civilians killed in 3 days in clashes between gangs, including 8 from the same family*, ALTERPRESSE (Apr. 28, 2022), <https://www.alterpresse.org/spip.php?article28241>.

<sup>45</sup> *Haïti : l'inquiétude monte chez les déplacés, de plus en plus nombreux dû aux gangs*, RFI (May 6, 2022), <https://www.rfi.fr/fr/am%C3%A9riques/20220506-ha%C3%Afti-l-inqui%C3%A9tude-monte-chez-les-d%C3%A9plac%C3%A9s-de-plus-en-plus-nombreux-%C3%A0-cause-des-gangs?ref=tw>; *June 2022 Monthly Forecast*, SECURITY COUNCIL REPORT (May 31, 2022), <https://www.securitycouncilreport.org/monthly-forecast/2022-06/haiti-16.php>.

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<sup>46</sup> See Daniels, *'Incredible Cruelty'*, *supra* note 30.

<sup>47</sup> RNDDH, *supra* note 25, at ¶ 48.

<sup>48</sup> See *Guerre des gangs : 11 mois à Martissant, 11 jours en Plaine du Cul-de-Sac*, LE NOUVELLISTE (May 3, 2022), <https://lenouvelliste.com/article/235536/guerre-des-gangs-11-mois-a-martissant-11-jours-en-plaine-du-cul-de-sac> (discussing the government's delayed response to violence in both Croix-des-Bouquets in April and May 2022 and in Martissant in June 2021, which residents said "prove[s] the authorities' inability to respond, giving gangs control over citizens' lives"). Criticism followed de facto Prime Minister Henry's silence on the violence suffered by civilians in Croix-des-Bouquets, even as he condemned gang violence in Havana, Cuba. See Amélie Baron, TWITTER (May 8, 2022), <https://twitter.com/Ameliebaron/status/1523289830515691521>.

<sup>49</sup> See IJDH December 2021 Update, *supra* note 1; IJDH June 2021 Update, *supra* note 1; Security Council Report, *Haiti: Meeting under "Any Other Business,"* (May 16, 2022), <https://www.securitycouncilreport.org/whatsinblue/2022/05/haiti-meeting-under-any-other-business.php?>

<sup>50</sup> Kri Fanm Ayiti, *Situation des personnes déplacées de Martissant/Fontamara au centre sportif de Carrefour* (Jan. 2022) (on file with author).

<sup>51</sup> See *Guerre des gangs : 11 mois à Martissant, 11 jours en Plaine du Cul-de-Sac*, *supra* note 48; Geffrard, « *La population doit se soulever contre ceux qui alimentent les gangs armés pour mettre fin à l'insécurité* », selon Pierre Espérance, *supra* note 30 (RNDDH's Pierre Espérance called the gang war in Croix-des-Bouquets "the repetition of what has been happening for almost a year in Martissant").

<sup>52</sup> See Daniels, *'Incredible Cruelty'*, *supra* note 30; BINUH, *Statement of Special Representative Helen La Lime*, Security Council Session (Feb. 18, 2022), <https://binuh.unmissions.org/en/security-council-session-United-nations-integrated-office-haiti-binuh-18-february-2022> (UN Special Representative Helen La Lime called gangs' "indiscriminate use of abduction, murder, as well as sexual and gender-based violence as a means to terrorize local populations in the fight to extend their territorial control...particularly abhorrent.").

<sup>53</sup> *Haiti - Territory war in Cité Soleil, at least 20 dead and 40 injured*, HAITI LIBRE (May 8, 2022), <https://www.haitilibre.com/en/news-36608-haiti-territory-war-in-cite-soleil-at-least-20-dead-and-40-injured.html>; *Haitian families flee homes as violence flares in Port-au-Prince*, REUTERS (May 2, 2022), <https://www.reuters.com/world/americas/haitian-families-flee-homes-violence-flares-port-au-prince-2022-05-03/>; *Haiti kidnapping: Diplomat Carlos Guillén 'safe and sound'*, BBC (May 4, 2022), <https://www.bbc.com/news/world-latin-america-61315533> (reporting that the clashes were between 400 *Mawozo* and *Chen Mechan*).

<sup>54</sup> *Dix morts à Mariani, dont un policier, lors d'une attaque de gangs pour contrôler la zone*, LE NOUVELLISTE (Mar. 7, 2022), <https://lenouvelliste.com/article/234555/dix-morts-a-mariani-dont-un-policier-lors-dune-attaque-de-gangs-pour-contrôler-la-zone> (reporting that six civilians, one police officer, and three bandits were killed in the exchange of fire between the armed groups and the police).

<sup>55</sup> See *Haiti-Droits humains : « Un enfer sous le joug des gangs armés »*, selon le Binuh, ALTERPRESSE (Dec. 10, 2021), <https://www.alterpresse.org/spip.php?article27752>; BINUH, *Statement of Special Representative Helen La Lime*, *supra* note 52; Press Release, OHCHR, *Haiti: Bachelet deeply disturbed by human rights impact of deteriorating security situation in Port-au-Prince*, *supra* note 41 (the UN High Commissioner for Human Rights noted that "[g]ang violence has had a severe impact on the most basic human rights of people. Dozens of schools, medical centres, businesses and markets remain closed, and many people are struggling to find basic products including food, water and medicines").

<sup>56</sup> See *NOTICE: Bernard Mevs Hospital closes its doors*, ICI HAITI (May 20, 2022), <https://www.icihaiti.com/en/news-36706-icihaiti-notice-bernard-mevs-hospital-closes-its-doors.html> (reporting that Bernard Mevs Hospital, one of the main hospitals in Haiti, closed from May 19 to 21 to protest the kidnapping of pediatrician Benetty Augustin on May 5, saying "[w]e are tired of being preyed on by kidnappers, while we risk our lives to save others"); Marie Laurette Numa, *Insécurité : deux hôpitaux ferment leurs portes!*, HAITI LIBERTE (May 18, 2022), <https://haitiliberte.com/insecurite-deux-hopitaux-ferment-leurs-portes/> (reporting that Saint Luc and St. Damien hospitals closed their doors completely, even to emergencies, following Dr. Augustin's kidnapping); Jacqueline Charles, *Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed*, MIAMI HERALD (May 16, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article261494997.html> (reporting that the MSF facility in Cité Soleil closed on April 1 due to gang violence, but "[a]fter violence flared up on the eastern edge of Port-au-Prince 21 days later, the charity said it had no choice but to hastily reopen the emergency center in Cité Soleil"); *Haiti - Insecurity: Doctors Without Borders worried about the temporary closure of hospitals*, HAITI LIBRE (May 23, 2022), <https://www.haitilibre.com/en/news-36733-haiti-insecurity-doctors-without-borders-worried-about-the-temporary->

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[closure-of-hospitals.html](#); Daniels, *'Incredible Cruelty'*, *supra* note 30 (discussing the impact of hospital closures on access to health, MSF mission head noted that “[t]he number of trauma admissions received per week tripled compared to mid-April, and most of them are very serious gunshot wounds that require extensive care”); *see also infra* notes 216-17, 283-87.

<sup>57</sup> *See* Global Protection Cluster, *Haiti under Gang Control: The Uprising of Sexual Violence*, at 9 (Jan. 2022), [https://www.globalprotectioncluster.org/wp-content/uploads/GPC\\_Article\\_Haiti-Under-Gang-Control-The-Uprising-of-Sexual-Violence\\_Final-1.pdf](https://www.globalprotectioncluster.org/wp-content/uploads/GPC_Article_Haiti-Under-Gang-Control-The-Uprising-of-Sexual-Violence_Final-1.pdf); Charles, *Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed*, *supra* note 56; *see also infra* notes 216-17, 287. Even as gendered vulnerabilities affect women’s safety, men are more likely to face recruitment pressures. *See infra* note 68.

<sup>58</sup> *See* *Guerre des gangs : 11 mois à Martissant, 11 jours en Plaine du Cul-de-Sac*, *supra* note 48; Jacqueline Charles, *He survived a gang ambush in Haiti that killed two reporters. Now this journalist is in exile*, MIAMI HERALD (May 3, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article260991462.html>; *Depuis 10 mois, Martissant contrôlé par les gangs, les autorités tenues en échec*, LE NOUVELLISTE (Apr. 1, 2022), <https://lenouvelliste.com/article/235003/depuis-10-mois-martissant-controle-par-les-gangs-les-autorites-tenues-en-echec>.

<sup>59</sup> *See* *Haiti’s deadly gang violence spikes, families caught in crossfire*, FRANCE24 (Apr. 28, 2022), <https://www.france24.com/en/americas/20220428-haiti-s-deadly-gang-violence-spikes-families-caught-in-crossfire>; Juhakenson Blaise, *Commuters turn to travel by air or sea to avoid Martissant gangs*, HAITIAN TIMES (May 2, 2022), <https://haitiantimes.com/2022/05/02/commuters-turn-to-travel-by-air-or-sea-to-avoid-martissant-gangs/>.

<sup>60</sup> This also includes aid supplies which remain critical even nine months after the earthquake that devastated Haiti’s South in August 2021. *See* Jess DiPierro Obert & Paula Dupraz-Dobias, *In Haiti, gang violence strains aid operations and demands new approaches*, NEW HUMANITARIAN (Feb. 7, 2022), <https://www.thenewhumanitarian.org/news-feature/2022/2/7/Haiti-gang-violence-strains-aid-operations-demands-new-approaches>.

<sup>61</sup> *See* Blaise, *supra* note 59.

<sup>62</sup> *See* *En Haïti, l’avenir des enfants est menacé par les gangs, selon l’Unicef*, ALTERPRESSE (May 6, 2022), <https://www.alterpresse.org/spip.php?article28270>; *see also infra* notes 302-04.

<sup>63</sup> *See* Vladimir Predvil, *Insécurité : le BAI interpelle les autorités*, LE NATIONAL (May 6, 2022), [https://lenational.org/post\\_article.php?pol=2229](https://lenational.org/post_article.php?pol=2229); Charles, *Doctors Without Borders forced to suspend Haiti medical care again due to gang violence*, *supra* note 27; *Les kidnappeurs frappent, rendent « ordinaire » la terreur*, LE NOUVELLISTE (May 9, 2022), <https://lenouvelliste.com/article/235662/les-kidnappeurs-frappent-rendent-ordinaire-la-terreur>; Emmanuel Marino Bruno, *Haïti-Kidnapping : Suspension des activités des hôpitaux St Damien et Saint Luc, pour dénoncer l’enlèvement de la pédiatre Benetty Augustin*, ALTERPRESSE (May 10, 2022), <https://www.alterpresse.org/spip.php?article28281>; *see also infra* notes 216-17, 283-85.

<sup>64</sup> *See* *Haïti-Criminalité : De nombreuses familles aux abois dans la Plaine du Cul-de-sac assiégée par des gangs armés*, *supra* note 43; Molière Adely, *Cet entrepreneur a refusé de collaborer avec les bandits à Pernier*, AYIBO POST (May 26, 2022), <https://ayibopost.com/cet-entrepreneur-refuse-de-collaborer-avec-les-bandits-a-pernier/> (reporting that gang violence in Pernier, a district of Pétiion-Ville, displaced “dozens of families” in mid-May, “creat[ing] an enormous humanitarian challenge, the destruction of cultural heritage and systematic violations of human rights”).

<sup>65</sup> *See* Roberson Alphonse, *Carlos Felipe Jaramillo : l’insécurité, principal obstacle pour l’économie d’Haïti*, LE NOUVELLISTE (May 5, 2022), <https://lenouvelliste.com/article/235595/carlos-felipe-jaramillo-linsecurite-principal-obstacle-pour-leconomie-dhaiti>; Economic Commission for Latin America and the Caribbean, *Economic Survey of Latin America and the Caribbean: Haiti* (2021), [https://repositorio.cepal.org/bitstream/handle/11362/47193/80/EI2021\\_Haiti\\_en.pdf](https://repositorio.cepal.org/bitstream/handle/11362/47193/80/EI2021_Haiti_en.pdf).

<sup>66</sup> For example, gang members have targeted fuel transport trucks, exacerbating problems caused by Haiti’s chronic fuel shortage. *See* *Six camions-citernes transportant du carburant détournés à Varreux par des bandits*, LE NOUVELLISTE (May 3, 2022), <https://lenouvelliste.com/article/235542/six-camions-citernes-transportant-du-carburant-detournes-a-varreux-par-des-bandits>; IJDH December 2021 Update, *supra* note 1 (reporting that the fuel shortage in 2021 had a profound effect on Haitians’ access to critical services and infrastructure as a result of “Haiti’s unreliable electric grid” and its consequent reliance on fuel-powered generators); *see also* *Les Cayes residents, cut off by gang blockades, demand access*, HAITIAN TIMES (Apr. 8, 2022), <https://haitiantimes.com/2022/04/08/les-cayes-residents-cut-off-by-gang-blockades-demand-access/>; Obert & Dupraz-Dobias, *supra* note 60; Daniels, *'Incredible Cruelty'*, *supra* note 30 (MSF reported that due to roadblocks by gang members “some patients they saw could only reach a hospital after delays of 24 hours”).

<sup>67</sup> See *Les Cayes residents, cut off by gang blockades, demand access*, *supra* note 66; Daniels, ‘Incredible Cruelty’, *supra* note 30; *First Person: Visions of hell, in Haiti*, UN NEWS (Apr. 3, 2022), <https://news.un.org/en/story/2022/04/1115382>; Press Release, OHCHR, *Haiti: Bachelet deeply disturbed by human rights impact of deteriorating security situation in Port-au-Prince*, *supra* note 41 (reporting that “[m]ovement along the two main national roads connecting the capital to the rest of the country has been seriously compromised as gangs have controlled access to areas under their influence. Such restrictions on the movement of people and goods could also have long-term devastating impacts on the already difficult economic situation in Haiti.”); Melissa Belarus, *Le clairin de Léogâne est en grand danger à cause de la rareté du sirop de canne*, AYIBOPOST (Apr. 16, 2022), <https://ayibopost.com/le-clairin-de-leogane-est-en-grand-danger-a-cause-de-la-rarete-du-sirop-de-canne/>.

<sup>68</sup> See *UN denounces Haitian gang's recruitment of children*, FRANCE24 (May 5, 2022), <https://www.france24.com/en/americas/20220504-un-denounces-haitian-gang-s-recruitment-of-children?ref=tw>; Kolo, *Enrôlement de garçons dans des groupes de gangs à Port-au-Prince*, *supra* note 28 (reporting that gangs prey on young boys in poor neighborhoods, some of whom join willingly and some of whom are recruited by force); Charles, *He survived a gang ambush in Haiti that killed two reporters. Now this journalist is in exile*, *supra* note 58.

<sup>69</sup> See Emmanuel Marino Bruno, *Haiti-Criminalité : L'organisme de droits humains Fjkl pointe du doigt l'irresponsabilité de l'État dans les violences armées à Port-au-Prince*, ALTERPRESSE (May 2, 2022), <https://www.alterpresse.org/spip.php?article28249>; *Vivre l'effondrement de l'Etat*, LE NOUVELLISTE (May 2, 2022), <https://lenouvelliste.com/article/235529/vivre-leffondrement-de-letat> (reporting that “in their public statements, gangs acknowledge they are replacing existent authorities”); Marie Farah Fortuné, *Haiti : L'Apch critique l'absence de volonté politique des autorités pour freiner la criminalité*, ALTERPRESSE (Mar. 21, 2022), <https://www.alterpresse.org/spip.php?article28107>; *Haiti - Politic: Fed up of Civil Society, petition sent to the PM*, HAITILIBRE (Mar. 29, 2022), <https://www.haitilibre.com/en/news-36291-haiti-politic-fed-up-of-civil-society-petition-sent-to-the-pm.html>.

<sup>70</sup> See, e.g., *Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, *supra* note 2; Geffrard, « *La population doit se soulever contre ceux qui alimentent les gangs armés pour mettre fin à l'insécurité* », selon Pierre Espérance, *supra* note 30. Individuals displaced by the violence have expressed the belief that the government’s lack of response and contempt for their plight is indicative of government complicity with gang members. Predvil, *Insécurité : le BAI interpelle les autorités*, *supra* note 63.

<sup>71</sup> RNDDH, *supra* note 25, at ¶¶ 71-72.

<sup>72</sup> Pierre Espérance, RNDDH’s executive director, alleged that customs officials “facilitate the routing of illegal weapons and ammunition to criminal gangs who kidnap, rob, rape and murder with impunity.” He also alleged that Henry placed pressure on the Central Directorate of the Judicial Police to release gang members from prison, and that he paid “large sums of money” to 400 *Mawozo* members “to facilitate resumption of activities in the Croix-des-Bouquets market and on the road leading to Malpasse.” Francklyn B. Geffrard, « *Des organisations criminelles dont « 400 Mawozo » et le « G-9 an Fanmi e Aye » financés par la primature* », révèle Pierre Espérance..., RHINEWS (Mar. 21, 2022), <https://www.rhinews.com/actualites/des-organisations-criminelles-dont-400-mawozo-et-le-g-9-an-fanmi-e-aye-finances-par-la-primature/>; see also *Haiti-Justice : Le Rnddh indexe des proches d’Ariel Henry dans la libération de membres du gang 400 Mawozo arrêtés par la police*, *supra* note 32 (Espérance also accused members of Henry’s cabinet of “interven[ing] to free members of the 400 *Mawozo* gang arrested during police operations during the months of January and February [2002]”); Francklyn B. Geffrard, *Himmler Rébu : Dr. Ariel Henry livre la population aux gangs armés qui se sont renforcés pour imposer un régime de terreur insupportable*..., RHINEWS (Mar. 26, 2022), <https://www.rhinews.com/actualites/himmler-rebu-dr-ariel-henry-livre-la-population-aux-gangs-armes-qui-se-sont-renforces-pour-imposer-un-regime-de-terreur-insupportable/> (reporting that “groups have clearly called for the departure of Ariel Henry, whom they accuse of complicity with the armed gangs which operate everywhere across the country”).

<sup>73</sup> See Blaise, *supra* note 59; BINUH, *Statement of Special Representative Helen La Lime*, *supra* note 52; BINUH Report, Feb. 15, 2022 at 14, ¶ 64 (reporting that “[t]he primary institution responsible for the security of all Haitians, the Haitian National Police, is hampered by development gaps, a chronic lack of equipment and a dearth of logistical and financial support”); Press Release, OHCHR, *Haiti: Bachelet deeply disturbed by human rights impact of deteriorating security situation in Port-au-Prince*, *supra* note 41 (according to the UN High Commissioner for Human Rights, “[o]ngoing police operations have not managed to re-establish public order and protect the local population, and there have been reports of some human rights violations during these operations”); see also *Haiti - USA: 3 Haitians and an American charged with having provided weapons and ammunition to the Gang “400 Mawozo”*, HAITI LIBRE (May 6, 2022), <https://www.haitilibre.com/en/news-36596-haiti-usa-3-haitians-and-an-american-charged-with-having-provided-weapons-and-ammunition-to-the-gang-400-mawozo.html> (discussing

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evidence that gangs in Haiti receive weapons and ammunition from the United States: the U.S. Federal Bureau of Investigations indicted three Haitian citizens – including Germaine Joly, the leader of the 400 Mawozo gang that kidnapped 17 foreign missionaries in October 2021 – and one U.S. citizen for “conspiracy to violate export control, smuggling, and money laundering”); Widlore Mérancourt & Amanda Coletta, *Leader of Haitian gang behind missionary abductions is charged in U.S.*, WASHINGTON POST (May 4, 2022), <https://www.washingtonpost.com/world/2022/05/04/haiti-400-mawozo-extradition/>; Jacqueline Charles, *Leader of Haiti's 400 Mawozo gang, which kidnapped American missionaries, is flown to U.S.*, MIAMI HERALD (May 4, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article261029297.html>.

<sup>74</sup> *Affrontements entre gangs, la police «réagit avec ses faibles moyens*, LE NOUVELLISTE (May 3, 2022), <https://lenouvelliste.com/article/235549/affrontements-entre-gangs-la-police-reagit-avec-ses-faibles-moyens>; see also Francklyn B. Geffrard, *Guichard Doré préconise l'implémentation du décret créant le CNSD et l'ANI pour résoudre durablement le problème de l'insécurité en Haïti*, RHINEWS (May 4, 2022), <https://www.rhinews.com/actualites/guichard-dore-preconise-limplémentation-du-decret-creant-le-cnsd-et-lani-pour-resoudre-durablement-le-probleme-de-linsecurite-en-haiti/>; Anna C., *Haiti – Food And Housing Impacted By Gang War*, NY CARIB NEWS (Apr. 30, 2022), <https://www.nycaribnews.com/articles/haiti-food-and-housing-impacted-by-gang-war/> (reporting that residents of Croix-des-Bouquets reported hearing gunfire from gang members even as police officers patrolled the neighborhood); Sam Bojarski, *Police officer shot dead in Croix-des-Bouquets, gunfire heard near PHN head's home*, HAITIAN TIMES (Mar. 15, 2022), <https://haitiantimes.com/2022/03/15/police-officer-shot-dead-in-croix-des-bouquets-gunfire-heard-near-phn-heads-home/> (reporting that a police officer was shot dead by gang members on March 10, “the latest death in the ranks of the police, whose officers are known to be outgunned and often outnumbered by gangs around the capital”); Francklyn B. Geffrard, *Des policiers assassinés, d'autres portés disparus : L'insécurité frappe de plein fouet la police haïtienne...*, RHINEWS (Mar. 11, 2022), <https://www.rhinews.com/actualites/des-policiers-assassines-dautres-portes-disparus-linsecurite-frappe-de-plein-fouet-la-police-haitienne/>.

