Human Rights and the Rule of Law in Haiti: Key Recent Developments
June through November 2023

Since IJDH’s last Update on Human Rights and Rule of Law in Haiti, the country has remained in a crisis that, even as it has deep security, humanitarian, and economic dimensions, fundamentally revolves around governance collapse.\(^1\) The humanitarian and economic situation is still catastrophic,\(^2\) while the violence – already at levels associated with armed conflicts since at least February\(^3\) – has deepened.\(^4\) Armed groups with clear connections to political and economic elites continue to brutalize civilians.\(^5\) The number of people killed due to violence by armed groups increased sharply in 2023,\(^6\) with the UN reporting at least 3,960 people killed between January and November,\(^7\) compared with 2,183 in 2022.\(^8\) The number of kidnappings also increased, from 1,359 in 2022, to at least 2,951 from January to November 2023.\(^9\) The impact on the population has been devastating,\(^10\) resulting in increased internal displacement\(^11\) and migration.\(^12\) At the root of the worsening human rights situation is a governance crisis characterized by entrenched impunity and government corruption, mismanagement, and deployment of armed groups for advancing political ends.\(^13\) Haiti is being governed extra-constitutionally and, since January, has had no elected officials.\(^14\) Reports by the UN Panel of Experts established pursuant to UN Security Council (UNSC) resolution 2653\(^15\) and the UN Expert on Human Rights in Haiti\(^16\) documented extensive evidence of corruption among Haiti’s political elite,\(^17\) government complicity with illicit arms trafficking from the United States into Haiti;\(^18\) and collusion among armed groups, government officials, and police officers.\(^19\) Institutionalized impunity for these and other human rights abuses is a further driver of Haiti’s intersecting crises.\(^20\)

These challenges are the product of over a decade of misrule by corrupt and repressive actors affiliated with the *Pati Ayisyen Tèt Kale* (PHTK), who have deliberately dismantled Haiti’s democratic structures and accountability mechanisms.\(^21\) Long-time PHTK ally de facto Prime Minister Ariel Henry is the latest iteration.\(^22\) Henry, who lacks a constitutional mandate to govern,\(^23\) has further enabled and likely directly facilitated the current deterioration of the security and humanitarian situation in Haiti.\(^24\) Since IJDH’s last Update, Henry has taken additional steps to consolidate his unconstitutional rule and deepen state capture while obstructing consensus efforts toward a democratic transition.\(^25\)

International actors say that urgent action is necessary to address the catastrophe in Haiti.\(^26\) Nevertheless, they continue to prop up the very actors responsible for the crisis,\(^27\) even as Haitians continue to protest Henry’s misrule\(^28\) and insist that a participatory transition is a necessary first step to restoring democratic rule in Haiti.\(^29\) Such international support\(^30\) removes any incentive for Henry to engage in meaningful dialogue with civil society and political actors mobilizing toward a consensus transition.\(^31\) As a result, Henry continues to refuse to negotiate in good faith.\(^32\) International policies are failing Haiti in a multitude of other ways, including through persistent failure to stem weapons trafficking into Haiti,\(^33\) immigration policies that deny refuge to most Haitians fleeing the crisis,\(^34\) and gross underfunding of humanitarian relief.\(^35\) International discussions around human rights in Haiti also still largely marginalize Haitian civil society and human rights advocates,\(^36\) a tangible illustration of the many ways in which the international community is ignoring Haitian voices.\(^37\)

During the reporting period, the UNSC adopted a U.S.-sponsored resolution authorizing a foreign, non-UN intervention to address the rising insecurity.\(^38\) Virtually every Haitian organization that has issued a related statement is opposed to the intervention on the grounds that it is illegal and risks entrenching Henry’s undemocratic rule further, thereby perpetuating the patterns of state capture and impunity that

led to the current crisis. Many Haitians nevertheless view the intervention as necessary given the catastrophic levels of violence.

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

I. Violations of the right to life and security of the person

Violence by armed groups has grown worse both in scope and brutality, causing grave direct and indirect harms and impeding all aspects of daily life. The resulting impacts on Haiti’s economy and humanitarian situation fuel further violence as armed groups prey on increasingly desperate Haitians—particularly children and youth—for recruitment. Nearly 200,000 people have been displaced by the violence. Significant drivers of this complex insecurity dynamic include government and police corruption and collusion with armed groups, the ever-weakening police force, systemic impunity for perpetrators, crushing poverty, and a lack of basic government services.

Violence by armed groups and related displacement

- Violence by armed groups has intensified further since IJDH’s previous Update. Reporting indicates that at least 200 armed criminal groups are operating in Haiti. The capital— as much as 80 percent of which is under the control of armed groups, according to most estimates—remains the epicenter. But the insecurity has continued to expand beyond Port-au-Prince to areas previously considered safe, especially the adjacent Artibonite Department, where, according to the UN, violence has risen to levels “mirroring those seen in Port-au-Prince.”
- At least 3,960 deaths between January and November 2023 are attributable to violence by armed groups, victims include 340 women and 89 children. There were at least eleven mass killings between May and November.
- Armed groups continue to employ brutal tactics against civilians to maintain territorial control. These include shooting indiscriminately at civilians living in or moving between neighborhoods controlled by rival groups; executing people; mutilating and burning people alive; and destroying property. Members of armed groups also continue to use sexual violence, including collective rape, to terrorize and control the population. The widespread insecurity continues to impact the freedom of movement and obstruct access to humanitarian aid and basic goods and services, including food, water, medical care, and education.
- The Haitian government and the International Organization for Migration (IOM) estimate that the violence has displaced at least 194,624 people, at least 131,000 of them in Port-au-Prince. According to close observers, the real number is almost certainly higher. Women and children make up the majority of internally displaced persons. As violence surges in the Artibonite Department, some of those who had sought refuge there after being displaced from Port-au-Prince are being displaced for a second time. Whatever government support or protection for displaced persons exists is inadequate, and police have used force to evict them from spaces where they have gathered. Displaced persons also continue to be met with hostility by other civilians over fears that they might have affiliations with armed groups, as well as competition over scarce resources and inadequate humanitarian assistance. As a result, displaced persons who had previously been temporarily residing with friends and family are increasingly seeking refuge in makeshift shelters, including schools and outdoor parks. The government’s failure to take substantive responsibility for displaced persons has left them vulnerable to violence, rape, kidnapping, extortion, and recruitment by armed groups. Displacement sites are also overcrowded and unsanitary, with limited access to healthcare, food, and potable water, leaving displaced persons at increased risk of malnutrition and diseases like cholera. Flooding and earthquakes have led to further displacement and exacerbated the already inhumane conditions at displacement sites.
Continuing kidnapping epidemic