<sup>75</sup> See Jean Junior R. Celestin, *Satisfait de son bilan, Frantz Elbé, Directeur général de la Police fait des promesses*, LE NOUVELLISTE (May 9, 2022), <https://lenouvelliste.com/article/235660/satisfait-de-son-bilan-frantz-elbe-directeur-general-de-la-police-fait-des-promesses> (Original Press Conference Video available at <https://www.youtube.com/watch?v=lkRtvIGscos&t=13s>) (in a press conference presenting on the police's progress combatting gang violence in the last six months, Elbé noted that “considerable progress has been made in terms of security over the past six months” and that “the efforts of the PNH contributed to a considerable drop in kidnapping cases in the country, particularly in the metropolitan area, for the month of April.” Elbé also lauded police efforts to stop the violence in Croix-des-Bouquets, which lasted from April 24 until at least May 7, claiming that “police quickly regained control [of the area] after the start of clashes between armed groups on April 24.”).

<sup>76</sup> CARDH, *Celule d'observation de la criminalité*, <https://cardh.org/celulle-dobservation-de-la-criminalite> (last visited June 3, 2022).

<sup>77</sup> BINUH, *Statement of Special Representative Helen La Lime*, supra note 52.

<sup>78</sup> See, e.g., *Des residents de la plaine du Cul-de-Sac marchent contre l'insécurité*, LE NOUVELLISTE (May 6, 2022), <https://lenouvelliste.com/article/235631/des-residents-de-la-plaine-du-cul-de-sac-marchent-contre-linsecurite>; Juhakenson Blaise, *La Plaine residents protest against gangwar in area*, HAITIAN TIMES (May 9, 2022), <https://haitiantimes.com/2022/05/09/la-plaine-residents-protest-against-gangwar-in-area/>; Maria Farah Fortuné, *Droits humains : Cri d'indignation face au climat de criminalité en Haïti*, ALTERPRESSE (Mar. 16, 2022), <https://www.alterpresse.org/spip.php?article28090>; Thomas Peralte, *Protestation dans le Sud contre l'insécurité*, HAITI LIBRE (Mar. 23, 2022), <https://haitiliberte.com/protestation-dans-le-sud-contre-linsecurite/>; *Des milliers de manifestants dans les rues ce 29 mars contre l'insécurité*, LE NOUVELLISTE (Mar. 30, 2022), <https://lenouvelliste.com/article/234947/des-milliers-de-manifestants-dans-les-rues-ce-29-mars-contre-linsecurite>; *Haiti Protest Turns Violent, Plane Torched*, CBS MIAMI (Mar. 30, 2022), <https://miami.cbslocal.com/2022/03/30/haiti-protest-turns-violent-plane-torched/>; *Douze personnes enlevées en Haïti où l'insécurité redouble*, TVA NOUVELLES (May 9, 2022), <https://www.tvanouvelles.ca/2022/05/09/huit-citoyens-turcs-enlevés-par-un-gang-en-haiti>; *Haïti-Criminalité : 1 personne assassinée et kidnapping de 3 personnes à Poste Marchand*, ALTERPRESSE (Mar. 12, 2022), <https://www.alterpresse.org/spip.php?article28078>; <https://www.alterpresse.org/spip.php?article28086>; Isabelle Papillon, *Grève médicale contre le kidnapping*, HAITI LIBERTE (Mar. 16, 2022), <https://haitiliberte.com/greve-medicale-contre-le-kidnapping/>; *Haiti – News: Zapping...*, Haiti Libre (Mar. 27, 2022), <https://www.haitilibre.com/en/news-36282-haiti-news-zapping.html>.

<sup>79</sup> See Predvil, *Insecurity and high cost of living in Haiti: trade unionists announce two days of strike*, *supra* note 11; *Haitian doctors call for countrywide strikes after two colleagues kidnapped*, HAITIAN TIMES (Mar. 14, 2022), <https://haitiantimes.com/2022/03/14/haitian-doctors-call-for-countrywide-strikes-after-two-colleagues-kidnapped/>.

<sup>80</sup> *Haiti - Insecurity: Haiti is the country with the highest rate of kidnappings per capita*, HAITILIBRE (Dec. 16, 2021), <https://www.haitilibre.com/en/news-35491-haiti-insecurity-haiti-is-the-country-with-the-highest-rate-of-kidnappings-per-capita.html>; see also Francklyn B Geffrard, *Le SKL préconise des mesures exceptionnelles pour combattre efficacement le phénomène du kidnapping en Haïti...*, RHINEWS (Apr. 19, 2022), <https://www.rhinews.com/actualites/le-skl-preconise-des-mesures-exceptionnelles-pour-combattre-efficacement-le-phenomene-du-kidnapping-en-haiti/> (reporting that human rights organization Sant Karl Lévêque calls for “exceptional measures” to combat the kidnapping epidemic).

<sup>81</sup> CARDH, *Cellule d’observation de la criminalité*, *supra* note 76.

<sup>82</sup> *Id.* (this was again an increase from the previous year – CARDH reported 796 people kidnapped in 2020).

<sup>83</sup> See, e.g., *Haïti-Kidnapping : Marche pacifique annoncée, suite à l’enlèvement de deux avocats*, ALTERPRESSE (Dec. 24, 2021), <https://www.alterpresse.org/spip.php?article27810> (reporting that two lawyers were kidnapped on December 20, 2021 by armed individuals); *Haiti - News: Zapping*, HAITILIBRE (Dec. 16, 2021), <https://www.haitilibre.com/en/news-35504-haiti-news-zapping.html> (reporting that the Deputy Mayor of a town was released for ransom after being kidnapped on December 13); *La Faculté des sciences condamne l’enlèvement des professeurs Jean-Raoul Monplaisir et Roberte Bien-Aimé Momplaisir*, LE NOUVELLISTE (Dec. 15, 2021), <https://lenouvelliste.com/alaminate/20630/la-faculte-des-sciences-condamne-lenlevement-des-professeurs-jean-raoul-monplaisir-et-roberte-bien-aime-momplaisir> (reporting that a professor and her husband were kidnapped); *Haitian doctor died in Dominican Republic following his injuries in an attempted kidnapping*, HAITIAN TIMES (Dec. 13, 2021), <https://haitiantimes.com/2021/12/13/haitian-doctor-died-in-dominican-republic-following-his-injuries-in-an-attempted-kidnapping/> (reporting that a dental surgeon died from injuries sustained in an attempted kidnapping); *Trois personnes dont un enfant de 9 ans kidnappés samedi soir à Delmas*, LE NOUVELLISTE (Dec. 13, 2021), <https://lenouvelliste.com/alaminate/20604/trois-personnes-dont-un-enfant-de-9-ans-kidnappes-samedi-soir-a-delmas> (reporting that three members of a family, including a nine-year old, were kidnapped in Delmas); *Haiti - News: Zapping*, HAITILIBRE (Dec. 11, 2021), <https://www.haitilibre.com/en/news-35456-haiti-news-zapping.html> (reporting that employees assigned to the mechanical service of the Compagnie Rhum Barbancourt were released after being kidnapped by 400 Mawozo gang members); *Haïti-Criminalité : Kidnapping de deux personnes à l’avenue Poupelard*, ALTERPRESSE (Mar. 11, 2022), <https://www.alterpresse.org/spip.php?article28076> (reporting that two doctors were kidnapped on March 2, and were still being held captive on March 11 when another two people were kidnapped from a private vehicle); *Haïti-Criminalité : 1 personne assassinée et kidnapping de 3 personnes à Poste Marchand*, ALTERPRESSE (Mar. 12, 2022), <https://www.alterpresse.org/spip.php?article28078> (reporting that three people, including the director of a local college, were kidnapped and one killed on March 11); *Kidnapping : le cauchemar de la famille Condestin*, LE NOUVELLISTE (Mar. 16, 2022), <https://lenouvelliste.com/article/234717/kidnapping-le-cauchemar-de-la-famille-condestin> (three members of the same family were kidnapped in less than a year).

<sup>84</sup> *Une dizaine d’enlèvements répertoriés dans la région métropolitaine en ce début de mai*, LE NOUVELLISTE (May 3, 2022), <https://lenouvelliste.com/article/235544/une-dizaine-denlevements-repertories-dans-la-region-metropolitaine-en-ce-debut-de-mai>.

<sup>85</sup> See *infra* notes 291-94.

<sup>86</sup> See, e.g., *Les personnes tuées et kidnappées s’accumulent, comme les promesses des chefs*, LE NOUVELLISTE (Feb. 8, 2022), <https://lenouvelliste.com/article/234090/une-dizaine-de-personnes-tuees-par-balle-et-plus-de-20-enlevements-le-week-end-ecoule>; *Haiti - FLASH: 3 Senate President security agents kidnapped*, HAITILIBRE (Jan. 10, 2022), <https://www.haitilibre.com/en/news-35680-haiti-flash-3-senate-president-security-agents-kidnapped.html>; *Haiti - FLASH: A bus hijacked in Martissant with about fifty passengers*, HAITILIBRE (May 11, 2022), <https://www.haitilibre.com/en/news-36633-haiti-flash-a-bus-hijacked-in-martissant-with-about-fifty-passengers.html>; *Douze personnes enlevées en Haïti où l’insécurité redouble*, *supra* note 78.

<sup>87</sup> See *Kidnapping : le pasteur Rémy Lochard enlevé à Tabarre*, LE NOUVELLISTE (Feb. 6, 2022), <https://lenouvelliste.com/alaminate/21071/kidnapping-le-pasteur-remy-lochard-enleve-a-tabarre> (reporting that 400 Mawozo demanded a USD \$2 million ransom after kidnapping Pastor Lochard Rémy); *Des organisations syndicales réclament la libération de Paul Loulou Chéry et de sa femme*, LE NOUVELLISTE (Jan. 7, 2022), <https://lenouvelliste.com/alaminate/20820/des-organisations-syndicales-reclament-la-liberation-de-paul-loulou-chery-et-de-sa-femme> (reporting that gang members demanded an exorbitant ransom was being demanded for trade union leader Paul Chéry and his wife after they were kidnapped); *Haiti - DR: A kidnapped Dominican diplomat, the*



“400 Mawozo” gang demands 500,000 US\$ for his release, HAITILIBRE (May 2, 2022), [https://www.haitilibre.com/en/news-36562-haiti-dr-a-kidnapped-dominican-diplomat-the-400-mawozogang-demands-500-000-us\\$-for-his-release.html](https://www.haitilibre.com/en/news-36562-haiti-dr-a-kidnapped-dominican-diplomat-the-400-mawozogang-demands-500-000-us$-for-his-release.html) (reporting that 400 Mawozo demanded a USD \$500 million ransom for the Dominican diplomat kidnapped on April 30); *Haiti - FLASH: 3 Senate President security agents kidnapped*, *supra* note 86 (reporting that armed individuals demanded US\$5 million after kidnapping three police officers); *Family of kidnapped police officer worries he might have been killed*, HAITIAN TIMES (Feb. 18, 2022), <https://haitiantimes.com/2022/02/18/family-of-kidnapped-police-officer-worries-he-might-have-been-killed/> (reporting that a police officer named Pipo Mabial was kidnapped by armed gang members who demanded USD \$100,000 for his release).

<sup>88</sup> Between January and December 15, 2021, CARDH reported that 55 out of 949 people kidnapped were foreigners, or 0.05 percent. *État des droits humains en 2021*, CARDH (Feb. 12, 2022), <https://cardh.org/archives/1519>.

<sup>89</sup> See e.g., Evens Sanon & Dánica Coto, *Gangs strangle Haiti's capital as deaths, kidnappings soar*, WASHINGTON POST (May 22, 2022), [https://www.washingtonpost.com/world/gangs-strangle-haitis-capital-as-deaths-kidnappings-soar/2022/05/22/4db317ec-d9d8-11ec-bc35-a91d0a94923b\\_story.html](https://www.washingtonpost.com/world/gangs-strangle-haitis-capital-as-deaths-kidnappings-soar/2022/05/22/4db317ec-d9d8-11ec-bc35-a91d0a94923b_story.html) (mentioning only the kidnapping of eight Turkish nationals when discussing that gangs “kidnap victims daily”); Evens Sanon, *Official: 8 Turkish citizens kidnapped from bus in Haiti*, AP NEWS (May 9, 2022), <https://apnews.com/article/europe-middle-east-caribbean-turkey-port-au-prince-12d293ed1121614e9b06690d36e5b4f4> (mentioning only kidnapping of foreigners when discussing “a string of high-profile kidnappings by powerful gangs”); see also IJDH December 2021 Update, *supra* note 1 (discussing the disproportionate amount of media attention given to kidnapped foreign missionaries in 2021). U.S. officials continue to disregard the insecurity in Haiti as it pertains to Haitians’ safety, while decrying the kidnapping of foreigners in the country. *Way Forward in Haiti Meeting with Assistant Secretary of State Brian Nichols*, *supra* note 7 (in a meeting with stakeholders on January 26, U.S. Assistant Secretary of State for Western Hemisphere Affairs Brian Nichols responded to a question about whether the United States considered Haiti safe for Haitian migrant returnees by reminding listeners of the 2021 kidnapping of 17 foreign missionaries).

<sup>90</sup> See *Haïti-Criminalité : Kidnapping de deux personnes à l’avenue Poupelard*, *supra* note 83.

<sup>91</sup> See *Le Premier ministre Ariel Henry, une overdose de promesses*, LE NOUVELLISTE (Mar. 21, 2022), <https://lenouvelliste.com/article/234796/le-premier-ministre-ariel-henry-une-overdose-de-promesses>; Marlyne Jean, *Criminalité : La Pnh déterminée à rétablir la sécurité en Haïti, promet de nouveau Ariel Henry*, ALTERPRESSE (Apr. 25, 2022), <https://www.alterpresse.org/spip.php?article28229>; *Kidnapping : des étudiants manifestent pour exiger la libération de l’étudiante Fabiola Paillant*, LE NOUVELLISTE (Feb. 16, 2022), <https://lenouvelliste.com/article/234266/kidnapping-des-etudiants-manifestent-pour-exiger-la-liberation-de-letudiante-fabiola-paillant>.

<sup>92</sup> See *Haiti - News: Zapping*, HAITILIBRE (Jan. 6, 2022), <https://www.haitilibre.com/en/news-35655-haiti-news-zapping.html>.

<sup>93</sup> See Amnesty International, *International Report 2021/22: Haiti 2021* (2022), <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/haiti/report-haiti/>.

<sup>94</sup> See Emmanuel Marino Bruno, *Haïti-Justice : Plusieurs organisations s’élèvent contre les menaces de mort à l’encontre des militants de droits humains du Rnddh*, ALTERPRESSE (Apr. 11, 2022), <https://www.alterpresse.org/spip.php?article28182> (reporting allegations that the PHTK was involved in threats against RNDDH human rights activists); Emmanuel Marino Bruno, *Haïti-Criminalité : Le gouvernement de facto interpellé sur les menaces de mort à l’encontre de Pierre Espérance*, ALTERPRESSE (Apr. 25, 2022), <https://www.alterpresse.org/spip.php?article28231> (the Working Group on Security “challenges the de facto government of Ariel Henry on its responsibility to ensure the protection of Pierre Espérance and members of the RNDDH”).

<sup>95</sup> See Francklyn B. Geffrard, *Pierre Espérance : « Le RNDDH et son staff sont en danger. Des membres du gang « Krache Dife » paradent autour des locaux de l’organisation depuis que Fednel Monchéry a élu domicile à la 1e ruelle Rivière »*, RHINEWS (Mar. 28, 2022), <https://www.rhinews.com/actualites/pierre-esperance-le-rnddh-et-son-staff-sont-en-danger-des-membres-du-gang-krache-dife-paradent-autour-des-locaux-de-lorganisation-depuis-que/>. Haitian and international actors have condemned the “reprehensible” threats against Espérance and his organization. Bruno, *Haïti-Justice : Plusieurs organisations s’élèvent contre les menaces de mort à l’encontre des militants de droits humains du Rnddh*, *supra* note 94; Francklyn B. Geffrard, *L’OBS appelle à des actions judiciaires rigoureuses contre ceux qui planifient l’assassinat de Pierre Espérance*, RHINEWS (Apr. 13, 2022), <https://www.rhinews.com/actualites/lobs-appelle-a-des-actions-judiciaires-rigoureuses-contre-ceux-qui-planifient-lassassinat-de-pierre-esperance/>; *Menaces contre Pierre Espérance : Appel urgent aux autorités d’Haïti par L’Observatoire international pour la protection des défenseurs des droits humains*, ALTERPRESSE (Apr. 14, 2022),

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<https://www.alterpresse.org/spip.php?article28193>; Francklyn B. Geffrard, *Des congressmen américains condamnent les menaces contre Pierre Espérance et réclament une enquête*, RHINEWS (Apr. 21, 2022), <https://www.rhinews.com/actualites/des-congressmen-americaains-condamnent-les-menaces-contre-pierre-esperance-et-reclament-une-enquete/>; Francklyn B. Geffrard, *Le groupe de travail sur la sécurité préoccupé par les menaces sur la sécurité et la vie de Pierre Espérance*, RHINEWS (Apr. 26, 2022), <https://www.rhinews.com/actualites/le-groupe-de-travail-sur-la-securite-preoccupe-par-les-menaces-sur-la-securite-et-la-vie-de-pierre-esperance/>; *Haiti-Droits humains : L'Observatoire haïtien des crimes contre l'humanité se solidarise avec Pierre Espérance*, ALTERPRESSE (Apr. 27, 2022), <https://www.alterpresse.org/spip.php?article28236>.

<sup>96</sup> Monchéry was arrested in Port-au-Prince for his involvement in the 2018 La Saline massacre on February 13, 2021, but was shortly released, and has not faced consequences in Haiti for his actions. *Indexé dans le cadre du massacre de La Saline, Fednel Monchéry arrêté puis libéré par la police*, LE NOUVELLISTE (Feb. 18, 2022), <https://lenouvelliste.com/article/226377/indexe-dans-le-cadre-du-massacre-de-la-saline-fednel-monchery-arrete-puis-libere-par-la-police>. The U.S. government imposed sanctions on him under the Global Magnitsky Act in 2020. *Massacre de La Saline : l'administration Trump sanctionne d'anciens officiels de l'administration Moïse*, LE NOUVELLISTE (Dec. 10, 2020), <https://lenouvelliste.com/article/224146/massacre-de-la-saline-ladministration-trump-sanctionne-danciens-officiels-de-ladministration-moise>.

<sup>97</sup> See Geffrard, *Pierre Espérance : « Le RNDDH et son staff sont en danger. Des membres du gang « Krache Dife » paraded autour des locaux de l'organisation depuis que Fednel Monchéry a élu domicile à la 1e ruelle Rivière »*, *supra* note 95.

<sup>98</sup> See IJDH December 2021 Update, *supra* note 1 (discussing the threats against Douyon and Solages in 2021).

<sup>99</sup> See *Haiti – News: Zapping*, HAITILIBRE (Apr. 21, 2022), <https://www.haitilibre.com/en/news-36472-haiti-news-zapping.html>.

<sup>100</sup> Charles, *He survived a gang ambush in Haiti that killed two reporters. Now this journalist is in exile*, *supra* note 58; *Haiti - News: Zapping*, *supra* note 99; see also Onz Chéry, *Haiti third in journalist deaths, but reporters say risks worth it*, HAITIAN TIMES (Mar. 22, 2022), <https://haitiantimes.com/2022/03/22/haiti-third-in-journalist-deaths-but-reporters-say-risks-worth-it/> (the Committee to Protect Journalists reported that Haiti is the third deadliest country for journalists in the world).

<sup>101</sup> Francklyn B. Geffrard, *Deux journalistes tués par des gangsters alors qu'ils étaient en reportage à Laboule 12...*, RHINEWS (Jan. 6, 2022), <https://www.rhinews.com/actualites/deux-journalistes-auraient-ete-tues-par-des-gangsters-alors-qu'ils-etaient-en-reportage-a-laboule-12/>; *Director-General condemns murder of journalists Wilguens Louissaint and John Wesley Amady in Haiti*, UNESCO (Jan. 11, 2022), <https://en.unesco.org/news/director-general-condemns-murder-journalists-wilguens-louissaint-and-john-wesley-amady-haiti>. Gangs have a complicated relationship with some journalists, wherein journalists are both at risk from gang violence and beneficiaries of gangs' financial largesse, which may impact reporting. This is particularly true for Amady and Louissant, who worked as freelance online journalists and cultivated relationships with gang members in order to do their work. See Widlore Mérancourt, *Barbecue a payé pour l'enterrement d'un journaliste assassin*, AYIBO POST (May 20, 2022), <https://ayibopost.com/barbecue-a-paye-pour-lenterrement-dun-journaliste-assassine/> (reporting that Jimmy “Barbeque” Chérizer, the leader of the G-9 gang alliance, paid for the funeral expenses of journalist John Wesley Amadi, who was killed by gang members on January 6).

<sup>102</sup> Charles, *He survived a gang ambush in Haiti that killed two reporters. Now this journalist is in exile*, *supra* note 58.

<sup>103</sup> See *infra* notes 257-58.

<sup>104</sup> See, e.g., Jacques Kolo, *Haiti/Insécurité : Un avocat froidement tué à Port-au-Prince. Un Commissaire de police et sa femme violemment assassinés à la Croix-des-Bouquets*, RHINEWS (Jan. 20, 2022), <https://www.rhinews.com/actualites/haiti-insecurite-un-avocat-froidement-tue-a-port-au-prince-un-commissaire-de-police-et-sa-femme-violemment-assassines-a-la-croix-des-bouquets/> (reporting that a lawyer was assassinated in the street by assailants on a motorcycle); *Assassinat de Jovenel Moïse, le nouveau juge d'instruction craint pour sa sécurité*, LE NOUVELLISTE (Mar. 14, 2022), <https://lenouvelliste.com/article/234684/assassinat-de-jovenel-moise-le-nouveau-juge-dinstruction-craint-pour-sa-securite> (reporting threats to the safety of the investigating judge in the Moïse assassination and his family); see also Marlyne Jean, *Haiti-Criminalité : Le Barreau de Port-au-Prince accorde un délai de 15 jours pour la relocalisation du Palais de justice de la capitale*, ALTER PRESSE (Mar. 14, 2022), <https://www.alterpresse.org/spip.php?article28079> (the Port-au-Prince Bar Association requested that the courthouse be moved to a safer location, citing gang violence); *Lawyers want courthouse moved to safer area, plan to protest at PM's home*, HAITIAN TIMES (Apr. 8, 2022), <https://haitiantimes.com/2022/04/08/lawyers-want-courthouse-moved-to-safer-area-plan-to-protest-at-pms-home/>; *Haiti - Insecurity: Exasperated and frustrated*

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Haitian lawyers, HAITI LIBRE (Apr. 10, 2022), <https://www.haitilibre.com/en/news-36391-haiti-insecurity-exasperated-and-frustrated-haitian-lawyers.html>; see also *infra* notes 128-30, 181-83

<sup>105</sup> « Le dossier de Me Monferrier Dorval n'est pas mort », LE NOUVELLISTE (Apr. 4, 2022), <https://lenouvelliste.com/article/235044/le-dossier-de-me-monferrier-dorval-nest-pas-mort>.

<sup>106</sup> See, e.g., *Haiti-Justice : L'APM et la FJKL appelant les Autorites a Garantir la Securite du Judge Louima Louidor, Menace de Mort par un Gang Arme*, ALTERPRESSE (Dec. 27, 2021), <https://www.alterpresse.org/spip.php?article27819> (reporting threats to Judge Louima Louidor in December 2021); *Haiti-News: Zapping*, HAITI LIBRE (Mar. 15, 2022), <https://www.haitilibre.com/en/news-36185-haiti-news-zapping.html> (reporting an attack on Judge Annie Fignolé in March); see also *infra* notes 128-30, 181-83.

<sup>107</sup> See « Le dossier de Me Monferrier Dorval n'est pas mort », *supra* note 105; Francklyn B. Geffrard, *Assassinat de Jovenel Moïse : L'enquête toujours dans l'impasse. Le mandat du magistrat instructeur expire*, RHINEWS (Apr. 25, 2022), <https://www.rhinews.com/actualites/assassinat-de-jovenel-moise-lenquete-toujours-dans-limpasse-le-mandat-du-magistrat-instructeur-expire/>; see also *infra* notes 128-30, 181-83.

<sup>108</sup> See Amnesty International, *supra* note 93 (reporting that “[t]here was little progress in the investigation into the killing of journalist Diego Charles, a reporter for Radio Vision 2000 and co-founder of the website Larepublik Magazine, and Antoinette Duclaire, a political and human rights activist, vocal government critic and co-founder of Larepublik Magazine. They were murdered just a week before President Moïse. The authorities failed to protect their families, who were subjected to death threats and intimidation.”); Francklyn B. Geffrard, *Le journaliste Vladjimy Legagneur toujours porté disparu : L'enquête de la police judiciaire se poursuit indéfiniment, 4 ans après*, RHINEWS (Mar. 14, 2022), <https://www.rhinews.com/actualites/le-journaliste-vladjimy-legagneur-toujours-porte-disparu-lenquete-de-la-police-judiciaire-se-poursuit-indefinement-4-ans-apres/>; see also *infra* section *Impunity for human rights abuses and other crimes*.

<sup>109</sup> See, e.g., Sam Bojarski, *Price-fixing lawsuit against Haiti's ex-presidents, money transfer and phone companies revived*, HAITIAN TIMES (Apr. 1, 2022), <https://haitiantimes.com/2022/04/01/price-fixing-lawsuit-against-haitis-ex-presidents-money-transfer-and-phone-companies-revived/> (reporting that three former presidents are being sued for embezzling money from a program designed to subsidize school fees for Haitian children); *Haiti - News: Zapping*, HAITILIBRE (Dec. 23, 2021), <https://www.haitilibre.com/en/news-35551-haiti-news-zapping.html> (reporting the misappropriation of funds from the National Identification Office); *Haiti - Justice: The Embassy of Haiti in Washington targets allegations of embezzlement*, HAITILIBRE (Mar. 11, 2022), <https://www.haitilibre.com/en/news-36150-haiti-justice-the-embassy-of-haiti-in-washington-targets-allegations-of-embezzlement.html> (reporting that “inspection and audit missions have ...been carried out in two consulates and the reports sent to the authorities concerned” in response to allegations of embezzlement by Haitian embassy and consulate officials in the United States).

<sup>110</sup> See Jacqueline Charles, *Haiti prime minister and opposition group meet. Each had different plans for exiting crisis.*, MIAMI HERALD (Feb. 11, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article258292488.html>; Fried, *supra* note 11; *US Hands Off Haiti's Democracy – A unified advocacy campaign for Haiti – April 21- May 18, 2022*, *supra* note 19.

<sup>111</sup> See *What Is Behind the Rise in Gang Activity in Haiti?*, *supra* note 2; see also *supra* notes 69-72.

<sup>112</sup> See, e.g., Press Release, RNDDH, *Call for a review of the minimum wage: the RNDDH supports the working class and condemns police brutality*, at ¶¶ 8-11 (Feb. 21, 2022), <https://web.rn-ddh.org/wp-content/uploads/2022/02/1-CP-Manifestations-salaire-minimum-ENG-21Fev2022-1.pdf>; see also *supra* notes 78-79 and *infra* notes 257-58.

<sup>113</sup> See *Haiti polls postponed after electoral body is dissolved*, BBC (Sept. 28, 2021), <https://www.bbc.com/news/world-latin-america-58706903>.

<sup>114</sup> See *Haitian Prime Minister Ariel Henry is preparing to form a new Provisional Electoral Council (CEP)*, NETALKOLE (Oct. 12, 2021), <https://netalkolemedia.com/en/le-premier-ministre-haitien-ariel-henry-sapprete-a-former-un-nouveau-conseil-electoral-provisoire-cep/> (reporting in October 2021 that Henry had begun the process of establishing a new CEP); Gessika Thomas & Brian Ellsworth, *Haiti's Henry urges elections amid calls for transition government*, REUTERS (Feb. 7, 2022), <https://www.reuters.com/world/americas/haitis-henry-urges-elections-amid-calls-transition-government-2022-02-07/> (reporting that “[i]n a speech on Monday [February 7], Henry said elections were the only solution to the political impasse and rejected the idea that he hand over power to a two-year interim government - a plan proposed by a group known as the Montana Accord”). Henry’s campaign to reestablish the CEP was met with criticism by Haitians from across the political spectrum, who maintain that the government should prioritize spending resources on ensuring that conditions are met for the holding of free and fair elections. See Francklyn B. Geffrard, *Le Sant Karl Leveque boude l'invitation du gouvernement sur la formation du conseil*

électoral provisoire, RHINEWS (Jan. 31, 2022), <https://www.rhinews.com/actualites/le-sant-karl-leveque-boude-linvitation-du-gouvernement-sur-la-formation-du-conseil-electoral-provisoire/>; Francklyn B. Geffrard, *Evalière Beauplan invite Ariel Henry à surseoir à la formation du CEP en attendant qu'un consensus large soit trouvé pour résoudre la crise*, RHINEWS (Jan. 31, 2022), <https://www.rhinews.com/actualites/evaliere-beauplan-invite-ariel-henry-a-surseoir-a-la-formation-du-cep-en-attendant-quun-consensus-large-soit-trouve-pour-resoudre-la-crise/>; Geffrard, *Paraison décline l'invitation du gouvernement à participer à la formation d'un nouveau CEP*, supra note 14; Francklyn B. Geffrard, *La Fédération Protestante d'Haïti pose des conditions pour se faire représenter au CEP d'Ariel Henry*, RHINEWS (Feb. 23, 2022), <https://www.rhinews.com/actualites/la-federation-protestante-dhaiti-pose-des-conditions-pour-se-faire-representer-au-cep-dariel-henry/>.

<sup>115</sup> See Geffrard, *Joseph Lambert demande à la population de prendre note du refus d'Ariel Henry de dialoguer*, supra note 20 (reporting that Joseph Lambert, president of Haiti's Senate, asked called attention "the bad faith that Ariel Henry and his allies of the September 11 agreement displayed in their refusal to dialogue"); Francklyn B. Geffrard, *Ariel Henry a encore boudé une invitation du président du dernier tiers du Sénat. Joseph Lambert lui souhaite bonne chance*, RHINEWS (Mar. 21, 2022), <https://www.rhinews.com/actualites/ariel-henry-a-encore-boude-une-invitation-du-president-du-dernier-tiers-du-senat-joseph-lambert-lui-souhaite-bonne-chance/>.

<sup>116</sup> See, e.g., Jameson Francisque, *Liens bizarres entre un prisonnier au pénitencier national, l'assassinat de Jovenel Moïse et l'affaire Petit Bois*, AYIBO POST (Mar. 17, 2022), <https://ayibopost.com/liens-bizarres-entre-un-prisonnier-au-penitencier-national-lassassinat-de-jovenel-moise-et-laffaire-petit-bois/>; Jake Johnston, "They Fooled Us," CENTER ECN. POLICY RES. (Feb. 7, 2022), <https://cepr.net/report/they-fooled-us/>; *Ex-Judge in Assassination Inquiry Alleges PM Henry Co-Planned It, Feels Threatened*, HAITIAN TIMES (Feb. 9, 2022), <https://haitiantimes.com/2022/02/09/ex-judge-in-assassination-inquiry-alleges-pm-henry-co-planned-it-feels-threatened/>; Wildore Merancourt, *Ariel Henry Fait Partie des Organisations de l'Assassinat de Jovenel Moïse, d'après le Juge d'Instruction*, AYIBO POST (Feb. 8, 2022), <https://ayibopost.com/ariel-henry-fait-partie-des-organisations-de-lassassinat-de-jovenel-moise-dapres-le-juge-dinstruction/>; 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, 8:22 AM), <https://www.cnn.com/2022/02/08/americas/haiti-assassination-investigation-prime-minister-intl-cmd-latam/index.html>; *Quand le RNDH Evoque les Contacts Téléphoniques entre Felix Joseph Badio, Leon Charles et Ariel Henry*, LE NOUVELLISTE (Jan. 6, 2022), <https://lenouvelliste.com/article/233528/quand-le-rnddh-evoque-les-contacts-telephoniques-entre-felix-joseph-badio-leon-charles-et-ariel-henry>; see also *infra* notes 165-83.

<sup>117</sup> See Francklyn B. Geffrard, *Des ex-directeurs généraux du CONATEL accusés d'avoir détourné des fonds du PSUGO, selon des rapports d'audit de la Cour des Comptes*, RHINEWS (Mar. 17, 2022), <https://www.rhinews.com/actualites/des-ex-directeurs-generaux-du-conatel-accuses-davoir-detourne-des-fonds-du-psugo-selon-des-rapports-daudit-de-la-cour-des-comptes/>; *Accusation de détournement de fonds : Jean Marie Altéma dénonce et clarifie*, LE NOUVELLISTE (Mar. 22, 2022), <https://lenouvelliste.com/article/234816/accusation-de-detournement-de-fonds-jean-marie-altema-denonce-et-clarifie>.

<sup>118</sup> Assassinated former president Jovenel Moïse was also implicated in the scandal. Bojarski, *Price-fixing lawsuit against Haiti's ex-presidents, money transfer and phone companies revived*, supra note 109; Emmanuel Marino Bruno, *Haïti-Corruption/Psugo : Joseph Michel Martelly et Jocelerme Privert dans le collimateur de la justice américaine*, ALTERPRESSE (Apr. 4, 2022), <https://www.alterpresse.org/spip.php?article28155>.

<sup>119</sup> See *Haiti – News: Zapping*, supra note 109.

<sup>120</sup> Following a request from the Haitian Senate, the Superior Court of Accounts and Administrative Litigation also decided to investigate the management of funds in the Haitian Embassy in Washington, D.C. *Haiti - Justice: The Embassy of Haiti in Washington targets allegations of embezzlement*, supra note 109.

<sup>121</sup> See Geffrard, *Himmler Rébu : Dr. Ariel Henry livre la population aux gangs armés qui se sont renforcés pour imposer un régime de terreur insupportable...*, supra note 72; *Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, supra note 2; Geffrard, « *Des organisations criminelles dont « 400 Mawozo » et le « G-9 an Fanmi e Alye » financés par la prémature* », révèle Pierre Espérance..., supra note 72; *Haïti-Justice : Le Rnddh indexe des proches d'Ariel Henry dans la libération de membres du gang 400 Mawozo arrêtés par la police*, supra note 32; Francklyn B. Geffrard, « *Le plus grand fournisseur en armes et munitions – tant des gangs armés membres du « G-9 an Fanmi e Alye » que des gangs non-alignés, demeure l'Etat haïtien* », selon le RNDH, RHINEWS (May 11, 2022), <https://www.rhinews.com/actualites/le-plus-grand-fournisseur-en-armes-et-munitions-tant-des-gangs-armes-membres-du-g-9-an-fanmi-e-alye-que-des-gangs-non-alignes-demeure-letat-haitien-selon-le/>; see also *supra* notes 69-72.

<sup>122</sup> See Maria Abi-Habib, *Haiti's Leader Kept a List of Drug Traffickers. His Assassins Came for It*, N.Y. TIMES (Dec. 12, 2021), <https://www.nytimes.com/2021/12/12/world/americas/jovenel-moise-haiti-president-drug-traffickers.html>; see also *infra* notes 170-71.

<sup>123</sup> See, e.g., *Police fire at factory protesters in Haiti, wounding three: AP*, AL JAZEERA (Feb. 23, 2022), <https://www.aljazeera.com/news/2022/2/23/police-fire-at-factory-protesters-in-haiti-wounding-3-ap>; *Haitian protestors met with police violence*, INDUSTRIALL (Feb. 14, 2022), <https://www.industriall-union.org/haitian-protestors-met-with-police-violence>; Press Release, RNDDH, *Call for a review of the minimum wage: the RNDDH supports the working class and condemns police brutality*, *supra* note 112; see also *supra* notes 78-79 and *infra* notes 257-58.

<sup>124</sup> See generally IJDH, *Submission to the United Nations Human Rights Council: 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](http://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti_UPR-Submission_EN-1.pdf) (hereinafter **IJDH UPR Justice Sector Report**); see also Fried, *supra* note 11; Concannon, *Biden must stop propping up the old guard in Haiti*, *supra* note 13; *Justice : La Cran Deplore la Paralysie Continuelle du Systeme Judiciaire en Haiti*, ALTERPRESSE (Dec. 30, 2021), <https://www.alterpresse.org/spip.php?article27835>; BINUH, *Statement of Special Representative Helen La Lime*, *supra* note 52 (reporting that “[t]he Haitian judicial system suffers from grave structural weaknesses, as evidenced by the severe challenges in renewing the terms of judges on time. This cripples the ability of courts to investigate, process and try cases.”); UNGA, Report of the Working Group on the Universal Periodic Review: Haiti, *supra* note 9 (29 member states of the HRC issued recommendations during Haiti’s third UPR in January that the government urgently address the issue of impunity and strengthen rule of law).

<sup>125</sup> See BINUH, *Statement of Special Representative Helen La Lime*, *supra* note 52.

<sup>126</sup> See Matt Rivers et al., *supra* note 116; see also *infra* notes 165-83.

<sup>127</sup> The court requires five judges for a quorum, which it had in January 2022; however, the mandates of two of those judges expired in February 2022, rendering the court once again dysfunctional. Meanwhile, an attempt by de facto Prime Minister Henry in February to appoint additional judges to the court was rejected by the Superior Council of the Judiciary on the ground that the appointments were not constitutional. See Emmanuel Moïse Yves, *Comprendre la bataille engagée pour remplir les sièges vides à la Cour de cassation*, AYIBO POST (Feb. 20, 2022), <https://ayibopost.com/comprendre-la-bataille-engagee-pour-remplir-les-sieges-vides-a-la-cour-de-cassation/>; Bruno, *Justice : Nouvelle mise en garde contre toute tentative de nomination incostitutionnelle et illégale de juges à la Cour de Cassation en Haïti*, *supra* note 3; Francklyn B. Geffrard, *Martin Aîné : « Toute nomination de juges à la Cour de Cassation sans un large consensus risque de déclencher des crises dans l'appareil judiciaire »*, AYIBO POST (Apr. 28, 2022), <https://www.rhinews.com/actualites/martin-aine-toute-nomination-de-juges-a-la-cour-de-cassation-sans-un-large-consensus-risque-de-declencher-des-crises-dans-lappareil-judiciaire/>.

<sup>128</sup> See *Lawyers fed up with paralyzed judicial system in Haiti*, *supra* note 3.

<sup>129</sup> See Jean, *supra* note 104; *Lawyers want courthouse moved to safer area, plan to protest at PM's home*, *supra* note 104; *Haiti - Insecurity: Exasperated and frustrated Haitian lawyers*, *supra* note 104.

<sup>130</sup> See, e.g., *Assassinat de Jovenel Moïse, le nouveau juge d'instruction craint pour sa sécurité*, *supra* note 104 (reporting that the investigating judge in the Moïse assassination fears for his safety and that of his family); *Haiti-Justice : L'APM et la FJKL appellant les Autorites a Garantir la Securite du Juge Louima Louidor, Menace de Mort par un Gang Arme*, *supra* note 106 (reporting that Judge Louima Louidor received death threats from the Kokorat sans ras gang in December, 2021, following a case before him involving members of that gang); *Justice : L'Association Nationale des Greffiers d'Haiti Demande de Garantir la Securite du Juge Louima Louidor et du Greffier Agony Gachette*, ALTERPRESSE (Dec. 29, 2021), <https://www.alterpresse.org/spip.php?article27831> (reporting that on December 23, 2021, the gang killed two of the Judge Louidor’s family members); *Haiti-News: Zapping*, *supra* note 106 (reporting that armed individuals attacked Judge Annie Fignolé on March 14 in the Delmas neighborhood of Port-au-Prince).

<sup>131</sup> See *Haiti – News: Zapping*, HAITI LIBRE (Mar. 20, 2022), <https://www.haitilibre.com/en/news-36226-haiti-news-zapping.html>; Francklyn B. Geffrard, *Nomination de juges dans le système judiciaire : Pierre Espérance dénonce la confusion des rôles et des pouvoirs dans le processus*, RHINEWS (Mar. 22, 2022), <https://www.rhinews.com/actualites/nomination-de-juges-dans-le-systeme-judiciaire-pierre-esperance-denonce-la-confusion-des-roles-et-des-pouvoirs-dans-le-processus/> (reporting that RNDDH’s Pierre Espérance said that “certain credible judges have been sidelined because of consultations received by Ariel Henry from certain lawyers or because these magistrates have penalized relatives of those in power”); Francklyn B. Geffrard, *L'ANAMAH s'oppose à toute nomination de juges à la Cour de Cassation en dehors de la procédure constitutionnelle*, RHINEWS (Mar. 24, 2022), <https://www.rhinews.com/actualites/lanamah-soppose-a-toute-nomination-de-juges-a-la-cour-de->

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[cassation-en-dehors-de-la-procedure-constitutionnelle/](#) (reporting that the President of the National Association of Haitian Magistrates noted that Henry and the Council of Ministers had no authority to act on behalf of the [non-existent] President in this matter).

<sup>132</sup> *Le parquet de Port-au-Prince et une dizaine de cabinets d'instruction cambriolés*, LE NOUVELLISTE (May 11, 2022), <https://lenouvelliste.com/article/235726/le-parquet-de-port-au-prince-et-une-dizaine-de-cabinets-dinstruction-cambrioles> (reporting that the theft occurred in the same courthouse in Port-au-Prince that lawyers have been asking be moved for safety reasons).

<sup>133</sup> *Haiti - Insecurity: The Senate victim of a major burglary*, HAITI LIBRE (Apr. 22, 2022), <https://www.haitilibre.com/en/news-36481-haiti-insecurity-the-senate-victim-of-a-major-burglary.html>.

<sup>134</sup> RNDDH, Conditions générales de fonctionnement des Tribunaux de Paix en Haïti (Oct. 4, 2021), <https://web.rnddh.org/wp-content/uploads/2021/10/6-Rap-VS-Etude-Fonctionnement-des-Tribunaux-de-Paix-4Oct2021-FR.pdf>.

<sup>135</sup> RNDDH, *Zoom sur les tribunaux de paix du pays : Enquête de suivi sur l'accessibilité et la disponibilité du service public de justice de proximité* (Apr. 4, 2022), <https://web.rnddh.org/wp-content/uploads/2022/04/5-Rap-Tribunal-de-paix-05Avr2022-VS-FR.pdf>.