- The already staggering number of kidnappings by armed groups continues to increase,\(^87\) up from 1,359 reported in 2022\(^88\) to 2,951 between January and November 2023.\(^89\) The real numbers are likely even higher due to underreporting.\(^90\)
- As of September, the Artibonite Department overtook Port-au-Prince in the number of kidnappings.\(^91\) Collective kidnappings of groups of people, often from buses and cars, have also increased in the region.\(^92\)
- Armed groups continue to kidnap people across all segments of the population\(^93\) for revenue.\(^94\) The vast majority of victims (approximately 93 percent) are Haitian.\(^95\) Women and girls are at a high risk of sexual violence during kidnappings,\(^96\) including as a means of pressuring families to pay.\(^97\) Those who resist kidnapping are sometimes executed.\(^98\)

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

- The de facto government remains unable and unwilling to address the catastrophic insecurity,\(^99\) primarily as a result of its extensive and consistent collusion with armed groups\(^100\) and police ineffectiveness.\(^101\) The government’s inaction has prompted widespread frustration among Haitians,\(^102\) including members of Henry’s own High Transitional Council (HCT).\(^103\)
- Despite significant international aid directed at improving police capacity,\(^104\) the Haitian National Police (PNH) continues to lack sufficient personnel, resources, and training to effectively confront the armed groups.\(^105\) Police numbers are shrinking.\(^106\) 1,045 officers left the PNH between January and September.\(^107\) According to the UN, this leaves an active force of around 9,000 to 13,000,\(^108\) only around 4,000 of whom are available for active policing nationwide at any given time.\(^109\) The government’s failure to ensure adequate and timely pay is a significant driver of attrition\(^110\) and fuels police collusion with armed groups.\(^111\) Unmitigated and extreme risk – armed groups target police – is another,\(^112\) as is increased emigration.\(^113\) Many active-duty officers are also used by political and business elites for their personal security, further reducing the number of police available for public protection.\(^114\) As of September 30, 45 out of 412 police buildings were either under the direct control of armed groups or non-operational following repeated attacks.\(^115\) As a result of these challenges, police have abandoned certain areas completely,\(^116\) leaving residents with no defense.\(^117\)
- The civilian-led Bwa Kale\(^118\) self-protection movement, started in April by residents of Port-au-Prince as a means of confronting armed group violence in the absence of functioning state institutions,\(^119\) has spread across the country.\(^119\) Armed civilians have killed at least 388 people suspected of belonging to armed groups extrajudicially,\(^120\) sometimes with police encouragement or complicity.\(^121\) Bwa Kale actions, some of which have been described as “lynchings,” embody the state’s failure in its responsibility to protect.\(^122\) They also risk harming innocent civilians,\(^123\) exacerbating the violence, damaging trust within communities, and further undermining the rule of law.\(^124\) Some armed groups have targeted members of Bwa Kale,\(^125\) even forming their own movement in response (known as Zam Pale – “guns speak”),\(^126\) others have allied with Bwa Kale as a means of countering rival armed groups.\(^127\)
- Haiti remains dangerous for human rights defenders and journalists.\(^128\) Threats and violence against the Centre d’analyse et recherche en droits de l’homme (CARDH) – including the kidnapping of a staff member on October 29\(^129\) – forced the organization to suspend its activities indefinitely on November 22.\(^130\) Members of several human rights organizations, including the Réseau National de Défense des Droits Humains (RNDHH) and Fondasyon Je Klere (FJKL), have been accused of defamation after publishing reports on human rights violations and corruption.\(^131\) Haitian grassroots organization Femme en Action Contre la Stigmatisation et la Discrimination Sexuelle (FACSDIS) reported that many organizations working to defend

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LGBTQI+ rights in Haiti are at risk due to insecurity. According to Pascale Solages, the co-founder of Haitian feminist organization Nègès Mawon, members of her organization received threats on social media after organizing a demonstration for abortion rights in September. The de facto government continues to fail to protect against, investigate, and prosecute such threats and attacks.

II. Government misconduct, including institutionalized violence and corruption

Since IJDH’s last Update, no progress has been made toward restoring constitutionality and democratic governance in Haiti. Unelected and illegitimate de facto Prime Minister Henry has continued to eschew most dialogue and compromise, impeding efforts by civil society and political opposition to reach a consensus around the transition that all actors assert Haiti needs. Instead, Henry has taken measures to consolidate his illegitimate rule. There is strong evidence of persistent government and police collusion with and infiltration by armed groups, as well as police brutality against the civilian population, especially those criticizing or challenging the government. Widespread corruption remains a long-standing symptom and driver of Haiti’s governance crisis, and continues to undermine state institutions.

- Henry has made clear that he intends to operate with or without a political consensus. Efforts to facilitate dialogue among Henry, civil society, and political actors mobilizing toward a consensus transition have largely failed, primarily because Henry refuses to negotiate in good faith or concede power. His persistent intransigence and failure in his responsibility to protect the Haitian people from insecurity have led to calls for his resignation as a prerequisite for any democratic transition. Against this background, Henry claims to be moving Haiti toward elections, including by progressing efforts to reestablish the Provisional Electoral Council (CEP) through the HCT he unilaterally installed, all without input or support from relevant political and civil society actors. He is widely perceived as lacking the legitimacy or credibility to organize elections given his own performance and the track record of other PHTK-affiliated governments, which have failed to hold a single timely or fair election since 2010.