<sup>136</sup> See Francklyn B. Geffrard, *Dysfonctionnement de l'appareil judiciaire : Les greffiers sont en grève dans les 18 juridictions du pays*, RHINEWS (Apr. 19, 2022), <https://www.rhinews.com/actualites/dysfonctionnement-de-lappareil-judiciaire-les-greffiers-sont-en- greve-dans-les-18-juridictions-du-pays/>; Marlyne Jean, *Haïti-Justice : Le Caddho appelle à la poursuite du dialogue institutionnel, pour une levée rapide de la grève des greffiers*, ALTER PRESSE (Apr. 18, 2022), <https://www.alterpresse.org/spip.php?article28199>.

<sup>137</sup> See Fenel Péliissier & Widlore Mérancourt, *Exclusif | Les greffiers rentrent en grève. La justice paralysée.*, AYIBO POST (Apr. 6, 2022), <https://ayibopost.com/exclusif-les-greffiers-rentrent-en- greve-la-justice-paralysee/>; *Haiti's judicial clerks group plans to strike for better salaries, safer courthouses*, HAITIAN TIMES (Apr. 14, 2022), <https://haitiantimes.com/2022/04/13/haitis-judicial-clerks-group-plans-to-strike-for-better-salaries-safer-courthouses/>.

<sup>138</sup> See Francklyn B. Geffrard, *Les greffiers haïtiens toujours en grève : La primature et le ministère des finances n'ont pas répondu à leurs revendications*, RHINEWS (May 8, 2022), <https://www.rhinews.com/actualites/les-greffiers-haitiens-toujours-en- greve-la-primature-et-le-ministere-des-finances-nont-pas-repondu-a-leurs-revendications/>; Alina Ramos Martin, *Haitian court clerks partially lift their strike*, PRENSA LATINA (May 26, 2022), <https://www.plenglish.com/news/2022/05/26/haitian-court-clerks-partially-lift-their-strike/> (reporting that clerks announced a partial lift of the strike on May 26 after the Justice Minister granted debit cards and appointed trained employees, per the clerks' demands).

<sup>139</sup> See *Lawyers fed up with paralyzed judicial system in Haiti*, *supra* note 3 (reporting that “the prison system has room for 3,000 inmates but holds more than 11,200, 80 percent of whom are simply waiting to go on trial, and some of them have been for years, according to penal officials. And the living conditions are deplorable.”); Jacqueline Charles & Antonio Maria Delgado, *‘Like living in a concentration camp’: Haitian prisons run out of food and water*, MIAMI HERALD (May 30, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article261758132.html>; UNGA, Report of the Working Group on the Universal Periodic Review: Haiti, *supra* note 9 (fourteen member states of the HRC issued recommendations during Haiti's third UPR in January that the government improve abhorrent prison conditions and the high rate of pretrial detention).

<sup>140</sup> See Jacqueline Charles, *Haiti cops caught soldier in stolen car. His fast release raises questions of unequal justice*, MIAMI HERALD (Dec. 3, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article256085317.html>.

<sup>141</sup> UNGA, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Haiti, A/HRC/WG.6/40/HTI/1 (Jan. 4, 2022), <https://www.ohchr.org/en/hr-bodies/upr/ht-index; Webinar: Haiti's Latest Universal Periodic Review & the Human Rights Situation in Haiti>, *supra* note 10.

<sup>142</sup> Ramos Martin, *supra* note 138; see also BINUH Report, Feb. 15, 2022, at 7, ¶ 27 (putting the number at 81 percent).

<sup>143</sup> A humanitarian observer emphasized that the high number of arrests, non-functional courts, and over-crowded prisons all point to a much higher percentage of pretrial detention than official reports would indicate. They added that many people who have been arrested and charged, but not tried and convicted, are held in police stations or makeshift prisons, which means they are not counted as part of the official prison population.

<sup>144</sup> BINUH Report, Feb. 15, 2022 at 7, ¶ 29 (reporting that “[a]s at 19 January [2022], Haitian prisons held a total of 11,003 inmates, including 387 women, 237 boys and 18 girls, and had an estimated overall occupancy rate of 322 per cent, with 9,005 inmates awaiting trial. The issue of prison overcrowding, with some prisons currently housing

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five times as many inmates as they were designed to hold, was further exacerbated by the relocation of hundreds of individuals detained in three southern region prisons which suffered extensive damage during the 14 August earthquake.”); *see also* Teresa Romero, *Prison occupancy levels in Caribbean countries 2022*, STATISTICA (March 24, 2022), <https://www.statista.com/statistics/1297433/prison-occupancy-rates-caribbean-country/> (reporting that as of March 2022, “Haiti had a 454.4 percent prison occupancy rate in 2022, being the country with the most overcrowded prison system in the Caribbean”).

<sup>145</sup> *See* BINUH Report, Feb. 15, 2022, at 7, ¶ 29.

<sup>146</sup> *See* Charles & Maria Delgado, *supra* note 139. Insecurity has compounded the problem, with prisoners who previously relied on their family members or human rights organizations to bring them food now going hungry because it is too dangerous for them to make the journey to the prison. *Id.*

<sup>147</sup> *Le gang « 400 Mawozo » menace d’attaquer la prison de la Croix-des-Bouquets pour faciliter l’évasion de détenus*, HAITI EN MARCHE (April 18, 2022), [https://haitienmarche.com/index.php?option=com\\_content&view=article&id=12196:le-gang-400-mawozo-menace-d-attaquer-la-prison-de-la-croix-des-bouquets-pour-faciliter-l-evasion-de-detenus&catid=15:en-bref&Itemid=280](https://haitienmarche.com/index.php?option=com_content&view=article&id=12196:le-gang-400-mawozo-menace-d-attaquer-la-prison-de-la-croix-des-bouquets-pour-faciliter-l-evasion-de-detenus&catid=15:en-bref&Itemid=280).

<sup>148</sup> *Id.*; *see also* Charles & Maria Delgado, *supra* note 139 (reporting that the walls of the National Penitentiary are “visibly crumbling”).

<sup>149</sup> *Le gang « 400 Mawozo » menace d’attaquer la prison de la Croix-des-Bouquets pour faciliter l’évasion de détenus*, *supra* note 147. A salient example of this is the leader of the 400 Mawozo gang, Joly Germine, who was able to run 400 Mawozo operations out of the Haitian prison where he was being held using “unmonitored” cell phones, until he was extradited to the United States on weapons smuggling charges in early May. *See* Jordan Freiman, *Haitian gang leader charged in kidnapping of missionaries*, CBS NEWS (May 10, 2022), <https://www.cbsnews.com/news/joly-germine-400-mawozo-gang-haiti-charged-kidnapping-missionaries/>; Glenn Thrush, *Haitian Gang Leader Is Charged With Abducting American Missionaries*, NY TIMES (May 10, 2022), <https://www.nytimes.com/2022/05/10/us/politics/haitian-mawozo-gang-kidnapping-charges.html>.

<sup>150</sup> *See* Charles & Maria Delgado, *supra* note 139.

<sup>151</sup> *See* Charles, *Haiti cops caught soldier in stolen car. His fast release raises questions of unequal justice*, *supra* note 140 (discussing impunity for a Haitian soldier involved in a stolen car ring as just one of many examples of Haiti’s “troubled and corrupt justice system,” which gives special treatment based on political affiliation. A PNH officer “cited several instances where police have attempted to dismantle gangs by arresting their leaders based on police investigations, only to have judges free the individuals, sometimes after mere hours.”); *see also supra* notes 127, 131.

<sup>152</sup> *See* Charles, *Haiti cops caught soldier in stolen car. His fast release raises questions of unequal justice*, *supra* note 140.

<sup>153</sup> *See* Amnesty International, *supra* note 93.

<sup>154</sup> *See* Geffrard, *Le journaliste Vladjimy Legagneur toujours porté disparu : L’enquête de la police judiciaire se poursuit indéfiniment, 4 ans après*, *supra* note 108; *Disparition de Vladjimir Legagneur : quatre ans après, la justice toujours muette*, LE NOUVELLISTE (Mar. 14, 2022), <https://lenouvelliste.com/article/234690/disparition-de-vladjimir-legagneur-quatre-ans-apres-la-justice-toujours-muette>.

<sup>155</sup> At least 71 people were killed in the 2018 La Saline massacre, which was believed to be politically motivated. Many of those involved in the massacre – including then-police officer-turned gang leader Jimmy Chérizier and then-government officials Fednel Monchery and Joseph Pierre Richard Duplan – have faced no consequences. *See, e.g.*, IJDH UPR Justice Sector Report, *supra* note 124, at ¶ 6(b).

<sup>156</sup> *See, e.g.*, Marlyne Jean, *Droits humains : La Fondation devoir de mémoire-Haïti réclame vérité et justice sur l’ensemble des massacres, perpétrés depuis 60 ans*, ALTERPRESSE (Mar. 24, 2022), <https://www.alterpresse.org/spip.php?article28122>.

<sup>157</sup> *See, e.g.*, *Gouvernance, lutte contre la corruption et les violations des droits humains, les États-Unis balisent leur financement à Haïti*, LE NOUVELLISTE (Mar. 15, 2022), <https://lenouvelliste.com/article/234710/gouvernance-lutte-contre-la-corruption-et-les-violations-des-droits-humains-les-etats-unis-balisent-leur-financement-a-haiti> (the 2022 U.S. Haiti Institutional Development, Accountability, and Transparency Act (Haiti Act) highlighted concerns of impunity for those involved in the La Saline massacre); UNGA, Report of the Working Group on the Universal Periodic Review: Haiti, *supra* note 9 (France and the United States specifically called on Haiti during its third UPR in January to investigate massacres).

<sup>158</sup> *See* IJDH UPR Justice Sector Report, *supra* note 124, at ¶ 6. (“These massacres include eight massacres in La Saline (2018-2020), two massacres in Nan Tokyo (2019), three massacres in Bel Air (2019-2021), one massacre in

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Martissant (2020), two massacres in Cité Soleil (2020-2021), Delmas 32 (2021), and...[one]massacre in the Martissant/Bas-Demalás/Cité Soleil/Croix-des Bouquets areas (2021).”)

<sup>159</sup> See also *supra* notes 47-48, 51.

<sup>160</sup> See IJDH December 2021 Update, *supra* note 1.

<sup>161</sup> 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>. Former President Martelly, who was implicated in the PetroCaribe scandal, is currently on trial in the United States for a separate embezzlement scandal. See also *supra* note 118.

<sup>162</sup> Dorval was a vocal critic of Moïse’s administration, and his assassination in August 2020 was widely described as politically motivated. See IJDH UPR Justice Sector Report, *supra* note 124, at ¶ 6(d); *Les Avocats du Barreau de Port-au-Prince Continuent de Demander Justice pour la Batonnier Dorval*, LE NOUVELLISTE (Dec. 29, 2021), <https://lenouvelliste.com/alaminate/20745/les-avocats-du-barreau-de-port-au-prince-continuent-de-demander-justice-pour-le-batonnier-dorval>.

<sup>163</sup> See « *Le dossier de Me Monferrier Dorval n’est pas mort* », *supra* note 105; Francklyn B. Geffrard, *Menaces sur la sécurité du juge Rénord Régis : Préoccupée, l’ANAMAH alerte l’union internationale des magistrats*, RHINEWS (Jun. 20, 2021), <https://www.rhinews.com/actualites/menaces-sur-la-securite-du-juge-renord-regis-preoccupee-lanamah-alerte-lunion-internationale-des-magistrats/>; IJDH December 2021 Update, *supra* note 1.

<sup>164</sup> See *Assassinat de Monferrier Dorval et de Jovenel Moïse : des dossiers sans domicile fixe*, LE NOUVELLISTE (May 10, 2022), <https://lenouvelliste.com/article/235690/assassinat-de-monferrier-dorval-et-de-jovenel-moise-des-dossiers-sans-domicile-fixe> (discussing the lack of progress in the Dorval and Moïse assassinations, both of which lack an investigating judge).

<sup>165</sup> See *Où en est la justice haïtienne avec l’enquête sur l’assassinat du président Moïse?*, LE NOUVELLISTE (Apr. 21, 2022), <https://lenouvelliste.com/article/235340/ou-en-est-la-justice-haitienne-avec-lenquete-sur-lassassinat-du-president-moise>; BINUH, *Statement of Special Representative Helen La Lime*, *supra* note 52, at ¶ 10; *Assassinat du président : la justice haïtienne piétine, l’administration Biden s’intéresse à l’enquête*, LE NOUVELLISTE (Mar. 17, 2022), <https://lenouvelliste.com/article/234737/assassinat-du-president-la-justice-haitienne-pietine-ladministration-biden-sinteresse-a-lenquete>; *Haiti-Onu : Le Conseil des Droits Humains Demande de Traduire en Justice les Auteurs du Meurtre de Jovenel Moïse*, ALTERPRESSE (Feb. 1, 2022), <https://www.alterpresse.org/spip.php?article27954>.

<sup>166</sup> See Matt Rivers, Etant Dupain & Natalie Gallón, *supra* note 116; (reporting that Henry spoke with the key suspect of the assassination, Joseph Felix Badio, twice over the phone in the early morning after the assassination, and met with him at his own residence); Anatoly Kurmanav, *Haitian Prime Minister Had Close Links With Murder Suspect*, NY TIMES (Jan. 10, 2022), <https://www.nytimes.com/2022/01/10/world/americas/haitian-prime-minister-assassination-suspect.html>; *Haiti – News: Zapping...*, HAITI LIBRE (Jan. 11, 2022), <https://www.haitilibre.com/en/news-35692-haiti-news-zapping.html>; *Ex-Judge in Assassination Inquiry Alleges PM Henry Co-Planned It, Feels Threatened*, *supra* note 116; *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-assassination-moise-former-pm-claude-joseph-with-the-oas-accuses-ariel-henry-the-haitian-chancellery-reacts.html>.

<sup>167</sup> See Matt Rivers, Etant Dupain & Natalie Gallón, *supra* note 116.

<sup>168</sup> See *id.* (Claude told CNN “I wanted to indict Ariel Henry after questioning him and I think Ariel knew it, and fired me, and ignored my request (to come in for questioning)”).

<sup>169</sup> See *id.*

<sup>170</sup> See Abi-Habib, *Haiti’s Leader Kept a List of Drug Traffickers. His Assassins Came for It*, *supra* note 122 (discussing evidence that, prior to his death, Moïse had turned on former allies Martelly, Dorcé, and businessman and known drug trafficker Charles Saint-Rémy, and that they likely played a role in the planning of his assassination).

<sup>171</sup> See *id.*

<sup>172</sup> See *Haiti police say former Supreme Court judge suspect in president's killing*, REUTERS (Jul. 31, 2021), <https://www.reuters.com/world/americas/haiti-police-say-former-supreme-court-judge-suspect-presidents-killing-2021-07-31/>; Johnston, *supra* note 116.

<sup>173</sup> See Johnston, *supra* note 116 (including at least twelve Haitian police officers, eighteen retired members of the Colombian military, and the alleged mastermind, Haitian-American pastor Christian Emmanuel Sanon).



<sup>174</sup> The U.S. Federal Bureau of Investigations has been conducting its own investigation into the assassination, on the ground that the crime was partially planned in the United States. Three suspects have been charged in this investigation. In March, President Biden signed legislation requiring the State Department to compile a report on the investigation's progress in Haiti and the United States. See Widlore Mérancourt et al., *Haiti's assassination probe has stalled. The U.S. one is advancing.*, WASHINGTON POST (Apr. 8, 2022), <https://www.washingtonpost.com/world/2022/04/08/haiti-moise-assassination-investigation/>; *US Charges Third Suspect in Assassination of Haiti's Moïse*, VOA NEWS (May 9, 2022), <https://www.voanews.com/a/us-charges-third-suspect-in-assassination-of-haiti-s-moise/6564416.html>; *Consolidated Appropriations Act, 2022*, H. R. 2471, Div. V ¶¶ 107, 108 (Jan. 2022), <https://www.govinfo.gov/content/pkg/BILLS-117hr2471enr/pdf/BILLS-117hr2471enr.pdf>. The U.S. investigation also calls attention to allegations by suspects that “various U.S. agencies were aware of or directly supported their actions.” Johnston, *supra* note 116; Abi-Habib, *Haiti's Leader Kept a List of Drug Traffickers. His Assassins Came for It*, *supra* note 122 (reporting that “[i]n November, the Senate Judiciary Committee criticized the D.E.A. for corruption allegations that have swirled around its Haiti operations, citing a Times investigation in August linking Mr. Moïse's head of palace security to the drug trade”); Press Release, Chuck Grassley Office, *Judiciary Committee Leaders Press DEA On Lack Of Internal Oversight* (Nov. 16, 2021), <https://www.grassley.senate.gov/news/news-releases/judiciary-committee-leaders-press-dea-on-lack-of-internal-oversight>.

<sup>175</sup> See e.g., *New arrests, but even more unanswered questions over Haitian president's slaying*, FRANCE 24 (Jan. 22, 2022), <https://www.france24.com/en/live-news/20220122-new-arrests-but-even-more-unanswered-questions-over-haitian-president-s-slaying>; Matt Rivers, Etant Dupain & Natalie Gallón, *supra* note 116; Mérancourt et al., *Haiti's assassination probe has stalled. The U.S. one is advancing.*, *supra* note 174.

<sup>176</sup> *Affaire Moïse : plus de juge d'instruction, l'enquête à l'arrêt*, LE NOUVELLISTE (Apr. 25, 2022), <https://lenouvelliste.com/article/235380/affaire-moise-plus-de-juge-dinstruction-lenquete-a-larret>; *Haiti - FLASH: Assassination of the President, no more investigating judge*, HAITI LIBRE (Apr. 27, 2022), <https://www.haitilibre.com/en/news-36522-haiti-flash-assassination-of-the-president-no-more-investigating-judge.html>; *Assassinat de Jovenel Moïse : le juge d'instruction, en fin de mandat, n'a encore ni des moyens ni le dossier*, LE NOUVELLISTE (Mar. 21, 2022), <https://lenouvelliste.com/article/234793/assassinat-de-jovenel-moise-le-juge-dinstruction-en-fin-de-mandat-na-encore-ni-des-moyens-ni-le-dossier>; *Assassinat de Monferrier Dorval et de Jovenel Moïse : des dossiers sans domicile fixe*, *supra* note 164.

<sup>177</sup> *Walter Wesser Voltaire, le cinquième juge d'instruction désigné sur l'assassinat de Jovenel Moïse*, LE NOUVELLISTE (May 31, 2022), <https://lenouvelliste.com/article/236104/walter-wesser-voltaire-le-cinquieme-juge-dinstruction-designe-sur-l-assassinat-de-jovenel-moise>.

<sup>178</sup> See Matt Rivers, Etant Dupain & Natalie Gallón, *supra* note 116; *Haiti – Assassination Moïse: Former PM Claude Joseph with the OAS accuses Ariel Henry, the Haitian Chancellery Reacts*, *supra* note 166; *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-by-the-reaction-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/>.

<sup>179</sup> See Geffrard, *Assassinat de Jovenel Moïse : L'enquête toujours dans l'impasse. Le mandat du magistrat instructeur expire*, *supra* note 107 (reporting that the DCPJ failed to give the new investigating judge the case file, meaning he was never able to begin his investigation before his mandate expired); *Newest Moïse assassination case judge does not have docket, fears for safety*, HAITIAN TIMES (Apr. 11, 2022), <https://haitiantimes.com/2022/04/11/newest-moise-assassination-case-judge-does-not-have-docket-fears-for-safety/>; Mérancourt et al., *Haiti's assassination probe has stalled. The U.S. one is advancing.*, *supra* note 174; *Haiti - FLASH: The safe of the general registry of the TPI of Port-au-Prince has disappeared*, HAITI LIBERTE (Nov. 10, 2021), <https://www.haitilibre.com/en/news-35209-haiti-flash-the-safe-of-the-general-registry-of-the-tpi-of-port-au-prince-has-disappeared.html> (reporting that evidence pertaining to the investigation was stolen in November); Jacqueline Charles, *Stolen court safe held secrets of a high-profile killing. Can justice survive in Haiti?*, MIAMI HERALD (Nov. 26, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article255970912.html>.

<sup>180</sup> See Francklyn B Geffrard, *Affaire Garry Orélien : Le Conseil Supérieur du Pouvoir Judiciaire Ouvre une Enquete sur le Comportement du Juge . . .*, RHINEWS (Feb. 2, 2022, 6:25 AM), <https://www.rhinews.com/actualites/affaire-garry-orélien-le-conseil-superieur-du-pouvoir-judiciaire-ouvre-une>

[enquete-sur-le-comportement-du-juge/](#); *Haitian judge in Moise murder investigation quits as corruption accusations emerge*, HAITIAN TIMES (Jan. 23, 2022), <https://haitiantimes.com/2022/01/23/haitian-judge-in-moise-murder-investigation-quits-as-corruption-accusations-emerge/> (reporting that the Superior Council of the Judiciary opened an investigation into Judge Orélien in February based on a request from RNDDH “saying that the judge received USD \$20,000 to lift a ban on leaving the country that had been issued against one person implicated in the murder. Orélien had also requested money from fugitives against whom Haitian authorities had issued arrest warrants.”); *Haiti - News: Zapping*, HAITI LIBRE (Apr. 12, 2022), <https://www.haitilibre.com/en/news-36410-haiti-news-zapping.html> (reporting that the administration allegedly blocked key information from inclusion in the DCPJ’s official report of the assassination, which contains only 20 percent of the relevant information).