- Government officials and political elites continue to collude with armed groups to maintain power and for personal gain. A recent report by the UN Panel of Experts documented extensive collusion with armed groups by PHTK founder and former President Michel Martelly, former member of parliament Prophane Victor, and former Senate leader Youri Latortue. The Experts are also investigating other allegations of collusion between armed groups and political actors. Consistent related findings and a series of foreign sanctions against political elites who are alleged to finance armed groups’ criminal activities indicate the issue is ongoing and widespread. At least 25 of those sanctioned are affiliated with the PHTK. According to a former senior police official, each armed group commander at least two or three police officers. There is consistent evidence that police officers provide weapons and vehicles to armed groups. There have been no material efforts by Haitian authorities to investigate these ties or hold perpetrators accountable.

- The PNH continues to use excessive force against civilians. Police officers routinely use tear gas to repress anti-government protests and have targeted journalists reporting on such demonstrations. In July, police officers used tear gas to forcibly evict displaced persons taking refuge near the U.S. embassy. RNDDH reported that a police officer and a heavily-armed individual attacked its premises on August 18, shortly after the organization had published a report detailing collusion between armed groups, police, and government officials. Miragoâne government prosecutor Jean Ernest Muscadin continues to illegally and summarily execute individuals suspected of belonging to armed groups.

- Pervasive corruption at all levels of government is a significant driver of insecurity and continues to undermine institutional legitimacy. For example, a report by the UN Panel of Experts revealed a six-year scheme by former Director General of Customs Romel Bell to divert customs revenue, abet criminal activities within the customs agency, and evade taxes. Former state authorities’ misappropriation of state equipment has left government agencies unable to maintain canals, leading to extensive flooding. A former civil servant highlighted...
long-standing issues of corruption in Haiti’s Consulate General in Paris.167 Impunity for corruption remains the norm, although there are indications of some efforts to address it.168 These include a continued investigation by Haiti’s Anti-Corruption Unit (ULCC) into allegations of misappropriation of public property, illegal taking of interest, forgery, influence peddling, and criminal conspiracy by officials in Haiti’s Social Assistance Fund.169 The ULCC also continues to take steps to investigate and prosecute corruption by high-ranking government officials,170 including three former senators.171 Officials involved in investigating corruption have been targets of violence.172

III. Lack of access to justice and chronic impunity

Haiti’s justice sector remains virtually non-functional due to deliberate dismantling of accountability mechanisms by officials,173 chronic neglect and under-funding,174 and disruptions caused by the acute insecurity crisis.175 Pervasive corruption and politicization within the judiciary further impede access to justice for the majority of Haitians176 and foster a culture of impunity,177 which erodes public trust178 and feeds the cycle of violence.179 Pretrial detention rates remain high180 and prison conditions remain inhumane,181 both amounting to grave human rights violations. The capacity gaps and inhumanity of Haiti’s justice and penitentiary systems likewise raise serious due process concerns,182 including in the event of detentions by any foreign mission to Haiti.183

Justice sector dysfunction and chronic impunity

- Judicial function remains severely limited. Some cases are being heard,184 however, RNDDH documented a number of irregularities resulting in fundamental miscarriages of justice.185 The Tribunal de Paix186 in Cité Soleil and the Courts of First Instance in Port-au-Prince and Croix-des-Bouquets remain non-operational since they were attacked by armed groups in 2020 and 2022, respectively.186 Judicial actors remain targets of threats, violence, and intimidation,187 undermining their independence and preventing them from performing their duties.188
- Long-standing under-resourcing and general dysfunction further impede court operations.189 The government allocated less than one percent of the 2023-2024 national budget to the justice sector.190 Court staff often do not come to work and lack the necessary qualifications to adequately perform their jobs.191 Persistent government neglect of ancillary institutions, including those responsible for carrying out autopsies and collecting forensic evidence, further impedes effective investigations.192
- More generally, entrenched corruption within and politicization of the judiciary193 make it nearly impossible for ordinary Haitians – those without money or power – to access the justice system.194 Alleged criminals with power, affiliations with armed groups, or connections to government often are not arrested195 or are released without ever being tried.196
- Efforts to address these challenges have been limited and fraught. In June, the Superior Council on Judicial Power (CSPJ) continued its review of 82 magistrates, judges, and magistrate graduates, and found seven magistrates could not be certified over questions of corruption and moral integrity.197 However, civil society actors say the number of decertifications should be higher and accuse the CSPJ of making decisions based on politics.198 They also raise due process concerns for affected jurists.199 Impunity for judicial corruption and misconduct remains the norm.200
- Despite some recent activities, the Haitian investigation into the assassination of former President Jovenel Moïse remains slow and ineffectual.201 After over two years of delays and interference, not a single person has been formally charged in Haiti for the assassination202 and there is no public finding as to who is ultimately responsible. The fifth investigating judge

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183 Tribunaux de Paix (Peace Courts) are Haiti’s lowest courts, equivalent to a court of common pleas or a trial court. Decisions made by a Tribunal de Paix may be appealed in Courts of First Instance. Jameson Francisque, Comprendre comment s’organise le système judiciaire haïtien, AYIBO POST (Dec. 17, 2020), https://ayibopost.com/comprendre-comment-sorganise-le-systeme-judiciaire-haitien/.
began questioning suspects in late August.\textsuperscript{203} The judge also questioned former Prime Minister Michel Martelly and attempted to question de facto Prime Minister Ariel Henry, who refuses to appear.\textsuperscript{204} Both have been accused of complicity in the assassination, though neither has been named as a formal suspect.\textsuperscript{205} Despite recommendations from the Central Directorate of the Judicial Police that arrest warrants be issued for a number of Haitian political and business elites,\textsuperscript{206} police have arrested just two former officials: former justice official Joseph Félix Badio, who in spite of a warrant for his arrest had been living freely in Port-au-Prince since the assassination,\textsuperscript{207} and former Jacmel mayor Macky Kessa.\textsuperscript{208}