<sup>181</sup> See *Assassinat de Jovenel Moïse, le nouveau juge d’instruction craint pour sa sécurité*, *supra* note 104 (reporting that Judge Belabre, who was appointed to replace Judge Orélien, expressed fears for his safety and that of his family); *Le ministre de la Justice promet les moyens nécessaires au juge Belabre*, LE NOUVELLISTE (Mar. 13, 2022), <https://lenouvelliste.com/article/234729/le-ministre-de-la-justice-promet-les-moyens-necessaires-au-juge-belabre>; Geffrard, *Assassinat de Jovenel Moïse : L’enquête toujours dans l’impasse. Le mandat du magistrat instructeur expire*, *supra* note 107; *Assassinat de Jovenel Moïse : le juge d’instruction, en fin de mandat, n’a encore ni des moyens ni le dossier*, *supra* note 176.

<sup>182</sup> See *Newest Moïse assassination case judge does not have docket, fears for safety*, *supra* note 179.

<sup>183</sup> *Haiti – News: Zapping*, *supra* note 180.

<sup>184</sup> See generally IJDH, Submission to the United Nations Human Rights Council: Gender-Based Violence in Haiti (2022), [http://www.ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti\\_UPR-Submission\\_EN-1.pdf](http://www.ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti_UPR-Submission_EN-1.pdf) (hereinafter **IJDH UPR GBV Report**); see also Sophie Cousins, ‘We are fighting the system’: Haiti lawyers taking rape to the courts, GUARDIAN (Apr. 18, 2022), <https://www.theguardian.com/global-development/2022/apr/18/haiti-sexual-violence-rape-gangs-victims-women-lawyers>.

<sup>185</sup> See Arelis R. Hernández & Samantha Schmidt, *Search for survivors ongoing after migrant boat sinks near Puerto Rico*, WASHINGTON POST (May 13, 2022), <https://www.washingtonpost.com/nation/2022/05/12/puerto-rico-migrant-boat-capsizes/>; *Solidarite Fanm Aysisyèn (SOFA)*, Global Justice Clinic (GJC) & IJDH, Submission on violence against women and girls in the context of the climate crisis (2022), [https://chrgj.org/wp-content/uploads/2022/04/220331\\_SOFA\\_GJC\\_IJDH\\_Submission-to-Special-Rapporteur\\_-English.pdf](https://chrgj.org/wp-content/uploads/2022/04/220331_SOFA_GJC_IJDH_Submission-to-Special-Rapporteur_-English.pdf). For example, Haitian women and persons with disabilities, particularly those in rural or disadvantaged areas, lack adequate access to drinking water and sanitation services and healthcare. See UNGA, Summary of Stakeholders’ submissions on Haiti, A/HRC/WG.6/40/HTI/3, ¶¶ 23, 27 (Nov. 22, 2021), <https://www.ohchr.org/en/hr-bodies/upr/ht-index>.

<sup>186</sup> See Geffrard, *La FJKL plaide pour le respect systématique des droits des femmes Haïtiennes*, *supra* note 8; UNGA, Summary of Stakeholders’ submissions on Haiti, *supra* note 185, at ¶ 32.

<sup>187</sup> See Hernández & Schmidt, *supra* note 185; see also *infra* notes 324-26.

<sup>188</sup> See UNGA, Compilation on Haiti, A/HRC/WG.6/40/HTI/2, ¶ 33 (Nov. 10, 2021), <https://www.ohchr.org/en/hr-bodies/upr/ht-index>; Global Protection Cluster, *supra* note 5, at 7; Cousins, *supra* note 184; UNGA, Report of the Working Group on the Universal Periodic Review: Haiti, *supra* note 9 (27 member states of the HRC issued recommendations during Haiti’s third UPR in January that the government take urgent measures to fight GBV and ensure access to adequate reproductive and sexual healthcare).

<sup>189</sup> See UNGA, Summary of Stakeholders’ submissions on Haiti, *supra* note 185, at ¶ 40.

<sup>190</sup> For example, people with disabilities were disproportionately impacted by the violence in Croix-des-Bouquets in April and May because they were largely unable to flee. Amélie Baron, *Ils ont fui les gangs, mais restent paniqués : « c’est tout Haïti qui est en danger »*, LA PRESSE (May 6, 2022), <https://www.lapresse.ca/international/caraibes/2022-05-06/ils-ont-fui-les-gangs-mais-restent-paniques-c-est-tout-haiti-qui-est-en-danger.php#>; see also *Greater Inclusion Necessary for Haitians Living With a Disability*, WORLD BANK (Dec. 17, 2021), <https://www.worldbank.org/en/news/feature/2021/12/17/greater-inclusion-necessary-for-haitians-living-with-a-disability>; *Haiti: Resilience in times of crisis*, UN WOMEN (Mar. 2, 2022), <https://unf.unwomen.org/en/stories/feature-story/2022/03/haiti-resilience-in-times-of-crisis>.

<sup>191</sup> See *Haiti: Gender-Based Violence and Rule of Law*, CENTER GENDER & REFUGEES STUDIES, <https://cgrs.uchastings.edu/our-work/haiti-gender-based-violence-and-rule-law> (last visited Jun. 3, 2022).

<sup>192</sup> See IJDH, *Webinar: Advancing Women’s Rights in Haiti: The Fight for Political Participation, Social Equality, and an End to Gender-Based Violence* (Mar. 8, 2022), [http://www.ijdh.org/ijdh\\_events/save-the-date-international-womens-day-webinar-on-womens-political-participation-and-gender-based-violence-in-haiti/](http://www.ijdh.org/ijdh_events/save-the-date-international-womens-day-webinar-on-womens-political-participation-and-gender-based-violence-in-haiti/); Cousins, *supra* note

184; Daphnine Joseph, *Genre : Les acquis du mouvement des femmes de plus en plus fragilisés en 2021 en Haïti*, ALTER PRESSE (Jan. 5, 2022), <https://www.alterpresse.org/spip.php?article27849>.

<sup>193</sup> The Commission is the body behind the Montana Accord, and one of its leaders is a woman. See *Commission for Haitian Solution to the Crisis: Notice for launching*, HAITI WATCH (May 12, 2021), <https://www.haitiwatch.org/home/commissionforhaitiansolution>; Ives, *MOLEGHAF se retire de l'accord de Montana*, *supra* note 21.

<sup>194</sup> *Genre : Plaidoyer du Parti Politique en Avant Pour la Parité Hommes-Femmes en Haïti*, ALTER PRESSE (Feb. 14, 2022), <https://www.alterpresse.org/spip.php?article27993>.

<sup>195</sup> Other programs to improve women's participation are starting to take form in Haiti. See *The Governance of the Spotlight Program in Haiti is Strengthening*, HAITI LIBRE (Feb. 14, 2022), <https://www.haitilibre.com/en/news-35958-haiti-politic-the-governance-of-the-spotlight-program-in-haiti-is-strengthening.html> (the Spotlight Program, which is backed by multiple UN Agencies like UN Women and UN Development Programme, is intended to strengthen women's participation and is part of a partnership with the UN and EU aims to eliminate violence against women across 51 municipalities in Haiti).

<sup>196</sup> There are almost no women elected officials in Haiti, and only several appointed high officials. There are no female judges in Haiti's highest court, *Cour de Cassation*, and no female senators or members of parliament – due at least in part to the fact that no elections have been held in Haiti since 2017. Henry has appointed only six women as Ministers, including two in 2022, and no women serve as Directors General of ministries. See *Ministerial reshuffle, 8 New Ministers*, HAITI LIBRE (25 November 2021), <https://www.haitilibre.com/en/news-35323-haiti-flash-ministerial-reshuffle-8-new-ministers.html>; *Haiti – Politic: 10 new appointments to the Government* (Jan. 12, 2022), <https://www.haitilibre.com/en/news-35694-haiti-politic-10-new-appointments-to-the-government.html>; UNGA, *Compilation on Haiti*, *supra* note 188, at ¶ 47.

<sup>197</sup> See UNGA, *Compilation on Haiti*, *supra* note 188, at ¶ 47.

<sup>198</sup> See IJDH, Nègès Mawon & GJC, *Input for SR VAW's Report on Violence Against Women in the Context of the Climate Crisis: Observations on Challenges and Opportunities in Haiti* (2022), <http://www.ijdh.org/wp-content/uploads/2022/04/Input-for-SR-VAW-re-VAW-Climate-NegesMawon-IJDH-GJC.pdf>; *The United Nations Advocates for the Involvement of Women and Girls in the Construction of Haiti*, ALTER PRESSE (Mar. 8, 2022), <https://www.alterpresse.org/spip.php?article28058>.

<sup>199</sup> See SOFA, GJC & IJDH, *supra* note 185.

<sup>200</sup> See Joseph, *Genre : Les acquis du mouvement des femmes de plus en plus fragilisés en 2021 en Haïti*, *supra* note 192 (reporting that “[t]he country's moribund economy considerably compromises the economic activities and purchasing power of Haitian women, particularly rural women. Generally living from subsistence farming, women traders and farmers are largely affected by the accelerated depreciation of the gourde.”); SOFA, GJC & IJDH, *supra* note 185 (reporting that “[r]ural women face financial insecurity, with rural female-headed households substantially poorer than male-headed households,” and discussing government land grabs of territory used for subsistence farming to establish free-trade zones used for the export of goods, to the financial benefit of politicians and wealthy businessmen); IJDH, Nègès Mawon & GJC, *supra* note 198 (reporting that “as increasing desertification (both due to logging and climate-driven changes to rainfall patterns) in Haiti has reduced the amount of farmable land and thus increased land competition, women's predominance in small-scale farming for personal consumption and exclusion from larger, irrigated farming operations renders them more vulnerable even to small climate shifts, subject to competition-related violence, and less able to access resources that might increase their resilience.”).

<sup>201</sup> For example, to this day, cohabitation is the most common type of union in Haiti; however, because cohabitation is not recognized in the Civil Code, women are not afforded certain rights, such as the right to inherit property after the death of a spouse. See Melissa Beralus, *Le Concubinage ne Donne pas aux Femmes Haïtiennes le Droit d'Hériter de Leur Conjoint*, AYIBO POST (Dec. 29, 2021), <https://ayibopost.com/le-concubinage-ne-donne-pas-aux-femmes-haitiennes-le-droit-dheriter-de-leur-conjoint/>.

<sup>202</sup> See, e.g., Francklyn B. Geffrard, *Les Femmes d'Amérique Latine et des Caraïbes ont Moins de Droits Juridiques que les Hommes, révèle une étude de la Banque Mondiale*, RHINEWS (Mar. 1, 2022), <https://www.rhinews.com/actualites/les-femmes-damerique-latine-et-des-caraibes-ont-moins-de-droits-juridiques-que-les-hommes-revele-une-etude-de-la-banque-mondiale/>.

<sup>203</sup> See Joseph, *Genre : Les acquis du mouvement des femmes de plus en plus fragilisés en 2021 en Haïti*, *supra* note 192; IJDH, Nègès Mawon & GJC, *supra* note 198; UNGA, *Summary of Stakeholders' submissions on Haiti*, *supra* note 185; *Students protest against alleged sexual assault at Northern Department school*, HAITIAN TIMES (Apr. 21, 2022), <https://haitiantimes.com/2022/04/21/students-protest-against-alleged-sexual-assault-at-northern-department->

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[school/](#); *Human Rights: The Security Working Group Condemns All Forms of Sexual Violence in Haiti*, ALTER PRESSE (Dec. 11, 2021), <https://www.alterpresse.org/spip.php?article27758>.

<sup>204</sup> See Cousins, *supra* note 184; Global Protection Cluster, *supra* note 5, at 6; Global Protection Cluster, Haiti under Gang Control: The Uprising of Sexual Violence, *supra* note 57.

<sup>205</sup> Global Protection Cluster, Haiti under Gang Control: The Uprising of Sexual Violence, *supra* note 57, at 6.

<sup>206</sup> UNGA, Summary of Stakeholders' submissions on Haiti, *supra* note 185, at ¶ 34; *see also id.* at ¶ 32 (reporting that the Departmental Initiative Against Child Trafficking in Haiti documented nearly 500 cases of sexual violence against women and girls in Saint-Marc and Croix-des-Bouquets between January 2018 and March 2021); *Violence Against Women Prevalence Estimates, 2018*, WORLD HEALTH ORGANIZATION (Mar. 9, 2021), <https://www.who.int/publications/i/item/9789240022256> (the UN's latest estimate from 2018 indicated that 23 percent of women who live with a partner are victims of intimate partner violence within their lifetimes); *Haiti: Humanitarian Needs Overview (HNO) – Summary (2021)*, HUMANITARIAN RESPONSE (2021), <https://www.humanitarianresponse.info/en/operations/haiti/document/haiti-humanitarian-needs-overview-summary-2021> (in its most recent report on the subject, the UN Office for the Coordination of Humanitarian Affairs found a 377 percent increase in reported GBV cases in 2021).

<sup>207</sup> See IJDH, Nègès Mawon & GJC, *supra* note 198.

<sup>208</sup> See *Human Rights: The Security Working Group Condemns All Forms of Sexual Violence in Haiti*, *supra* note 203; Geffrard, *La FJKL plaide pour le respect systématique des droits des femmes Haïtiennes*, *supra* note 8; Cousins, *supra* note 184; Amnesty International et al., Stop US deportations and abuse against Haitians on the move: an urgent step towards creating just policies for Haitians (Dec. 15, 2021), <https://www.amnesty.org/en/wp-content/uploads/2021/12/AMR3651012021ENGLISH.pdf>.

<sup>209</sup> UNSC, United Nations Integrated Office in Haiti: Report of the Secretary-General, *supra* note 25, at ¶ 32; *see also Cousins*, *supra* note 184; *see also supra* note 43.

<sup>210</sup> See Kri Fanm Ayiti, *supra* note 50.

<sup>211</sup> See Geffrard, *La FJKL plaide pour le respect systématique des droits des femmes Haïtiennes*, *supra* note 8; Global Protection Cluster, *supra* note 5, at 5 (a senior police officer in charge of the *Coordination Nationale des Affaires Féminines (CNAF)* noted that the “extremely weak” judicial and police responses to GBV are due to “the fact that survivors don’t report their cases because they fear retaliation upon their return to gang-controlled areas and because the police itself cannot access the most affected areas due to insecurity and lack of means.” The report additionally emphasizes that “police are not considered as entry point for SGBV survivors. Between June and December, officially zero cases of sexual violence were officially documented by... [CNAF].”). This is in contrast to the afore-mentioned high rates reported by other actors.

<sup>212</sup> BAI has worked since 1995 in constitutional and international human rights law and grassroots solidarity to advance justice and protection of human rights in Haiti. IJDH works closely with BAI as its U.S.-based solidarity organization.

<sup>213</sup> Cousins, *supra* note 184. Information provided by stakeholders before Haiti’s third UPR in January supports this. UNGA, Summary of Stakeholders' submissions on Haiti, *supra* note 185, at ¶ 33; *see also* Global Protection Cluster, *supra* note 5.

<sup>214</sup> See Cousins, *supra* note 184.

<sup>215</sup> Global Protection Cluster, Haiti under Gang Control: The Uprising of Sexual Violence, *supra* note 57.

<sup>216</sup> Jacqueline Charles, *Readers help maternity hospital in Haiti reopen its doors with a new generator*, MIAMI HERALD (Jan 20, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article257544123.html>; Global Protection Cluster, *supra* note 5 (reporting that hospital closures have “put the lives of hundreds of child-bearing women and new-born babies at risk...pregnant women were compelled to search for medical care further away, making it sometimes impossible due to the cost of transportation or gang activities”); Charles, *Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed*, *supra* note 56 (reporting that “[t]wo hospitals in Haiti’s capital that specialize in the care of childhood cancer, COVID-19 and women with high-risk pregnancies remain closed more than a week after they suspended operations [on May 9] to demand the release of one of their doctors...to protest the violence that’s paralyzing medical care in the country.” St. Damien hospital – which sees approximately 80,000 patients per year and specializes in children’s and reproductive care.); *see also supra* notes 56-57 and *infra* notes 283-84, 287.

<sup>217</sup> See Charles, *Doctors Without Borders forced to suspend Haiti medical care again due to gang violence*, *supra* note 27.

<sup>218</sup> Cousins, *supra* note 184.

- <sup>219</sup> See *Impacts on Maternal Health in Haiti*, EVERY MOTHER COUNTS, <https://everymothercounts.org/grants/haiti-a-deeper-dive/#:~:text=Haiti's%20maternal%20mortality%20ratio%20remains,for%20every%20100%2C000%20live%20births> (last visited Jun. 4, 2022); see also *Inauguration du pôle Nord de la faculté de sages-femmes d'Haiti*, LE NOUVELLISTE (Feb. 2, 2022), <https://lenouvelliste.com/article/234349/inauguration-du-pole-nord-de-la-faculte-de-sages-femmes-dhaiti>.
- <sup>220</sup> See, e.g., *Access to Maternal Healthcare Suffers as Gang Violence Hits Home*, HEARTLINE MINISTRIES – HAITI, <https://heartlineministries.org/29862/access-to-maternal-healthcare-suffers-as-gang-violence-hits-home/> (last visited Jun. 4, 2022).
- <sup>221</sup> *Impacts on Maternal Health in Haiti*, *supra* note 220.
- <sup>222</sup> See *supra* note 57.
- <sup>223</sup> *Americas: Defence of human rights under fire in pandemic-hit region*, AMNESTY INTERNATIONAL (Mar. 29, 2022), <https://www.amnesty.org/en/latest/news/2022/03/americas-human-rights-under-fire/>.
- <sup>224</sup> See *56% of maternal deaths in the country are of Haitian women*, DOMINICAN TODAY (Apr. 21, 2022), <https://dominantoday.com/dr/local/2022/04/21/56-of-maternal-deaths-in-the-country-are-of-haitian-women/>; *Haiti – News: Zapping...*, HAITI LIBRE (Apr. 28, 2022), <https://www.haitilibre.com/en/news-36535-haiti-news-zapping.html>; see also *infra* note 320.
- <sup>225</sup> See IJDH, Nègès Mawon & GJC, *supra* note 198.
- <sup>226</sup> See *id.*
- <sup>227</sup> See SOFA, GJC & IJDH, *supra* note 185.
- <sup>228</sup> See CARDH, Droits sociaux et économiques 15 (Mar. 9, 2022), <https://cardh.org/wp-content/uploads/2022/03/CARDH-Rapport-Droits-Socio-Economiques-Mars-2022.pdf>.
- <sup>229</sup> See *Haiti - News: Zapping*, HAITI LIBRE (Dec. 29, 2021), <https://www.haitilibre.com/en/news-35594-haiti-news-zapping.html>; Francklyn B Geffrard, *Haiti, 4,5 millions d'Haitiens menaces par la faim, selon le PAM...*, RHINEWS (Mar. 22, 2022), <https://www.rhinews.com/actualites/haiti-45-millions-dhaitiens-menaces-par-la-faim-selon-le-pam/>.
- <sup>230</sup> See *Factory workers strike for better wages in Port-au-Prince, want USD \$14 daily*, HAITIAN TIMES (Feb. 10, 2022), <https://haitiantimes.com/2022/02/10/factory-workers-strike-for-better-wages-in-port-au-prince-want-usd-14-daily/>.
- <sup>231</sup> See e.g. Marlyne Jean, *Haiti: Le budget de la santé est insuffisant, selon le premier ministre de facto Ariel Henry*, ALTERPRESSE (Apr. 7, 2022), <https://www.alterpresse.org/spip.php?article28173>; UNICEF: 300,000+ children in Haiti still have no school buildings to attend, HAITIAN TIMES (Feb. 16, 2022), <https://haitiantimes.com/2022/02/16/unicef-300000-children-in-haiti-still-have-no-school-buildings-to-attend/>; *En Haiti, l'avenir des enfants est menacé par les gangs, selon l'Unicef*, *supra* note 62.
- <sup>232</sup> In addition to numerous earthquakes, floods in February 2022 left three people dead and over 7,000 homes damaged. See *Haiti floods have left three dead and one person missing, official says*, REUTERS (Feb. 1, 2022), <https://www.reuters.com/world/americas/haiti-floods-have-left-three-dead-one-person-missing-official-says-2022-02-01/>; *Intempéries : Deux morts et plus de 7 mille maisons inondées dans le grand Nord d'Haiti*, ALTERPRESSE (Mar. 10, 2022), <https://www.alterpresse.org/spip.php?article28070>; see also *Haiti – Environment: Next hurricane season above normal*, HAITI LIBRE (Apr. 11, 2022), [https://www.haitilibre.com/en/news-36399-haiti-environment-next-hurricane-season-above-normal.html?utm\\_source=dlvr.it&utm\\_medium=twitter](https://www.haitilibre.com/en/news-36399-haiti-environment-next-hurricane-season-above-normal.html?utm_source=dlvr.it&utm_medium=twitter) (predicting an above-average hurricane season); *Haiti sous la menace d'une onde tropicale*, LE NOUVELLISTE (Apr. 19, 2022); <https://lenouvelliste.com/article/235278/haiti-sous-la-menace-dune-onde-tropicale> (predicting a tropical heat wave); Emmanuel Marino Bruno, *Météo : Alerte aux inondations soudaines, avec fortes pluies, sur Haiti*, ALTERPRESSE (Apr. 20, 2022), <https://www.alterpresse.org/spip.php?article28209> (warning of flash floods and heavy rains in late April); Ronald Colbert, *Haiti-Environnement : Nouveau tremblant de terre, de magnitude 4, le 2 mai 2022, dans les Nippes*, ALTERPRESSE (May 2, 2022), <https://www.alterpresse.org/spip.php?article28252> (reporting four earthquakes in 2022, resulting in two deaths and 52 injuries); *11 small quakes shake Haiti's southwest over 24 hours, damage minimal*, HAITIAN TIMES (Mar. 24, 2022), <https://haitiantimes.com/2022/03/24/11-small-quakes-shake-haitis-southwest-over-24-hours-damage-minimal/>.
- <sup>233</sup> See *News Alert: Haitians Struggle to Meet Urgent Needs and Recover Six Months After Earthquake*, MERCY CORPS (Feb. 14, 2022), <https://www.mercycorps.org/press-room/releases/Haiti-6-month-earthquake> (reporting that “[s]ix months after a devastating 7.2 magnitude earthquake struck Haiti, killing more than 2,248 people, damaging 140,000 buildings, and leaving 800,000 people in need of assistance, Haitians in the affected south west peninsula

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are still struggling to recover and rebuild”); J.O. Haselhof, *In Haiti’s south, post-earthquake reconstruction efforts inch forward*, HAITIAN TIMES (Apr. 13, 2022), <https://haitiantimes.com/2022/04/13/haitian-reconstruction-slows/>.