- Impunity likewise persists for other high profile cases\textsuperscript{209} – let alone cases outside public scrutiny – including the 2018 La Saline massacre;\textsuperscript{210} the assassinations of former Port-au-Prince Bar Association President Monferrier Dorval,\textsuperscript{211} political activist Antoinette Duclair, journalist Diego Charles,\textsuperscript{212} and LGBTQI+ activist Charlot Jeudy;\textsuperscript{213} and the embezzlement of over $2 billion from the PetroCaribe development fund.\textsuperscript{214} The lack of accountability is emblematic of the broader culture of impunity in Haiti.\textsuperscript{215}

**Inhumane prison conditions**

- Haiti’s pretrial detention rate is at least 84 percent.\textsuperscript{216} Many incarcerated individuals spend longer in pretrial detention than the length of any sentence that could be imposed based on their alleged wrongdoing,\textsuperscript{217} with some detained for over a decade.\textsuperscript{218} It is practically impossible for them to challenge their detention.\textsuperscript{219} The pace of ongoing hearings\textsuperscript{220} is having negligible impact given the scale of the problem.\textsuperscript{221}
- Authorities continue to fail to provide incarcerated individuals with adequate food,\textsuperscript{222} clean water,\textsuperscript{223} sanitation facilities,\textsuperscript{224} and medical care.\textsuperscript{225} At least 219 detainees died in 2022\textsuperscript{226} and 108 more between April and October 5, mostly as a result of malnutrition-related complications and inadequate health care.\textsuperscript{227}
- Incarcerated individuals also remain at substantial risk of violence from prison officials and fellow detainees.\textsuperscript{228} Fear of retribution – particularly when the perpetrator is a prison official – prevents many from reporting attacks.\textsuperscript{229}
- Prisons are increasingly overcrowded,\textsuperscript{230} with cells at over 331 percent occupancy,\textsuperscript{231} up from an already shocking 285 percent in April.\textsuperscript{232} According to the UN Expert on Human Rights in Haiti, the juvenile prison in Port-au-Prince is at over 350 percent occupancy.\textsuperscript{233} Severe overcrowding increases the likelihood of illness, including tuberculosis and cholera\textsuperscript{234} and exacerbates the above-described harms.
- Women and minors continue to be particularly vulnerable due to the absence of sufficient dedicated facilities.\textsuperscript{235} Incarcerated pregnant women and girls are often denied prenatal and postnatal care, increasing risks of health issues.\textsuperscript{236}

**IV. Lack of equal rights and protections**

Individuals with marginalized identities remain disproportionately vulnerable to Haiti’s insecurity and humanitarian crises.\textsuperscript{237} Women and girls in particular are at a heightened risk of gender-based violence (GBV),\textsuperscript{iv} especially from members of armed groups.\textsuperscript{238} The government consistently fails to prioritize the rights and safety of vulnerable individuals or to ensure their equal participation in public life.\textsuperscript{239} Haitian grassroots organizations and women leaders nevertheless continue to work to provide services to vulnerable individuals and to advocate for improved laws and policies.\textsuperscript{240} Funding and support, especially for the latter, are woefully inadequate.\textsuperscript{241}

- GBV remains widespread, with the Office of the UN High Commissioner for Human Rights (OHCHR) describing the collective rape of women and girls as now “endemic.”\textsuperscript{242} The UN

\textsuperscript{iv} According to the UN, GBV is “violence simply because of [an individual’s] sex or gender.” GBV includes, but is not limited to, “sexual, physical, mental and economic harm inflicted in public or in private” as well as “threats of violence, coercion and manipulation.” \textit{Gender-based violence}, UN REFUGEE AGENCY, https://www.unhcr.org/us/what-we-do/protect-human-rights/protection/gender-based-violence.
Office for the Coordination of Humanitarian Affairs (OCHA) recorded over 16,470 cases of GBV in 2022, with one observer reporting a 377 percent increase in incidence of GBV from prior years. At least 452 women and children were reportedly victims of sexual violence between October 2022 and June 2023. A Médecins Sans Frontières (MSF) clinic that treats victims of sexual violence reported in October that it receives 400 new cases every month. Haitian feminist organization Négès Mawon reported responding to over 110 cases of sexual violence by armed groups between January and August 2023. A June survey conducted by Haitian feminist organization Marijân found that 20 percent of women in the Cité Soleil and Canaan neighborhoods of Port-au-Prince reported being raped. The real incidence is likely even higher due to chronic underreporting (driven by fear of retaliation and social exclusion, as well as distrust of the judicial system and a lack of standardized case documentation).

- Armed groups continue to use calculationgely brutal sexual violence as a tool for holding territory, punishing people living under the control of rival armed groups and instilling fear in the local population. Women who are kidnapped are often raped, leading to long-lasting physical and emotional trauma. Armed groups reportedly also subject women to sexual slavery and sometimes forcibly recruit them. Age does not protect from sexual violence – armed groups commonly target girls as young as ten and elderly women. As a result, women and girls are often effectively confined to their homes out of fear of violence, further impeding their ability to access critical services and participate in public life, including work and school. Women and girls displaced by the violence are at a heightened risk of sexual exploitation and abuse.

- Victims of GBV face systemic barriers to accessing critical services and judicial recourse. Violence and roadblocks by armed groups, high transportation costs, and reduced hospital operations due to insecurity further complicate victims’ access to medical and psychosocial care for physical trauma, pregnancy, and sexually transmitted infections. Whatever dedicated services are available for victims are primarily provided by local and humanitarian organizations rather than the state.

- Pregnant women are particularly impacted by the lack of access to healthcare, with women reportedly dying at home because they are unable to reach a hospital. Abortion remains illegal under all circumstances. As a result, women seeking abortion are forced to undergo clandestine procedures, putting them at increased risk of complications. In spite of the challenging legal landscape and pervasive insecurity, women took to the streets on September 28 to demand that the state decriminalize abortion.

- Armed groups continue to inflict violence on children, resulting in serious physical and emotional trauma. According to the OHCHR, armed groups are coercing children into joining and minors make up as many as 30 to 50 percent of armed group members. Armed groups have been known to execute children who try to leave. Children are also especially vulnerable to and impacted by malnutrition, cholera, and inaccessible healthcare. As a result, nearly 3 million children are in need of urgent humanitarian assistance – up from 2.6 million in 2022. Approximately 1 million children did not attend school in 2023 due to a combination of insecurity, high education costs, and a dysfunctional education sector. Girls are disproportionately at risk of dropping out of school. Children make up nearly half of all persons displaced by insecurity in Haiti. Approximately 30,000 children live in private orphanages, where they are at increased risk of forced labor, human trafficking, and physical and sexual abuse.

- Haiti’s rural farmers, “peyizan,” remain vulnerable to attacks by armed groups and violent land grabs. The latter are often carried out at the direction of or in collusion with political actors. In November, the UN reported that armed groups have been occupying farmers’ land and demanding farmers pay “taxes” to gain access.

- There is still little available data on the human rights situation for many other marginalized groups in Haiti. LGBTQI+ persons face discrimination and chronic marginalization on account of their sexual orientation and gender identity, and are not protected under the law. This leaves them vulnerable to harassment and violence. Insecurity also exacerbates long-
standing stigma and discrimination against persons with disabilities. Women and children with disabilities are disproportionately vulnerable to violence by armed groups, including rape, and are more likely to be left behind as communities flee. For example, armed individuals twice attacked an orphanage for children with disabilities in Arcahaie (in September and October), kidnapping staff, attempting to rape a female resident, and looting the facility.  

V. Collapse of economic and social rights

Haiti’s social and economic landscape remains dire. The majority of Haitians are living in poverty and many lack access to food, clean water, healthcare, and education. The insecurity and governance crises described in this Update are causing additional impacts, including the closures of hospitals and schools and the continued spread of cholera throughout the country. Haiti also remains particularly vulnerable to impacts from climate change and natural disasters, which exacerbate the difficult humanitarian situation. Collectively, these challenges are rooted in long-term under-development and institutional dysfunction, including as a result of persistent foreign interference and extraction and diversion of public resources by Haitian officials. Sustainable solutions to Haiti’s intersecting crises thus require addressing these structural drivers of social and economic weakness and inequality.

Economy in decline

- Haiti’s economy remains in its fifth consecutive year of decline, with approximately 59 percent of Haitians living in poverty. Average inflation for 2023 is at 46.3 percent, and the cost of many food staples remains over 20 percent higher than one year ago. As a result, poor families are spending over 65 percent of their budget on food and transportation.
- Insecurity exacerbates the long-term structural drivers of Haiti’s economic decline. Extortion and violence by armed groups along key transportation routes continue to disrupt the flow of goods through Haiti, driving up prices and destabilizing the economy while increasing revenues for armed groups. Insecurity has devastated Haiti’s agricultural sector, which normally accounts for over 20 percent of Haiti’s gross domestic product and employs nearly 50 percent of the population. According to the UN Panel of Experts, armed groups also collect “taxes” from the population for public services (like water and electricity) that they do not provide, pushing people deeper into poverty. Transportation costs have more than doubled since 2022, primarily as a result of lingering high fuel prices and extortion of fuel carriers by armed groups. Insecurity also continues to impact foreign trade and economic activity.
- On September 17, the Dominican Republic sealed its border with Haiti, blocking all trans-border commerce for nearly one month. Although Dominican authorities partially reopened the border for limited trade on October 11, Haitian authorities have blocked goods from entering Haiti through the Ouanaminthe-Dajabón border crossing in a bid to pressure the Dominican government to renegotiate relations between the two countries.
- The chronic lack of economic opportunity is a major driver of recruitment by armed groups, as many see joining an armed group as their only means of survival.

Access to water

- Over half of Haitians lack access to adequate drinking water or hygiene and sanitation services. Only eleven percent have access to running water. Haitians report resorting to using contaminated wells, swamps, and untreated rainwater for their water needs, increasing their vulnerability to water-borne diseases, including cholera. Women and children are the first to be impacted by the lack of access to clean water because they are generally responsible for collecting it.
- Ongoing insecurity exacerbates long-standing problems with water access that are rooted in persistent government failures to build and maintain water and sanitation infrastructure. UNICEF reported in October that two out of the Artibonite Department’s three major water treatment plants were forced to shut down due to insecurity, while the third faces distribution...
challenges. The UN’s 2016 promise to improve Haiti’s water, sanitation, and hygiene infrastructure as part of its plan to eliminate UN-introduced cholera remains unfulfilled.

- Climate change, environmental degradation, and extractive industries further threaten water security in Haiti. Heavy flooding in June filled entire neighborhoods in Port-au-Prince with sewage water and contaminated dozens of water tanks in the Nort-West Department, damaging the water supply network.

**Access to food**

- Haiti’s food crisis is on par with the most severe hunger emergencies in the world, and nearly half the population is in need of humanitarian and food assistance. Nearly a quarter of children under five suffer from chronic severe malnutrition, with 100,000 children at immediate risk of starving to death. The number of acutely food insecure Haitians has decreased from 4.9 million reported in IJDH’s last Update to approximately 4.4 million as of November. The UN Integrated Office in Haiti (BINUH) and the World Food Programme attribute the decrease to a temporary improvement in some of the distribution issues that impeded access to food, and warn that the number is likely to go back up in 2024. Of those 4.4 million, approximately 2.9 million and 1.4 million are facing crisis-level and emergency-level food insecurity, respectively. Over 97 percent of people in the communes of Croix-des-Bouquets and Delmas (urban areas near Port-au-Prince heavily impacted by violence) are eating at most one meal a day. Over 45 percent of people living in the Artibonite Department, where violence by armed groups has rapidly escalated, are acutely food insecure.