<sup>234</sup> See Meg Sattler & Jessica Alexander, *There’s a wide gap between aid’s primes and reality, Haitians say*, NEW HUMANITARIAN (Apr. 4, 2022), <https://www.thenewhumanitarian.org/analysis/2022/04/04/haiti-wide-gap-between-aid-promise-and-reality>; Ground Truth Solutions, *Trust must be earned: Perceptions of aid in Haiti – A reality check on post-earthquake accountability to affected people, April 2022*, RELIEFWEB (Apr. 5, 2022), <https://reliefweb.int/report/haiti/trust-must-be-earned-perceptions-aid-haiti-reality-check-post-quake-accountability>; see also *infra* section *Failure of the international community to respect the rights of Haitians*.

<sup>235</sup> See *Haiti - Social: Haiti in the TOP 10 of the least happy countries in the world*, *supra* note 28.

<sup>236</sup> *Inflation rate in Haiti 2027*, STATISTA (May 17, 2022), <https://www.statista.com/statistics/575624/inflation-rate-in-haiti/>; *Haiti – Economy: Inflation accelerates and reaches 25.2%*, HAITI LIBRE (Apr. 18, 2022), <https://www.haitilibre.com/en/news-36451-haiti-economy-inflation-accelerates-and-reaches-252.html> (reporting that inflation reached 25.2 percent on April 18).

<sup>237</sup> This is part of a larger trend since October 2020. *Haitian Gourde to US Dollar Exchange Rate Chart*, XE <https://www.xe.com/currencycharts/?from=HTG&to=USD&view=2Y> (last visited Jun. 4, 2022); see also *Haiti - Economy: Mixed outlook for the Haitian economy in 2022*, HAITI LIBRE (Feb. 8, 2022), <https://www.haitilibre.com/en/news-35912-haiti-economy-mixed-outlook-for-the-haitian-economy-in-2022.html>; CARDH, *Droits sociaux et économiques*, *supra* note 229, at 12; *Décote de la gourde et explosion des coûts du fret maritime attisent la flambée des prix*, LE NOUVELLISTE (Apr. 5, 2022), <https://lenouvelliste.com/article/235071/decote-de-la-gourde-et-explosion-des-couts-du-fret-maritime-attisent-la-flambe-des-prix>.

<sup>238</sup> See CARDH, *Droits sociaux et économiques*, *supra* note 229.

<sup>239</sup> *Décote de la gourde et explosion des coûts du fret maritime attisent la flambée des prix*, *supra* note 238 (reporting that the price of rice has increased by over 36 percent since February 2021).

<sup>240</sup> See *Les prix de la farine s’envolent, des boulangers s’inquiètent*, LE NOUVELLISTE (Apr. 6, 2022), <https://lenouvelliste.com/article/235100/les-prix-de-la-farine-senvolent-des-boulangers-sinquietent> (reporting that the price of a 50 kilogram bag of flour increased by USD \$10, from USD \$29 to USD \$39, from January to March 2022, with the price of wheat up by 70 percent).

<sup>241</sup> See *id.* (reporting that the price of a 50 kilogram bag of sugar has gone up by USD \$8, from USD \$34 to USD \$42).

<sup>242</sup> See CARDH, *Droits sociaux et économiques*, *supra* note 229, at 15 (also reporting that in addition to food staples, clothing has increased drastically in price).

<sup>243</sup> See *infra* section *Workers’ rights violations*.

<sup>244</sup> See Emmanuel Marino Bruno, *Économie : Les prix des produits essentiels pourraient encore augmenter dans les prochains mois, en Haïti, prévient la Cnsa*, ALTERPRESSE (May 10, 2022), <https://www.alterpresse.org/spip.php?article28283>.

<sup>245</sup> See *L’invasion russe peut affecter sévèrement l’économie haïtienne*, LE NOUVELLISTE (Mar. 7, 2022), <https://lenouvelliste.com/article/234554/linvasion-russe-peut-affecter-severement-leconomie-haitienne>; *Guerre en Ukraine : le prix du propane en Haïti risque d’augmenter*, LE NOUVELLISTE (Mar. 7, 2022), <https://lenouvelliste.com/article/234566/guerre-en-ukraine-le-prix-du-propane-en-haiti-risque-daugmenter>.

<sup>246</sup> CARDH, *Droits sociaux et économiques*, *supra* note 229, at 11.

<sup>247</sup> See *Vivre l’effondrement de l’Etat*, *supra* note 69; Alphonse, *Carlos Felipe Jaramillo : l’insécurité, principal obstacle pour l’économie d’Haïti*, *supra* note 65.

<sup>248</sup> See Marie Farah Fortuné, *Économie : L’Anapross préconise une entente institutionnelle pour résoudre la rareté de carburant en Haïti*, ALTERPRESSE (Apr. 11, 2022), <https://www.alterpresse.org/spip.php?article28183>; *Carburant : les stocks sont au plus bas*, LE NOUVELLISTE (Apr. 20, 2022), <https://lenouvelliste.com/article/235304/carburant-les-stocks-sont-au-plus-bas>; *L’Etat a payé 1,3 milliard de gourdes de dettes aux compagnies pétrolières*, LE NOUVELLISTE (Apr. 26, 2022), <https://lenouvelliste.com/article/235420/letat-a-paye-13-milliard-de-gourdes-de-dettes-aux-compagnies-petrolieres>; *Haiti – Economy: More than 12 million gallons of fuel arrived this weekend*, HAITI LIBRE (May 2, 2022), [https://www.haitilibre.com/en/news-36564-haiti-economy-more-than-12-million-gallons-of-fuel-arrived-this-weekend.html?utm\\_source=dlvr.it&utm\\_medium=twitter](https://www.haitilibre.com/en/news-36564-haiti-economy-more-than-12-million-gallons-of-fuel-arrived-this-weekend.html?utm_source=dlvr.it&utm_medium=twitter); *Six camions-citernes transportant du carburant détournés à Varreux par des bandits*, *supra* note 66; *Haiti - Fuel Prices: Demonstrations, blockages, violence and vandalism*, HAITI LIBRE (Dec. 14, 2021), <https://www.haitilibre.com/en/news-35475-haiti-fuel-prices-demonstrations-blockages-violence-and->

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[vandalism.html](#). The fuel shortage is particularly impactful in Haiti due to the lack of electricity in the country, which makes Haitians dependent on fuel for many basic life needs. See IJDH December 2021 Update, *supra* note 1.

<sup>249</sup> See *supra* note 68.

<sup>250</sup> See, e.g., Hernández & Schmidt, *supra* note 185; (reporting that women are increasingly fleeing Haiti because they are unable to provide for themselves or their children: “‘What we are witnessing is the feminization of migration,’ said Romelinda Grullón of the Puerto Rico-based Center for the Dominican Woman, adding they have seen increasing numbers of women making the perilous journey alone. ‘The poor are getting poorer and they are desperate to liberate themselves from their situations.’”).

<sup>251</sup> See Press Release, RNDDH, *Call for a review of the minimum wage: the RNDDH supports the working class and condemns police brutality*, *supra* note 112. Solidarity Center estimated the daily cost of living in 2019 at approximately 45,517 Haitian gourdes, or about USD \$406. A similar study has not been done since, but the Haitian Institute of Statistics and Informatics reported that the cost of living had increased by 24.6 percent from November to December 2021 alone. Solidarity Center, *The High Cost of Low Wages in Haiti: A Living Wage Estimate for Garment Workers in Port-au-Prince* (Apr. 2019), <https://www.solidaritycenter.org/wp-content/uploads/2019/05/Haiti.High-Cost-of-Wages-2019-Report.English.4.19.pdf>; Haitian Popular News Agency, *Haiti enters 2022 struggling with cost of living increases, lack of drinking water*, PEOPLE’S DISPATCH (Jan. 6, 2022), <https://peoplesdispatch.org/2022/01/06/haiti-enters-2022-struggling-with-cost-of-living-increases-lack-of-drinking-water/>.

<sup>252</sup> According to Dominique St-Eloi, coordinator of the National Central of Haitian Workers, this money is not even enough to cover breakfast and transportation to and from work for employees. Not being paid enough to eat has severe consequences beyond just hunger and malnutrition – many workers develop tuberculosis and stomach ulcers from eating so little. Most workers also have families to support, making their situation even more difficult. Milo Milfort, *Un ouvrier qui travaille pendant 8 heures pour moins que 5 dollars, c’est un esclave rémunéré*, HAITI LIBERTE (Mar. 16, 2022), <https://haitiliberte.com/un-ouvrier-qui-travaille-pendant-8-heures-pour-moins-que-5-dollars-cest-un-esclave-remunere/>; Onz Chéry, *Caracol textile workers demand better pay, clash with police, during protests*, HAITIAN TIMES (Jan. 31, 2022), <https://haitiantimes.com/2022/01/31/caracol-textile-workers-demand-better-pay-clash-with-police-during-protests/>.

<sup>253</sup> Solidarity Center, *The High Cost of Low Wages in Haiti*, *supra* note 251.

<sup>254</sup> See *Factory workers strike for better wages in Port-au-Prince, want USD \$14 daily*, *supra* note 231; Sandra Wisner & Kristina Fried, *Unfolding Haiti’s Garment Industry: Decades of Unaccountable Foreign Interference*, OPINIO JURIS (Apr. 12, 2022), <http://opiniojuris.org/2022/04/12/unfolding-haitis-garment-industry-decades-of-unaccountable-foreign-interference/> (reporting that protesters also demanded safer working conditions).

<sup>255</sup> See *Haiti hikes minimum wage by up to 54% following worker protests*, CNN (Feb. 21, 2022), <https://www.cnn.com/2022/02/21/business/haiti-minimum-wage-raise/index.html#:~:text=Haiti%20hikes%20minimum%20wage%20by%20up%20to%2054%25%20following%20worker%20protests,-Reuters&text=Haiti's%20government%20on%20Monday%20hiked,the%20rising%20cost%20of%20living> (reporting that the government raised wages in the garment sector by 37 percent and in all other sectors by 54 percent).

<sup>256</sup> See *Protest planned on Haitian Labor Day to increase minimum wage*, HAITIAN TIMES (Apr. 22, 2022), <https://haitiantimes.com/2022/04/22/protest-planned-on-haitian-labor-day-to-increase-minimum-wage/>; Isabelle Papillon, *1er et 2 mai : Les ouvriers seront dans les rues*, HAITI LIBERTE (Apr. 27, 2022), <https://haitiliberte.com/1er-et-2-mai-les-ouvriers-seront-dans-les-rues/>; Marie Farah Fortuné, *Sous-traitance : 2 nouvelles journées de mobilisation ouvrière, les 1er et 2 mai 2022, pour exiger 1,500 gourdes de salaire minimum journalier en Haïti*, ALTERPRESSE (Apr. 27, 2022), <https://www.alterpresse.org/spip.php?article28240>; Predvil, *Insecurity and high cost of living in Haiti: trade unionists announce two days of strike*, *supra* note 11; Francklyn B Geffard, *Grève au SNGRS : Les employés demandent l’ajustement de leur salaire et de meilleures conditions de travail...*, RHINEWS (Apr. 6, 2022), <https://www.rhinews.com/actualites/greve-au-sngrs-les-employes-demandent-lajustement-de-leur-salaire-et-de-meilleures-conditions-de-travail/>.

<sup>257</sup> See Wisner & Fried, *supra* note 254; Alex Johnson, *Strikes, protests engulf Haitian capital as workers demand higher wages, better conditions*, WORLD SOCIALIST WEB SITE (Feb. 19, 2022), <https://www.wsws.org/en/articles/2022/02/19/hait-f19.html>.

<sup>258</sup> RNDDH reported at least fifteen protesters injured by police during the protests. See Press Release, RNDDH, *Call for a review of the minimum wage: the RNDDH supports the working class and condemns police brutality*, *supra* note 112; see also *supra* note 123.

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- <sup>259</sup> See Chéry, *Caracol textile workers demand better pay, clash with police, during protests*, *supra* note 252.
- <sup>260</sup> See Wisner & Fried, *supra* note 254. The Park's largest tenant is South Korean clothing company Sae-A, which has a long record of human rights violations. See Jake Johnston, *Environmental, Labor Concerns Overlooked in Rush to Build Caracol Park, Part 11*, CEPR (Jul. 9, 2012), <https://cepr.net/environmental-labor-concerns-overlooked-in-rush-to-build-caracol-park-part-ii/>. The United States also directly blocked attempts by the Haitian government to raise the minimum wage, in the 1990s and again in 2009. See Wisner & Fried, *supra* note 254.
- <sup>261</sup> See Wisner & Fried, *supra* note 254.
- <sup>262</sup> *Human rights org says half of Haiti lacks drinking water*, HAITIAN TIMES (Mar. 23, 2022), <https://haitiantimes.com/2022/03/23/human-rights-org-says-half-of-haiti-lacks-drinking-water/>.
- <sup>263</sup> See *Haiti - News: Zapping*, *supra* note 230. Some have reported this number as even higher: International Action for Human Rights reported in March that 54.8 percent of Haitians (approximately six million persons) lack access to drinking water. *Human rights org says half of Haiti lacks drinking water*, *supra* note 262.
- <sup>264</sup> See *22 mars 2022, journée mondiale de l'eau : Plusieurs organisations sociales alertent sur une crise de l'eau en Haïti*, ALTERPRESSE (Mar. 22, 2022), <https://www.alterpresse.org/spip.php?article28110>.
- <sup>265</sup> See *id.*
- <sup>266</sup> See *supra* notes 47-48, 51.
- <sup>267</sup> See Beralus, *La Guerre des gangs menace la disponibilité de l'eau à Port-au Prince*, *supra* note 27.
- <sup>268</sup> See generally *10-Year Anniversary of Cholera Introduction in Haiti*, IJDH (Oct. 31, 2020), <https://www.ijdh.org/2020/10/accountability/10-year-anniversary-of-cholera-introduction-in-haiti/>; see also UNGA, Report of the Secretary-General, *New approach to cholera in Haiti*, A/71/895 (May 3, 2017), <https://undocs.org/Home/Mobile?FinalSymbol=A%2F71%2F895&Language=E&DeviceType=Desktop&LangRequested=False>.
- <sup>269</sup> The Haitian government and numerous international organizations, including several UN agencies, announced in 2022 the elimination of cholera in Haiti, over a decade after it was introduced by UN peacekeepers. See, e.g., BINUH, *Statement of Special Representative Helen La Lime*, *supra* note 52, at ¶ 14. The epidemic killed nearly 10,000 and infected nearly one million. Meanwhile, despite acknowledging its role in the outbreak, the UN has failed to compensate victims or improve water, sanitation and health infrastructure, as it promised to in 2016. See Victoria Klassen, *Call for UN to help Haitians affected by cholera*, QUEEN'S GAZETTE (Mar. 28, 2022), <https://www.queensu.ca/gazette/stories/call-un-help-haitians-affected-cholera>; Sandra Wisner, *As the UN leaves Haiti, its victims still wait for justice*, AL JAZEERA (Oct. 15, 2019), <https://www.aljazeera.com/opinions/2019/10/15/as-the-un-leaves-haiti-its-victims-still-wait-for-justice>; see also *infra* section *Failure of the international community to respect the rights of Haitians*. Mining Justice Collective also blamed foreign mining companies for corrupting Haiti's water supplies. Mining requires huge amounts of water and discharges chemicals into the groundwater, resulting in contamination and contributing to Haiti's water crisis. *22 mars 2022, journée mondiale de l'eau : Plusieurs organisations sociales alertent sur une crise de l'eau en Haïti*, *supra* note 264.
- <sup>270</sup> See *Plus de la moitié des foyers de la ville de Jérémie n'ont pas accès à l'eau potable*, LE NOUVELLISTE (May 3, 2022), <https://lenouvelliste.com/article/235472/plus-de-la-moitie-des-foyers-de-la-ville-de-jeremie-nont-pas-acces-a-leau-potable>.
- <sup>271</sup> See *22 mars 2022, journée mondiale de l'eau : Plusieurs organisations sociales alertent sur une crise de l'eau en Haïti*, *supra* note 264.
- <sup>272</sup> See Leah Quin, *Protecting water and sanitation infrastructure in Haiti*, PREVENTION WEB (Feb. 22, 2022), <https://www.preventionweb.net/news/protecting-water-and-sanitation-infrastructure-haiti>. Haitians are also increasingly vulnerable to other diseases which, while not water-borne, thrive in environments where access to clean water is limited. For example, in April, the Ministry of Public Health raised concern about the spread of a highly contagious skin infection, sarcoptosis. See *Haiti – FLASH: A form of highly contagious skin infection detected in several areas of the country*, HAITI LIBRE (Apr. 16, 2022), <https://www.haitilibre.com/en/news-36434-haiti-flash-a-form-of-highly-contagious-skin-infection-detected-in-several-areas-of-the-country.html>.
- <sup>273</sup> See Sarah Jean et al., *Can Haiti rebuild a food system broken by disaster, historical injustice, and neglect?*, NEW HUMANITARIAN (2022), <https://www.thenewhumanitarian.org/2022/02/02/can-haiti-rebuild-food-system-broken-disaster-historical-injustice-and-neglect>.
- <sup>274</sup> Geffrard, *Haïti, 4,5 millions d'Haïtiens menaces par la faim, selon le PAM...*, *supra* note 230; *UN agencies warn of 'unabated' rise in hunger*, *supra* note 27; *La CNSA sonne l'aerte sur la situation de la sécurité alimentaire*, LE NOUVELLISTE (Apr. 7, 2022), <https://lenouvelliste.com/article/235069/la-cnsa-sonne-lalerte-sur-la-situation-de-la-securite-alimentaire>. The situation is dire across Haiti, both in the south, which is still recovering from the 7.2



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magnitude earthquake that hit in August 2021, and the north, which was hit by severe flooding in January. Experts are concerned that food riots, such as those that rocked the country in 2008, are imminent. See Geffrard, *Haiti, 4,5 millions d’Haïtiens menaces par la faim, selon le PAM...*, *supra* note 230; *Des émeutes de la faim comme en 2008 sont imminentes, prévient l’économiste Enomy Germain*, LE NOUVELLISTE (Apr. 6, 2022), <https://lenouvelliste.com/article/235097/des-emeutes-de-la-faim-comme-en-2008-sont-imminentes-previent-leconomiste-enomy-germain>.

<sup>275</sup> Geffrard, *Haiti, 4,5 millions d’Haïtiens menaces par la faim, selon le PAM...*, *supra* note 230.

<sup>276</sup> *Haiti – News: Zapping*, HAITI LIBRE (Dec. 27, 2021), <https://www.haitilibre.com/en/news-35580-haiti-news-zapping.html>.

<sup>277</sup> See Geffrard, *Haiti, 4,5 millions d’Haïtiens menaces par la faim, selon le PAM...*, *supra* note 230; Daniel Dickson, *Farmers in Haiti: Growing crops in spite of drought and floods*, WORLD FOOD PROGRAMME (Mar. 22, 2022), <https://www.wfp.org/stories/farmers-haiti-growing-crops-spite-drought-and-floods>; *Farmers in northern Haiti dig for resilience*, UN NEWS (Mar. 28, 2022), <https://news.un.org/en/story/2022/03/1114772>; *Haiti – Artibonite Valley: Rice production, a disaster in 2022*, HAITI LIBRE (Apr. 9, 2022), <https://www.haitilibre.com/en/news-36384-haiti-artibonite-valley-rice-production-a-disaster-in-2022.html>; see also *supra* section *Economy in Decline*. Reports of swine flu outbreaks in Haiti in late 2021 may further exacerbate the food crisis, as Haiti lacks the resources to properly monitor and test pigs. However, the Organization for Animal Health reported no new outbreaks since January 2022. See *ASF Haiti: Outbreaks in capital Port-au-Prince*, PIG PROGRESS (Feb. 7, 2022), <https://www.pigprogress.net/health-nutrition/health/asf-haiti-outbreaks-in-capital-port-au-prince/#:~:text=In%20early%20February%202022%2C%20Dominican,infected%20when%20following%20OIE%20data>.