- Insecurity and inflated food prices are the primary drivers of the acute food crisis. Residents of areas controlled by armed groups, in particular, often have difficulty accessing food, sometimes for months at a time. Increased presence of armed groups and related roadblocks have complicated food production and distribution, especially in the Artibonite Department, Haiti’s main agricultural region. According to a November UN report, armed groups are directly targeting farmers, extracting ransom payments, stealing crops, and destroying irrigation canals. Armed groups also often kidnap and rape women – historically the backbone of Haiti’s food distribution network on their way to market. Longer-term drivers of Haiti’s protracted food insecurity include persistent foreign interference with Haiti’s food sovereignty, inadequate humanitarian support, government neglect of Haiti’s agricultural sector, and environmental challenges that impact food production.

**Access to healthcare**

- Armed groups continue to target hospitals, staff, and patients for violence and kidnappings. An attack on the University Hospital in Mirebalais on September 26 forced approximately half of the hospital’s more than 350 patients, many of them critically ill and in need of life-saving care, to flee. On November 15, armed individuals surrounded the Fontaine Hospital Center in Port-au-Prince, forcing dozens of patients and employees to evacuate and the Center to close indefinitely. The MSF facility in Tabarre was forced to suspend operations in July and August after armed men abducted a patient from the facility. Members of the Gran Ravin armed group took control of the Sanatorium Hospital in Carrefour-Feuilles, a treatment center for those with pulmonary diseases and auto-immune disorder syndrome, for two days in late August, forcing the hospital to close in early September.

- Even where hospitals are operating, violence and roadblocks by armed groups continue to impede physical access for patients and healthcare workers. Only a quarter of healthcare

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V Crisis-level food insecurity refers to households that are living with high or above-usual acute malnutrition or are barely able to meet their food needs through depleting essential livelihood assets or crisis-coping strategies. Emergency-level food crisis refers to households either living with very high acute malnutrition and excess mortality or only able to meet their food needs by resorting to emergency livelihood strategies and asset liquidation. What is the IPC?, FAMINE EARLY WARNING SYSTEMS NETWORK (FEWS), https://fews.net/about/integrated-phase-classification (last visited Dec. 6, 2023).
facilities in the Artibonite Department remain accessible. Related distribution issues have resulted in shortages of fuel and critical medical supplies, further limiting the provision of adequate healthcare. The closure of the border with the Dominican Republic has exacerbated these challenges.

- Haiti’s healthcare system remains on the verge of collapse due to chronic under-resourcing. Government spending on healthcare is around one percent of Haiti’s gross domestic product – far below the six percent considered necessary by the World Health Organization. Only about 40 percent of Haitians have access to healthcare, in part because there are not enough public healthcare institutions to serve the population, and many cannot afford care in private institutions. Just 42 percent of healthcare facilities offer a full range of basic services and approximately 75 percent lack adequate medical supplies and personnel. Strikes by healthcare workers to protest lack of payment, staffing issues, and poor management have disrupted services at multiple healthcare institutions. These challenges have driven many healthcare professionals to flee Haiti, further impeding access to care.

- These challenges distinctly impact women and girls, whose access to medical care is already limited due to long-standing under-resourcing and structural barriers.

- Cholera – recklessly introduced to Haiti by UN peacekeepers in 2010 before reemerging in October 2022 – continues to infect Haitians. As of August 26 (last available data at time of writing), the Haitian Ministry of Health reported 3,835 confirmed cases, 62,790 suspected cases, and 850 deaths. With cholera treatment centers overwhelmed and insecurity impeding access to medical care and testing, the real numbers are likely much higher. Chronic problems with Haiti’s water, sanitation, and hygiene infrastructure – exacerbated by insecurity and heavy flooding – are a significant driver of the spread. Above-described malnutrition increases the severity of symptoms and likelihood of death.

Access to education

- Violence by armed groups targeting schools and displacement pressures have made education largely inaccessible. Many schools remain closed due to the violence, particularly in Port-au-Prince and the Artibonite Department. Others are nonfunctional because they are housing displaced persons or because armed groups are using them as bases for their criminal operations. The government has not made adequate efforts to facilitate school openings or offer support for schools that are unable to open because they are serving as informal displacement sites. Schools that have stayed open are not necessarily safe – for example, over 400 students and teachers were trapped for several days in mid-October inside their school in Port-au-Prince when fighting between armed groups prevented them from leaving. Many children do not attend classes because they do not want to risk making the dangerous journey through territory controlled by armed groups to get to school.

- Chronic under-resourcing and dysfunction within Haiti’s school system further disrupt access to education. The national education budget decreased for the second year in a row, down to just 10.3 percent of the national budget for the 2023-2024 fiscal year. Many educators have gone on strike to protest poor teaching conditions and the government’s continued failure to pay teachers in a timely manner. Others have fled the country altogether, prompting concerns that Haiti risks a teacher shortage.

- Approximately 85 percent of Haiti’s schools are private and charge fees that low-income families cannot afford. Approximately one million children are at risk of dropping out because they cannot afford private school tuition, with poor families often forced to choose between spending money on food or education.

VI. Emigration pressures

- Haiti’s intersecting insecurity and humanitarian crises continue to drive Haitians to emigrate. Foreign states have continued to impose restrictions on asylum grounded in classism and anti-Black racism, and to repatriate Haitians seeking refuge at their borders – all even as they urge...
their own citizens to leave Haiti due to the dire insecurity situation. U.S. immigration policies continue to have the effect of excluding the most vulnerable Haitians from safety.

- The number of Haitians fleeing the catastrophic human rights situation in Haiti continues to increase, primarily because the pressures driving emigration in the first place remain unaddressed. U.S. Customs and Border Patrol encountered 164,823 Haitian migrants in the United States between January and October, over twice as many as in all of 2022. Haitian migrants continue to make dangerous and often deadly journeys over land and sea in search of safety. Migrant smuggling is a profitable business, including for some Haitian officials facilitating trafficking. Nicaragua featured as a base for trafficking in recent months, with over 31,400 Haitians taking expensive charter flights to Nicaragua where traffickers are waiting to take them north to the United States.

- Foreign states continue to remove many Haitians who reach their borders, despite persistent criticism by UN officials, U.S. lawmakers, and human rights organizations that many removals are inhumane and illegal. The Dominican Republic – now responsible for 96 percent of all removals – expelled more Haitians in the first half of 2023 than in all of 2022. Anti-Haitian and anti-Black rhetoric fuels these mass expulsions, with reports that Dominican authorities target Haitians for removal regardless of their immigration status and solely on the basis of their skin color. Dominican authorities continue to detain and remove pregnant and breastfeeding women. Despite repeatedly acknowledging the severity of the insecurity and humanitarian crises in Haiti, the U.S. government continues to remove Haitian migrants. Dominican authorities have also deployed measures to prevent Haitians from entering the Dominican Republic, including blanket denials of visas to Haitians, a ban on most flights between the two countries, and continued construction of a border wall. The Dominican Republic’s closure of its land border with Haiti on September 17 has prevented all land migration between the two countries.

- The U.S. government has continued its humanitarian parole program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV), which offers lawful entry into the United States based on humanitarian need to a limited number of migrants (shared without allocation among the four nationalities). The CHNV program has allowed many Haitians to settle in the United States. However, U.S. immigration policy is on balance harshly restrictive toward Haitian migrants and has the effect of discriminating against the most marginalized. This is a product of illegal limitations on asylum that are not offset by the CHNV program, which is inaccessible to most Haitians – particularly those most vulnerable to Haiti’s insecurity and humanitarian crises. The recent dramatic increase in prices of flights from Haiti to the United States further impacts migrants.

- Haitian migrants who are returned to Haiti are particularly vulnerable to recruitment by armed groups and sexual exploitation and abuse. Assistance to returnees, provided primarily by IOM, remains grossly inadequate. Returnees with prior criminal records continue to be distinctly at risk: a group of 17 returnees who served time for criminal convictions in the United States were immediately detained upon their arrival in Haiti on November 30 and kept for two days without access to food, water, medical care, or sleeping mats before being released.

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

Haiti’s intersecting crises are rooted in centuries of harmful and exploitative conduct by foreign actors, stretching back to enslavement, colonialism, and France’s extortion of the “Independence Debt.” The debt ultimately cost Haiti US $21-115 billion in economic growth, while also laying the foundations for subsequent foreign extraction and interference that have stunted Haiti’s democracy and development and directly precipitated the present crises. Despite a consensus among international actors that Haiti is experiencing a humanitarian catastrophe and urgent responsive action is needed, humanitarian relief efforts remain grossly underfunded. The international community is directing its primary focus towards the UNSC-authorized Multinational Security Support (MSS) mission to Haiti, which risks further entrenching the political actors responsible for Haiti’s crises and repeating the grave and unremedied harms of past interventions. Persistent international support for Haiti’s corrupt,
illegitimate, and repressive de facto government further impedes solutions to the crises, undermines Haitians’ right to self-determination, and directly ignores Haitian voices protesting his misrule. On October 2 – after a year of concerted U.S.-dominated international pressure – the UNSC authorized the MSS, a non-UN mission mandated to provide operational support to the PNH for a term of twelve months (to be reviewed after nine). Kenya has agreed to lead the mission and provide 1,000 police officers. Kenya’s own assessment determined that a successful mission would require the deployment of 10,000 to 20,000 personnel for three years and as much as $600 million in funding for the one year of the mission presently authorized. MSS funding and additional troop contributions are voluntary, raising serious concerns about its viability. Other UN voluntary funds – such as those set up for victims of the UN-introduced cholera epidemic in Haiti and UN sexual exploitation and abuse – remain severely under-resourced and unable to deliver promised results. Further, many Haitian civil society and leading diaspora groups remain deeply opposed to the MSS on the grounds that de facto Prime Minister Henry has no constitutional authority to request such an intervention, that the MSS will further entrench Henry’s undemocratic regime, and that it lacks adequate safeguards to ensure prevention of and remedies for human rights abuses. The deepening insecurity has nevertheless driven many Haitians to view foreign intervention as necessary to address the worst of the violence in spite of general wariness borne of harms caused by past foreign actions. There are also concerns with Kenyan leadership, as Kenyan police have a troubling record of human rights abuses and do not speak Haitian Creole or French. Moreover, Kenya’s role in the MSS is being vigorously contested domestically. At the time of writing, Kenya’s parliament had approved the government’s request to deploy police officers as part of the MSS, but Kenya’s High Court was blocking the deployment until at least January 26, 2024 in response to a lawsuit challenging the mission’s constitutionality.

International actors continue to prop up de facto Prime Minister Henry, including by (i) supporting his “National Consensus Document for an Inclusive Transition and Fair Elections” — widely rejected by Haitians as a means of consolidating illegitimate power through unfair elections, unconstitutional changes to Haiti’s constitution, and illegal court-packing — and (ii) treating him as an indispensable actor in any transitional agreement. International backing has allowed Henry to effectively veto any development that meaningfully restricts the power of the corrupt, repressive actors he embodies. When international actors have put pressure on Henry to participate in political dialogue, he has attended meetings but consistently refused to meaningfully compromise towards fair elections or reneged on commitments with no apparent consequences.

There is universal acknowledgment that Haiti’s crisis is enabled by weapons and ammunition trafficked into the country, primarily from the United States. The U.S. government has announced a number of related initiatives, but prosecutions of complicit individuals appear limited and the initiatives inadequate relative to the nature and scale of the problem.