<sup>278</sup> See *UN agencies warn of ‘unabated’ rise in hunger*, *supra* note 27.

<sup>279</sup> See SOFA, GJC & IJDH, *supra* note 185 (for example, in 2021, former President Moïse expropriated land that the government had designated “a priority area to promote food self-sufficiency” and gave it to Andre Apaid, a wealthy businessman, to farm stevia for export, dispossessing hundreds of small-holder farmers of their land, livelihoods, and food).

<sup>280</sup> See Wisner, *Starved for Justice*, *supra* note 11.

<sup>281</sup> See Michèle Duvivier Pierre-Louis, *Haitians Deserve a Rethink on International Aid*, AMERICAS QUARTERLY (May 3, 2022), <https://www.americasquarterly.org/article/haitians-deserve-a-rethink-on-international-aid/#.YnKW5qZgv9c.twitter>; Wisner, *Starved for Justice*, *supra* note 11. Farmers have been protesting government expropriation – often heavily encouraged by international actors – of land used for subsistence farming, which has further destroyed Haiti’s agricultural sector. See SOFA, GJC & IJDH, *supra* note 185 (concluding that a government land grab in Savane Diane, which “was characterized by the violent taking of [land used for women’s agro-ecological training]...further impoverished women in the area, exposed them to multiple forms of violence, and aggravated climate vulnerability”); SOFA, *SOFA protest note against the free trade zone project in Savane Diane*, HAITI WATCH (Feb. 22, 2021), <https://www.haitiwatch.org/home/sofasavannediane-en>; Wisner & Fried, *supra* note 254.

<sup>282</sup> See Melissa Beralus, *Une des villes les plus pauvres d’Haïti se vide de ses habitants*, AYIBO POST (May 4, 2022), <https://ayibopost.com/une-des-villes-les-plus-pauvres-dhaiti-se-videde-ses-habitants/>.

<sup>283</sup> See *Les kidnappeurs frappent, rendent « ordinaire » la terreur*, *supra* note 63 (reporting that two hospitals, St. Damien and Saint Luc, closed on May 9, citing the kidnapping of pediatrician Benetty Augustin on May 5); Charles, *Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed*, *supra* note 56.

<sup>284</sup> See Charles, *Doctors Without Borders forced to suspend Haiti medical care again due to gang violence*, *supra* note 27 (reporting that “[t]he charity decided Friday [April 1] to temporarily suspend operations at its Drouillard facility in the sprawling Cité Soleil slum in Port-au-Prince after a series of violent incidents against people at the emergency center... until security conditions are guaranteed to allow impartial access to care and ensure respect for the neutrality of health facilities”); *Haiti – Insecurity: MSF temporarily suspends the activities of its Cité Soleil Hospital Center*, HAITI LIBRE (Apr. 2, 2022), <https://www.haitilibre.com/en/news-36325-haiti-insecurity-msf-temporarily-suspends-the-activities-of-its-cite-soleil-hospital-center.html>. This is the second time the MSF hospital has closed in ten months. See Jacqueline Charles, *Haiti’s ongoing gang violence causes closure of charity-run emergency center*, MIAMI HERALD (Aug. 2, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article253192428.html>.

<sup>285</sup> Charles, *Doctors Without Borders forced to suspend Haiti medical care again due to gang violence*, *supra* note 27; see also *Haiti - Insecurity: Doctors Without Borders worried about the temporary closure of hospitals*, *supra* note 56.

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- <sup>286</sup> *Plus de 15000 cas de traumatology pris en charge par MSF en 2021*, LE NOUVELLISTE (Apr. 8, 2022), <https://lenouvelliste.com/article/235138/plus-de-15-000-cas-de-traumatologie-pris-en-charge-par-msf-en-2021>.
- <sup>287</sup> See Charles, *Readers help maternity hospital in Haiti reopen its doors with a new generator*, *supra* note 216; Charles, *Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed*, *supra* note 56.
- <sup>288</sup> See Jean, *Haiti : Le budget de la santé est insuffisant, selon le premier ministre de facto Ariel Henry*, *supra* note 232 (reporting that Henry acknowledged that the budget allocated to healthcare spending is insufficient); *Haiti - Health: Haiti a country in a situation of permanent health emergency*, HAITI LIBRE (Feb. 17, 2022), <https://www.haitilibre.com/en/news-35980-haiti-health-haiti-a-country-in-a-situation-of-permanent-health-emergency.html>.
- <sup>289</sup> See Daphnine Joseph, *Haiti-Santé : Dégradation des conditions sanitaires à l'Hueh, plus d'un mois après le lancement d'une grève illimitée*, ALTERPRESSE (Mar. 22, 2022), <https://www.alterpresse.org/spip.php?article28112>.
- <sup>290</sup> See *id.*
- <sup>291</sup> See, e.g., Jacques Kolo, *Haiti/Kidnapping : Le Secteur médical haitien en grève et les autorités s'en fichent*, RHINEWS (Mar. 14, 2022), <https://www.rhinews.com/actualites/haiti-kidnapping-le-secteur-medical-haitien-en-greve-et-les-autorites-sen-fichent/> (reporting that the Haitian Medical Association went on a three-day strike that started on March 14); Papillon, *Grève médicale contre le kidnapping*, *supra* note 78 (reporting that medical personnel went on strike to protest the kidnapping of several doctors); see also Emmanuel Marino Bruno, *Droits humains : Plusieurs associations médicales encouragent la population à rester mobilisée contre la criminalité en Haïti*, ALTERPRESSE (Mar. 17, 2022), <https://www.alterpresse.org/spip.php?article28093> (reporting that the Haitian Medical Association encouraged Haitians to mobilize and continue protesting against insecurity); Caleb Loughrin, *Haiti's "Descent Into Hell": Doctors Strike Over Surge In Kidnappings*, ORGANIZATION FOR WORLD PEACE (Mar. 27, 2022), <https://theowp.org/haitis-descent-into-hell-doctors-strike-over-surge-in-kidnappings/>; Evens Sanon, *Haiti's health professionals go on strike over kidnappings*, ABC NEWS (Mar. 16, 2022), <https://abcnews.go.com/Health/wireStory/haitis-health-professionals-strike-kidnappings-83472846>; *Haiti - News: Zapping*, HAITI LIBRE (Jan. 5, 2022), <https://www.haitilibre.com/en/news-35647-haiti-news-zapping.html>; *Haiti: Health workers on strike over surge in gang kidnappings*, AL JAZEERA (Mar. 15, 2022), <https://www.aljazeera.com/news/2022/3/15/haiti-health-workers-on-strike-over-surge-in-gang-kidnappings>; *L'hôpital general proteste contre le kidnapping de Dr Jacques Pierre-Pierre*, LE NOUVELLISTE (May 19, 2022), <https://lenouvelliste.com/article/235858/lhopital-general-proteste-contre-le-kidnapping-du-dr-jacques-pierre-pierre> (reporting that the medical sector went on strike again in May after the kidnapping of Dr. Jacques Pierre-Pierre, director of the Hospital of the State University of Haiti, on May 17).
- <sup>292</sup> See RNDDH, *Strike in public hospitals: RNDDH demands full satisfaction of strikers' demands* (Apr. 1, 2022), <https://web.rnddh.org/wp-content/uploads/2022/04/4-Rap-Greve-dans-les-Centres-hospitaliers-01Avr2022-ENG.pdf> (reporting that at least five major hospitals went on strike to demand an increase in wages from 19,000 to 60,000 gourdes monthly and better working conditions); Joseph, *Haiti-Santé : Dégradation des conditions sanitaires à l'Hueh, plus d'un mois après le lancement d'une grève illimitée*, *supra* note 289; *Le MSPP propose une prime de 15000 gourdes aux grévistes*, LE NOUVELLISTE (Mar. 28, 2022), <https://lenouvelliste.com/article/234896/le-mspp-propose-une-prime-de-15-000-gourdes-aux-grevistes> (reporting that on March 28, the Ministry of Public Health and Population offered striking doctors a 15,000 gourde bonus instead, which strikers rejected as insufficient); *HUEH : le grève est levée*, LE NOUVELLISTE (Mar. 31, 2022), <https://lenouvelliste.com/article/234991/hueh-la-greve-est-leeve> (reporting that the strike finally ended on March 31 after an agreement was reached with the Ministry of Public Health and Population).
- <sup>293</sup> See *iciHaiti – Health: The OPC deeply concerned about the strike in the country's hospitals*, ICI HAITI (Mar. 26, 2022), <https://www.ichaiti.com/en/news-36268-ichaiti-health-the-opc-deeply-concerned-about-the-strike-in-the-country-s-hospitals.html> (reporting that the OPC is concerned that the strikes have “harmful consequences on the population, the sick, particularly those infected and affected by HIV/AIDS who constitute a very vulnerable category requiring medical care on a daily basis” and urges authorities to come to an agreement with medical personnel); Emmanuel Marino Bruno, *Santé : L'Opc souhaite la reprise des activités dans les centres hospitaliers publics en Haïti*, ALTERPRESSE (Mar. 25, 2022), <https://www.alterpresse.org/spip.php?article28125>.
- <sup>294</sup> See Charles, *Doctors Without Borders forced to suspend Haiti medical care again due to gang violence*, *supra* note 27; see also *supra* notes 55-61.
- <sup>295</sup> See Jacqueline Charles, *COVID is still surging in the Caribbean, where rising deaths, low vaccination continue*, MIAMI HERALD (Feb. 23, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/article258681278.html>.

<sup>296</sup> See *Haïti : Appel à un soutien international pour s'attaquer aux conséquences de la crise actuelle sur la santé physique et mentale des Haïtiens*, ALTERPRESSE (Dec. 23, 2021), <https://www.alterpresse.org/spip.php?article27807>; *Crises sociopolitiques en Haïti : « l'impact sur la santé mentale est réel »*, LE NOUVELLISTE (Apr. 13, 2022), <https://lenouvelliste.com/article/235216/crises-sociopolitiques-en-haiti-limpact-sur-la-sante-mentale-est-reel>.

<sup>297</sup> See *Haiti - FLASH: Haiti worst vaccination rate in the Caribbean and Latin America*, HAITI LIBRE (Dec. 11, 2021), <https://www.haitilibre.com/en/news-35449-haiti-flash-haiti-worst-vaccination-rate-in-the-caribbean-and-latin-america.html>. Fake vaccination cards have been circulating in Haiti. *Haiti - News: Zapping*, HAITI LIBRE (Jan. 8, 2022), <https://www.haitilibre.com/en/news-35670-haiti-news-zapping.html>.

<sup>298</sup> *Americas: Defence of human rights under fire in pandemic-hit region*, supra note 224; Francklyn B Geffrard, *PNUD : Moins de 2% de la population Haïtienne a été vaccine contre la pandémie du corona virus...*, RHINEWS (Mar. 28, 2022), <https://www.rhinews.com/sante/pnud-moins-de-2-de-la-population-haitienne-a-ete-vaccine-contre-la-pandemie-du-corona-virus/>; see also *UN analysis shows the link between lack of vaccine equity and widening poverty gap*, UN NEWS (Mar. 28, 2022), <https://news.un.org/en/story/2022/03/1114762> (discussing the connection between low vaccination equity and the poverty gap).

<sup>299</sup> See Emmanuel Moïse Yves, *Covid-19: The insecurity may have saved lives in Haiti*, AYIBO POST (Dec. 13, 2021), <https://ayibopost.com/covid-19-the-insecurity-may-have-saved-lives-in-haiti/>.

<sup>300</sup> See *Haiti – Education: The education sector in the Great South, 8 months after the earthquake*, HAITI LIBRE (Apr. 22, 2022), <https://www.haitilibre.com/en/news-36483-haiti-education-the-education-sector-in-the-great-south-8-months-after-the-earthquake.html>.

<sup>301</sup> See *UNICEF: 300,000+ children in Haiti still have no school buildings to attend*, supra note 232 (reporting that “[m]ore than 1,000 schools in Haiti’s Sud, Grand’Anse and Nippes departments are yet to be rebuilt, six months after the Aug. 14 earthquake...[a]n estimated 320,000 children are left to study in environments that are not conducive to learning”).

<sup>302</sup> *En Haïti, l'avenir des enfants est menacé par les gangs, selon l'Unicef*, supra note 62.

<sup>303</sup> Press Release, UNICEF, *Haiti: Gang violence pushes half a million children out of the classroom in Port-au-Prince*, supra note 27.

<sup>304</sup> See *Fin de calvaire des étudiants qui dorment dans les locaux des facultés*, LE NOUVELLISTE (May 2, 2022), <https://lenouvelliste.com/article/235461/fin-du-calvaire-des-etudiants-qui-dorment-dans-les-locaux-des-facultes>.

<sup>305</sup> See Francklyn B Geffrard, *L'Etat haïtien abandonne les écoles publiques du département du Nord-Est : Elles fonctionnent dans des conditions lamentables...*, RHINEWS (Apr. 24, 2022), <https://www.rhinews.com/actualites/letat-haitien-abandonne-les-ecoles-publiques-du-departement-du-nord-est-elles-fonctionnent-dans-des-conditions-lamentables/>.

<sup>306</sup> See Francklyn B Geffrard, *Arrêt de travail dans les écoles publiques de Trou-du-Nord : Les enseignants protestent contre une décision de la direction départementale de l'éducation...*, RHINEWS (Apr. 20, 2022), <https://www.rhinews.com/actualites/arret-de-travail-dans-les-ecoles-publiques-de-trou-du-nord-les-enseignants-protestent-contre-une-decision-de-la-direction-departementale-de-leducation/>; Geffrard, *L'Etat haïtien abandonne les écoles publiques du département du Nord-Est : Elles fonctionnent dans des conditions lamentables...*, supra note 305.

<sup>307</sup> See *Haitian teachers demand universal quality education*, PEOPLE'S DISPATCH (Mar. 22, 2022), <https://peoplesdispatch.org/2022/03/22/haitian-teachers-demand-universal-quality-education/>.

<sup>308</sup> See, e.g., *Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, supra note 2; Greg Dunkel, *Les Haïtiens tentent d'émigrer*, HAITI LIBERTE (Mar. 23, 2022), <https://haitiliberte.com/les-haitiens-tentent-demigrer/>.

<sup>309</sup> See David Goodhue, *179 Haitian migrants stopped in overloaded sailboat off the Bahamas*, MIAMI HERALD (Mar. 1, 2022), <https://www.miamiherald.com/article258926243.html> (reporting that the U.S. Coast Guard intercepted an overloaded boat with 179 Haitian migrants in the Bahamas on Feb. 27); *Migration : Plus de 150 migrants d'Haïti interceptés au large de la Floride*, ALTERPRESSE (Mar. 7, 2022), <https://www.alterpresse.org/spip.php?article28056> (reporting that the U.S. Coast Guard intercepted over 150 Haitian migrants off the Florida Keys on March 6, calling it a “human smuggling event”); Sam Bojarski, *More than 300 Haitians face deportation after reaching Florida by boat*, HAITIAN TIMES (Mar. 8, 2022), <https://haitiantimes.com/2022/03/08/more-than-300-haitians-face-deportation-after-reaching-florida-by-boat/> (reporting that 356 Haitian migrants landed in the Florida Keys on March 6, and immediately faced deportation); Tim Craig, *As Haitian migration routes change, compassion is tested in Florida Keys*, WASHINGTON POST (Apr. 9, 2022), <https://www.washingtonpost.com/nation/2022/04/09/florida-keys-haitian-immigration/?emci=a8ca2018->

[a3b9-ec11-997e-281878b83d8a&emdi=ea000000-0000-0000-0000-000000000001&ceid](https://www.thestkittsnevisobserver.com/haiti-9-migrant-babies-die-on-overloaded-week-long-boat-voyage-to-puerto-rico/); *Haiti: 9 Migrant Babies Die On Overloaded Week-Long Boat Voyage to Puerto Rico*, ST. KITTS NEVIS OBSERVER (Mar. 10, 2022), <https://www.thestkittsnevisobserver.com/haiti-9-migrant-babies-die-on-overloaded-week-long-boat-voyage-to-puerto-rico/> (reporting that nine Haitian babies died on an overloaded boat carrying Haitian migrants to Puerto Rico in late February); José A. Iglesias, *It's risky to go, but even riskier to stay: Why Haitians are fleeing in deadly voyages*, MIAMI HERALD (May 20, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article260767082.html>; Syra Ortiz-Blanes & Jacqueline Charles, *Advocates don't know where Haitian refugees who arrive in the U.S. on boats end up*, MIAMI HERALD (May 24, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article261304942.html>; Jacqueline Charles, *As desperate Haitians take to the sea, they turn to Vodou to help guide their journeys*, MIAMI HERALD (May 24, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article260380957.html>; Hernández & Schmidt, *supra* note 185 (reporting that eleven women died on a boat carrying Haitian migrants near Puerto Rico).

<sup>310</sup> Adam Isacson, *Weekly U.S.-Mexico Border Update: Title 42 ruling, family "self-separations," more drownings, Haiti expulsion flights*, WOLA (May 27, 2022), <https://www.wola.org/2022/05/weekly-u-s-mexico-border-update-title-42-ruling-family-self-separations-more-drownings-haiti-expulsion-flights/>.

<sup>311</sup> See Charles & Maxineau, *supra* note 7; Adam Isacson, *A tragic milestone, 20,000th migrant deported to Haiti since Biden inauguration*, WOLA (Feb. 17, 2022), <https://www.wola.org/analysis/a-tragic-milestone-20000th-migrant-deported-to-haiti-since-biden-inauguration/>; Jacqueline Charles & Gérard Maxineau, *Coast Guard has returned to Haiti most of the 356 Haitians who arrived in Keys this week*, MIAMI HERALD (Mar. 11, 2022), <https://www.miamiherald.com/article259307034.html>; David Goodhue & Jacqueline Charles, *Cuba detains more than 800 Haitian migrants on the way to the Florida Keys*, MIAMI HERALD (May 25, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article261778607.html>.

<sup>312</sup> See, e.g., Tucker & Saintil, *supra* note 7; Syra Ortiz-Blanes, *Mexican government's response to Haitian migrant wave was chaotic, report claims*, MIAMI HERALD (Apr. 28, 2022), <https://www.miamiherald.com/article260806722.html> (reporting that the Mexican government has failed to "give proper attention to human rights, protection, and integration" for Haitian migrants arriving in the country); Refugees International, *Pushed into the Shadows: Mexico's Reception of Haitian Migrants*, *supra* note 7 (concluding that Mexican and U.S. immigration policies toward Haitian migrants "reinforced a preconceived view of Haitians as unworthy of refuge"); Adelson, *supra* note 7.

<sup>313</sup> IOM, *Migrant returns and reception assistance in Haiti, 6 - 12 March 2022* (Mar. 2022), <https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/factsheet-migrant-returns-and-reception-assistance-in-haiti-weekly-returns-12-march-2022-iom.pdf>; see also *Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, *supra* note 2 (Human Rights Watch reported that from January 2021 to February 2022, 25,765 Haitians were returned to Haiti); Isacson, *Weekly U.S.-Mexico Border Update: Title 42 ruling, family "self-separations," more drownings, Haiti expulsion flights*, *supra* note 310 (reporting that as of May 25, the Biden administration had expelled over 25,000 Haitians from the United States since January 2021).

<sup>314</sup> See Sibylla Brodzinsky, *Refugees and migrants brave jungle wilderness in search of safety*, UN REFUGEE AGENCY (Mar. 29, 2022), <https://www.unhcr.org/news/stories/2022/3/6242ff434/refugees-migrants-brave-jungle-wilderness-search-safety.html>; Eva Vergara, *In Chile, Haitians grow weary of waiting, eye journey to US*, AP NEWS (Oct. 14, 2021), <https://apnews.com/article/immigration-business-lifestyle-united-states-caribbean-197c2fddee6e5974d70d05569c1a89c8>.

<sup>315</sup> IOM, *Migrant returns and reception assistance in Haiti, 6 - 12 March 2022*, *supra* note 313; Isacson, *Weekly U.S.-Mexico Border Update: Title 42 ruling, family "self-separations," more drownings, Haiti expulsion flights*, *supra* note 310 (reporting an increase in expulsion flights from the United States since February 2022).

<sup>316</sup> Tom Ricker, *Haiti's Biden Problem*, QUIXOTE CENTER (Jan. 28, 2022), <https://www.quixote.org/haitis-biden-problem/> (reporting that approximately 87 percent were expelled under Title 42 in 2021). Title 42, which allows the U.S. government to remove individuals based on public health safety concerns. However, public health officials, advocates, and others in the Biden administration have stated that there is no public health basis for the continued use of Title 42, and that the policy's continued use is racist and illegal. See Jaya Ramji-Nogales, *How an Internal State Department Memo Exposes "Title 42" Expulsions of Refugees as Violations of Law*, JUST SECURITY (Oct. 5, 2021), <https://www.justsecurity.org/78476/how-an-internal-state-department-memo-exposes-title-42-expulsions-of-refugees-as-violations-of-law/>; *As CDC Eases Mask Guidance, It Must End the Misuse of Title 42*, CENTER FOR GENDER AND REFUGEE STUDIES (Feb. 25, 2022), <https://cgrs.uchastings.edu/news/cdc-eases-mask-guidance-it-must-end-misuse-title-42/>; Alison Durkee, *Fauci Saus Immigrants Are "Absolutely Not" Driving Covid-19 Surge: "Let's*

Face Reality Here,” FORBES (Oct. 3, 2021), <https://www.forbes.com/sites/alisondurkee/2021/10/03/fauci-says-immigrants-are-absolutely-not-driving-covid-19-surge-lets-face-reality-here/?sh=676122ec173d> (Dr. Anthony Fauci says that COVID-19 is not being spread to the United States by immigrants, and that Title 42 “is not the solution to an outbreak”); Tucker & Saintil, *supra* note 7; Anika Forrest, *On International Migrants Day, Reimagining Migration Beyond Imperialism, Militarism, and Racism*, JUST SECURITY (Dec. 18, 2021), <https://www.justsecurity.org/79584/on-international-migrants-day-reimagining-migration-beyond-imperialism-militarism-and-racism/>; Brian Concannon, *Why is Biden preserving Miller’s racist immigration policy?*, AL JAZEERA (Oct. 26, 2021), <https://www.aljazeera.com/opinions/2021/10/26/why-is-biden-preserving-millers-racist-immigration-policy>. President Biden announced that he would be ending Title 42 in May, however, this decision was met with backlash from conservative lawmakers, who will be seeking an extension of the policy. Adam Shaw, Kelly Laco, *Senate lawmakers eye hearing on Title 42 repeal amid bipartisan pushback, fears of migrant surge*, FOX NEWS (Apr. 8, 2022), <https://www.foxnews.com/politics/senate-lawmakers-hearing-title-42-repeal-bipartisan-pushback-surge>.

<sup>317</sup> See Letter from Representatives Mondaire Jones and Ayanna Pressley to Department of Homeland Security Secretary Alejandro Mayorkas and Centers for Disease Control and Prevention Director Rochelle Walensky (Mar. 15, 2022), <https://pressley.house.gov/sites/pressley.house.gov/files/2022-03-15%20Pressley%20Jones%20Haiti%20Deportations%20Letter.pdf>; Sheila Cherfilus-McCormick Calls for Reforming U.S. Policies With Haiti, FLORIDA DAILY (Mar 9, 2022), <https://www.floridadaily.com/sheila-cherfilus-mccormick-calls-for-reforming-u-s-policies-with-haiti/>; Sam Bojarski, *Advocates at White House rally: Haitians “most harmed” by Title 42*, HAITIAN TIMES (Mar. 22, 2022), <https://haitiantimes.com/2022/03/22/advocates-at-white-house-rally-title-42-most-detrimental-to-haitians-must-end/>; *Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, *supra* note 2; Amnesty International et al., *supra* note 208.

<sup>318</sup> See *7,285 Illegal Haitians Intercepted at the Dominican Border and Repatriated to Haiti*, HAITI LIBRE (May 10, 2021), <https://www.haitilibre.com/en/news-34915-haiti-dr-7-285-illegal-haitians-intercepted-at-the-dominican-border-and-repatriated-to-haiti.html>; *32,247 Haitians Intercepted at the Northern Border (Dajabón)*, ICIHAITI (Mar. 10, 2022), [https://www.icihaiti.com/en/news-36145-icihaiti-dr-32-247-haitians-intercepted-at-the-northern-border-dajabon.html?utm\\_source=dvr.it&utm\\_medium=twitter](https://www.icihaiti.com/en/news-36145-icihaiti-dr-32-247-haitians-intercepted-at-the-northern-border-dajabon.html?utm_source=dvr.it&utm_medium=twitter); Marlyne Jean, *Haïti-Rép. Dom. : Rapatriement, en deux jours, de 276 migrants Haïtiens, don’t 3 femmes enceintes, rapporte le Garr*, ALTERPRESSE (Mar. 16, 2022), <https://www.alterpresse.org/spip.php?article28091>; *Dominican Republic deported nearly 10,000 Haitians in past month*, HAITIAN TIMES (May 9, 2022), <https://haitiantimes.com/2022/05/09/dominican-republic-sent-back-nearly-10000-haitians-in-past-month/>; see also *Les Femmes Haïtiennes Enceintes, Nouvelle Cible de predilection de l’Immigration Dominicaine*, LE NOUVELLISTE (Jan. 1, 2022), <https://lenouvelliste.com/article/233938/les-femmes-haitiennes-enceintes-nouvelle-cible-de-predilection-de-limmigration-dominicaine> (media reported in early 2022 that anti-Haitian tension and xenophobia has increased since the election of Luis Abinader).

<sup>319</sup> See *Launch of the Construction of the Technological Fence Along the Haitian Border*, HAITI LIBRE (Feb. 18, 2022), [https://www.haitilibre.com/en/news-35990-haiti-flash-launch-of-the-construction-of-the-technological-fence-along-the-haitian-border.html?utm\\_source=dvr.it&utm\\_medium=twitter](https://www.haitilibre.com/en/news-35990-haiti-flash-launch-of-the-construction-of-the-technological-fence-along-the-haitian-border.html?utm_source=dvr.it&utm_medium=twitter); *La République Dominicaine Annonce la Construction d’une Clôture Electrifîée le Long de sa Frontière avec Haïti*, LE NOUVELLISTE (Feb. 21, 2022), <https://lenouvelliste.com/article/234314/la-republique-dominicaine-annonce-la-construction-dune-cloture-electrifiee-le-long-de-sa-frontiere-avec-haiti>; Francklyn B. Geffrard, *Luis Abinader Donne le Coup D’Envoi de la Construction de son Mur à la Frontière contre Haïti et la République Dominicaine*, RHINEWS (Feb. 21, 2022, 3:48 PM), <https://www.rhinews.com/actualites/luis-abinader-donne-le-coup-denvoi-de-la-construction-de-son-mur-a-la-frontiere-entre-haiti-et-la-republique-dominicaine/> (reporting that the fence will have a height of 3.90 meters and will be 160 kilometers long, with 170 surveillance towers); Leonardo March, *Haiti-DR organizations react to border wall, say it could cause more conflicts*, HAITIAN TIMES (Feb. 28, 2022), <https://haitiantimes.com/2022/02/28/haiti-dr-organizations-react-to-border-wall-say-it-could-cause-more-conflicts/> (reporting that Haitian and Dominican advocates criticize the border wall as “part of a racial and economic strategy for the DR government to pay ‘miserable wages to migrant workers’”); Fenel Pélissier, *Haïti risqué de perdre du territoire avec la construction d’un mur sur la frontière par la RD*, AYIBO POST (Mar. 23, 2022), <https://ayibopost.com/haiti-risque-de-perdre-du-territoire-avec-la-construction-dun-mur-sur-la-frontiere-par-la-rd/>; *The wall advances on the border with Haiti*, DOMINICAN TODAY (May 16, 2022), <https://dominantoday.com/dr/local/2022/05/16/the-wall-advances-on-the-border-with-haiti/>.

<sup>320</sup> This comes after the Dominican government’s announcement in September 2021 that it would no longer accept women who were more than six months pregnant. *Les Femmes Haïtiennes Enceintes, Nouvelle Cible de predilection*

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*de l'Immigration Dominicaine*, *supra* note 318. Pregnant Haitian women in the Dominican Republic continue to be at risk in other ways, as well – Haitian women represent 56 percent of all maternal deaths in the Dominican Republic in 2022. *See supra* note 224.

<sup>321</sup> Amnesty International et al., *supra* note 208 (reporting that “[m]any expelled Haitians have disembarked US deportation flights sick, handcuffed, hungry, traumatized, and disoriented only to find themselves in a ‘humanitarian nightmare,’ including widespread gang violence, an ongoing political crisis following assassination of Haiti’s President Jovenel Moïse, food insecurity, a health system ‘on the brink of collapse,’ devastation following a recent earthquake, and at risk for Covid-19 in a country where vaccination rates are reportedly around 0.4%”); *see also* *Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, *supra* note 2.

<sup>322</sup> *See Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe*, *supra* note 2.

<sup>323</sup> IOM, Migrant returns and reception assistance in Haiti, 19 September – 31 December 2021, at 1 (Dec. 2021), [https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/final-brief-post-arrival-survey-with-recent-adult-returnees-in-haiti-sept-dec-2021-iom\\_0.pdf](https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/final-brief-post-arrival-survey-with-recent-adult-returnees-in-haiti-sept-dec-2021-iom_0.pdf).

<sup>324</sup> *See* Hernández & Schmidt, *supra* note 185.

<sup>325</sup> *See id.*

<sup>326</sup> *See* UNICEF, Humanitarian Action for Children: Haiti (2022), <https://www.unicef.org/media/112141/file/2022-HAC-Haiti.pdf> (UNICEF reported that 40,000 women and children – predominantly girls – are in need of GBV “risk mitigation, prevention and/or response intervention”); *see also supra* notes 215-23.

<sup>327</sup> Decades of foreign-imposed debt and problematic aid policies have eroded Haiti’s development capacities and laid the foundation for the economic, political, and insecurity crises. The same factors also made it highly aid-dependent. *See* Catherine Porter et al., *supra* note 11; Wisner, *Starved for Justice*, *supra* note 11; Jake Johnston, *Who decides who runs Haiti?*, MONDE DIPLO (May 23, 2022), <https://mondediplo.com/2022/02/06haiti>.

<sup>328</sup> *See* Constant Méheut et al., *The Ransom: Demanding Reparations, and Ending Up in Exile*, NY TIMES (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-aristide-reparations-france.html>; Fried, *supra* note 11.

<sup>329</sup> *See* Wisner, *Starved for Justice*, *supra* note 11; Brian Concannon & Kathleen Bergin, *International response to Haiti’s earthquake must avoid 2010 mistakes*, THE HILL (Aug. 19, 2021), <https://thehill.com/opinion/international/568488-international-response-to-haitis-earthquake-must-avoid-2010-mistakes>.

<sup>330</sup> *See* Wisner, *Starved for Justice*, *supra* note 11.

<sup>331</sup> *See* Catherine Porter et al., *supra* note 11; Wisner, *Starved for Justice*, *supra* note 11.

<sup>332</sup> Rocio Cara Labrador & Diana Roy, *Haiti’s Troubled Path to Development*, COUNCIL ON FOREIGN RELATIONS (Sep, 17, 2021), <https://www.cfr.org/backgrounder/haitis-troubled-path-development>.

<sup>333</sup> *See* Carrie Kahn & Jeffrey Pierre, *A ‘Lost Decade’: Haiti Still Struggles To Recover 10 Years After Massive Earthquake*, NPR (Jan. 12, 2020), <https://www.npr.org/2020/01/12/794298546/a-lost-decade-haiti-still-struggles-to-recover-10-years-after-massive-earthquake>; *see also* Johnston, *Who decides who runs Haiti?*, *supra* note 327 (reporting that only three percent of post-earthquake aid went to Haitians, while “[m]ore than half [of U.S. post-earthquake aid] went to a handful of companies located inside the Beltway, in Washington DC, Maryland and Virginia. Thousands of Westerners now live off ‘aid’ of which Haiti sees very little.”); K. Jessica Hsu and Mark Schuller, *Haiti’s Earthquakes Require a Haitian Solution*, NORTH AMERICAN CONGRESS ON LATIN AMERICA (Aug. 16, 2021), <https://nacla.org/news/2021/08/16/haiti-earthquakes-solution> (callings out root problems of NGOs’ responses to the 2010 earthquake, like ignoring Haitian capacity and local priorities, and suggesting how many of these problems still need addressing in the international community’s response to disasters); Ground Truth Solutions, *Trust must be earned: Perceptions of aid in Haiti*, *supra* note 235; Sattler & Alexander, *supra* note 235; Pierre-Louis, *Haitians Deserve a Rethink on International Aid*, *supra* note 281 (reporting that “[a] 2019 study by USAID makes clear how Haiti’s small farmers are not included in traditional financial and economic mechanisms that might lead to their growth... ‘Farmers, on the other hand, are left with very few options besides obtaining loans from the microfinance sector at high interest rates or advances from market intermediaries and processors.’”); Meetings Coverage, UNSC, *Amid Fraught Situation in Haiti, Foreign Minister, Briefing Security Council, Urges Adjusting Mission Mandate to Bolster Rule of Law Institutions*, SC/14652 (Oct. 4, 2021), <https://www.un.org/press/en/2021/sc14652.doc.htm> (in a briefing to the UNSC, Emmanuela Douyon, Executive Director of POLICITÉ referred to previous development assistance as “crumbs of humanitarian aid that only acts as

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a Band-Aid,” and emphasized the need for aid that goes through “capable local civil society groups to ensure efficiency and accountability”).

<sup>334</sup> See, e.g., *Communiqué du Core Group*, *supra* note 15; BINUH, *Statement of Special Representative Helen La Lime*, *supra* note 52; *Canada announces \$50.4 million in support for Haiti*, *supra* note 15. Despite claims of wanting a “Haitian-led solution,” U.S. and other international support for Henry has effectively legitimized and enabled his refusal to step aside for a democratic transitional government. See Fried, *supra* note 11; Foreign, Alice Jacobs, *Haiti’s challenges require unified support for Haitian-led solutions*, GOVERNMENT OF UNITED KINGDOM (Feb. 18, 2022), <https://www.gov.uk/government/speeches/haitis-challenges-require-unified-support-for-haitian-led-solutions>; Frédéric Thomas, *Haïti : l’aveuglement international*, LE SOIR (May 10, 2022), <https://www.lesoir.be/441026/article/2022-05-10/haiti-laveuglement-international>; Geffrard, *Daniel Foote : « Ariel Henry doit démissionner immédiatement s’il veut du bien pour son pays et faciliter une sortie de crise en Haïti »*, *supra* note 20; Fried, *supra* note 11.

<sup>335</sup> See Fried, *supra* note 11; Clesca, *Haiti’s Fight for Democracy, Why the Country Must Rebuild Before It Votes*, *supra* note 14; Clesca, *My Group Can Save Haiti, Biden Is Standing in Our Way*, *supra* note 22; Chéry, *Activists: We’re fed up with international calls for Haitian-led political accord*, *supra* note 11; *US Hands Off Haiti’s Democracy – A unified advocacy campaign for Haiti – April 21- May 18, 2022*, *supra* note 19; Abi-Habib & Kitroeff, *supra* note 22; Ellsworth, *Seven U.S. members of Congress call on Biden to withdraw support for Haiti’s Henry*, *supra* note 22; Geffrard, *Sheila Chérifilus McCormick insiste pour que l’administration Biden retire son soutien au Dr. Ariel Henry*, *supra* note 22; Geffrard, *Daniel Foote : « Ariel Henry doit démissionner immédiatement s’il veut du bien pour son pays et faciliter une sortie de crise en Haïti »*, *supra* note 20; Geffrard, *Andy Levin : « L’Accord de Montana est la bonne décision pour Haïti »*, *supra* note 22.

<sup>336</sup> The international community has largely focused on Haiti’s insecurity, even as Haitians plead for assistance that addresses the roots of its crises, including the government’s persistent destruction of Haiti’s democratic institutions. See *Haiti’s neighbors ask superpowers to help Haitian police restore security*, HAITIAN TIMES (Dec. 13, 2021), <https://haitiantimes.com/2021/12/13/haitis-neighbors-ask-superpowers-to-help-haitian-police-restore-security/>; *‘Immediate action’ needed on security in Haiti: Canada’s Trudeau*, AL JAZEERA (Jan. 21, 2022), <https://www.aljazeera.com/news/2022/1/21/immediate-action-needed-on-security-in-haiti-trudeau>; Media Note, U.S. Embassy in Haiti, *Third Senior-Level International Partners Meeting on Haiti* (Apr. 21, 2022), <https://ht.usembassy.gov/third-senior-level-international-partners-meeting-on-haiti/>; Jacqueline Charles, *Situation in Haiti demands top urgency, top State Department diplomat says*, MIAMI HERALD (Apr. 21, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article260639977.html>; *Violences de gangs : Deux sénateurs américains demandent à l’administration Biden d’aider à stabiliser Haïti*, ALTERPRESSE (May 9, 2022), <https://www.alterpresse.org/spip.php?article28276>; *Sécurité : des pays amis s’organisent pour donner une assistance, selon Ariel Henry*, LE NOUVELLISTE (Mar. 14, 2022), <https://lenouvelliste.com/article/234683/secureite-des-pays-amis-sorganisent-pour-nous-donner-une-assistance-selon-ariel-henry>; *What Is Behind the Rise in Gang Activity in Haiti?*, *supra* note 2 (according to Francois Pierre-Louis, professor of political science at City University of New York, “[i]nstead of approaching the gang issue as a security problem, the United States should see it as a political issue by supporting the Montana group, demanding that the current Henry government take concrete actions against politicians and gang leaders who have been accused of gross human rights violations, and by implementing the Magnitsky Act against corrupt politicians and businesses”).

<sup>337</sup> *Consolidated Appropriations Act, 2022*, *supra* note 174.

<sup>338</sup> *Id.* at Sec. 7045(c); see also Jacqueline Charles, *A new spending bill approved by Biden also has language on Haiti policy*, MIAMI HERALD (Mar. 17, 2022) <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article259467899.html>.

<sup>339</sup> The GFA is the United States’ ten-year “Strategy to Prevent Conflict and Promote Stability,” which seeks to confront “negative global trends [regarding democratic governance and respect for human rights] and create new models for broader cooperation, grounded in mutual accountability and enduring stability.” Press Statement, U.S. Department of State, *The Spirit of Partnership: Implementing the U.S. Strategy to prevent Conflict and Promote Stability* (Apr. 1, 2022), <https://www.state.gov/the-spirit-of-partnership-implementing-the-u-s-strategy-to-prevent-conflict-and-promote-stability/>; see also Alexandra Filippova, *With New Global Fragility Act, US Must Avoid Past Mistakes and Let Haitians Control Their Own Democracy*, JUST SECURITY (May 19, 2022), <https://www.justsecurity.org/81570/with-new-global-fragility-act-us-must-avoid-past-mistakes-and-let-haitians-control-their-own-democracy/>

<sup>340</sup> See Filippova, *With New Global Fragility Act, US Must Avoid Past Mistakes and Let Haitians Control Their Own Democracy*, *supra* note 339 (concluding that “the strategy seems to indicate that the U.S. government is

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explicitly recognizing Haitians as effective partners in reclaiming their democracy and promoting a stable and peaceful society even as they face serious challenges.... But whether the U.S. government actually treats Haitians as empowered partners and transforms its policy in line with the GFA's laudable parameters remains to be seen.”).

<sup>341</sup> See Klassen, *supra* note 269; Wisner, *As the UN leaves Haiti, its victims still wait for justice*, *supra* note 269.

<sup>342</sup> Despite over a decade of advocacy by the Haitian and international communities on behalf of SEA victims and their children, most of them have yet to see justice or reparations, and the UN has failed to address the chronic impunity for peacekeeper perpetrators of SEA. See generally Carla King et al., ‘MINUSTAH is doing positive things just as they do negative things’: nuanced perceptions of a UN peacekeeping operation amidst peacekeeper-perpetrated sexual exploitation and abuse in Haiti, 21 CONFLICT, SECURITY & DEVELOPMENT 749 (2021), <https://www.tandfonline.com/doi/pdf/10.1080/14678802.2021.1997453?needAccess=true>; see also 265 *Children Abandoned by their Fathers, UN Peacekeepers*, HAITI LIBERTE (Jan. 5, 2022), <https://haitiliberte.com/265-enfants-abandonnes-par-leurs-peres-les-casques-bleus-de-lonu/>.

<sup>343</sup> See Eric Nagourney, *6 Takeaways About Haiti's Reparations to France*, NY TIMES (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/takeaways-haiti-reparations-france.html>.

<sup>344</sup> On October 15, 2021, the UNSC voted to renew BINUH's mandate for nine months – rather than the usual twelve – in consideration of China's concerns about “investments at a loss.” *Haiti – UN: The mandate of BINUH renewed but reduced by China*, HAITI LIBRE (Oct. 16, 2021), <https://www.haitilibre.com/en/news-35008-haiti-un-the-mandate-of-binuh-renewed-but-reduced-by-china.html>.

<sup>345</sup> See BINUH, *Statement of Special Representative Helen La Lime*, *supra* note 52 (statements by UN Special Representative to Haiti Helen La Lime in February reveal the UN's failure to recognize and center Haitian civil society perspectives, in lieu of persistent support for de facto Prime Minister Henry). The UN has also displayed a lack of transparency around BINUH's mandate renewal, failing to publicize an assessment of its mission that was due in mid-April. *Haiti: Briefing on the UN Integrated Office in Haiti (BINUH)*, SECURITY COUNCIL REPORT (Feb. 17, 2022), <https://www.securitycouncilreport.org/whatsinblue/2022/02/haiti-briefing-on-the-un-integrated-office-in-haiti.php>. The last BINUH official to criticize the regime's corruption and repression, Ambassador Susan D. Page, the head of the MINUJUSTH mission, was removed from her post after President Moïse complained, and received no public support from the U.S. Catherine Porter & Natalie Kitroeff, *It's Terror': In Haiti, Gangs Gain Power as Security Vacuum Grows*, NY TIMES (Oct. 21, 2021), <https://www.nytimes.com/2021/10/21/world/americas/haiti-gangs-kidnapping.html>.

<sup>346</sup> See Meetings Coverage, UNSC, *supra* note 333 (in a briefing to the UNSC, Emmanuela Douyon emphasized that “BINUH must not be seen ‘as picking political winners’; it must work with civil society to promote dialogue, reforms, accountability and reduce gang violence.”).