Foreign states and the UN have continued to sanction Haitian individuals accused of corruption or collusion with armed groups. Twenty-five of them are PHTK officials, leaders, or prominent allies. Since IJDH’s last Update, Canada announced sanctions on two former members of Haiti’s parliament, three leaders of armed groups, and several Haitian business elites. The UN sanctioned an additional four armed group leaders. According to RNDDH, foreign sanctions have not been impactful in terms of addressing violence by armed groups. Since IJDH’s last Update, the UN has continued targeted country visits and reporting, and BINUH’s mandate was extended again until July 15, 2024. Haitian and international civil society and human rights organizations continue to criticize BINUH for its persistent failure to address credible allegations of government collusion with armed groups and complicity in perpetuating the current crisis.
See infra Section III (Lack of access to justice and chronic impunity).


26 See infra note 446.

27 See infra notes 471-77.


30 See infra notes 471-77.


32 See infra notes 142-44.

33 See infra notes 477-81.

34 See infra Section VI (Emigration pressures).

35 See *Haiti Plan de Réponse Humanitaire 2023*, FINANCIAL TRACKING SERVICE, https://fts.unocha.org/plans/1121/summary (last visited Dec. 6, 2023) (as of December 6, the 2023 UN Humanitarian Response Plan for Haiti is only 32.9 percent funded); Food and Agriculture Organization of the UN (FAO) & World Food Programme (WFP), Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook vii (2023), https://docs.wfp.org/api/documents/WFP-0000153539/download?_ga=2.57340268.753540653.1699381775-1376393292.1699213937.


37 See *BAI’s Mario Joseph Calls on the International Community to Listen to Haitians at the 54th Session of the UN Human Rights Council*, IJDH, https://www.ijdh.org/ijdh_events/bais-mario-joseph-calls-on-the-international-community-to-listen-to-haitians-at-the-54th-session-of-the-un-human-rights-council/ (last visited Dec. 6, 2023) (BAI’s Mario Joseph “called on the international community to stop ignoring the voices of
Haitians and propping up the corrupt, repressive de facto government in Haiti”); @ijdh, X (Oct. 12, 2023, 9:37 AM), https://twitter.com/ijdh/status/1712462594617889027; Charnette Frederic & Marleine Bastien, President Biden isn’t listening to Haitians. He should before it’s too late, MIAMI HERALD (Nov. 9, 2023), https://www.miamiherald.com/article281594743.html. International actors continue to disregard the many letters and statements published by Haitian and diaspora organizations opposing intervention and calling on the international community to stop propping up de facto Prime Minister Henry. See, e.g., BAI et al., Urgent Civil Society Appeal for a Rights-Based International Response to the Crisis in Haiti; NHEAON & FANM in Action, National Haitian American Elected Officials Network (NHEAON) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti.

38 For a more extensive discussion, see infra Section VII (Ongoing failures of the international community to respect the rights of Haitians).

39 See, e.g., BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 3; FAO & WFP, Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook at 16.


41 See infra Section V (Collapse of economic and social rights).


44 See infra Section II (Government misconduct, including institutionalized violence and corruption).

45 See infra notes 104-17.

46 See, e.g., HRW, “Living a Nightmare” (“[T]here have been no prosecutions or convictions of those responsible for the killings, kidnappings, and sexual violence committed since the start of the year.”). See also infra Section III (Lack of access to justice and chronic impunity).

47 See infra note 308.

48 See, e.g., infra note 267.


HRW, “Living a Nightmare” (reporting approximately 300 armed groups in operation).


52 See, e.g., Monyse Ravena, Haiti, plunged into cycles of humanitarian crisis, rejects the possibility of new foreign intervention, PEOPLES DISPATCH (Sep. 12, 2023), https://peoplesdispatch.org/2023/09/12/haiti-plunged-into-cycles-of-humanitarian-crisis-rejects-the-possibility-of-new-foreign-intervention/, See also BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 3 (reporting that 67 percent of victims were in the West Department, primarily made up of the Port-au-Prince metropolitan area); Robenson Geffrard, Martissant deux ans après, symbole de l’échec des autorités dans la guerre contre les gangs, LE NOUVELLISTE (Jun. 1, 2023), https://lenouvelliste.com/article/242627/martissant-deux-ans-apres-symbole-de-lechec-des-autorites-dans-la-guerre-contre-les-gangs.

53 Oct. 2023 Report of the UN Secretary-General at ¶ 10; Final report of the Panel of Experts on Haiti at ¶ 50; HRW, “Living a Nightmare” (“[C]riminal groups . . . have sought to expand their territorial control, directly attacking the population and establishing themselves as the de facto authorities, including in neighborhoods considered relatively safe or free of criminal activity in previous years.”). See also RNDDH, Crise sécuritaire et situation des personnes déplacées internes en Haïti at 7 (reporting that at least one armed group operates in every department throughout the country); Junior Legrand, In Haiti, ordinary citizens become big weapons buyers, AYIBO POST, https://ayibopost.com/in-haiti-ordinary-citizens-become-big-weapons-buyers/ (“[G]angs exert almost uncontested control over half of the national territory, according to UNODC [UN Office on Drugs and Crime] data.”).

54 IJDH June 2023 Update at 2.


56 Haiti: Gangs move into rural areas as Turks says new force ‘must be deployed’; see also Oct. 2023 Report of the UN Secretary-General at ¶ 11 (reporting 3,334 homicides from January to September, with 1,239 occurring between July 1 and September 30); Deepening violence in Haiti (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council) (“Between 1 January and 30 September 2023, we have recorded 5,599 cases of gang related violence, including 3,156
increasing brutality, mutilating and burning bodies in public and then sharing the horrific images on social media). There are regular reports of executions or detention of people challenging their authority or refusing to obey their orders. The human rights situation is described as unprecedented; HRW, “Living a Nightmare”.

Recent months have seen recurrent, indiscriminate, large-scale attacks, often against entire neighborhoods and their residents; Press Release, RNDDH, The victims of massive human rights violations file a complaint with the Haitian judicial authorities. Violence by armed groups in Cité Soleil in November; BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 3 (reporting over 1,860 deaths between April and June, representing a 14 percent increase from the previous quarter). Human Rights Watch noted that quantifying deaths is difficult: “[b]ecause criminal groups burned the bodies of many of the victims, and due to the limited access to health care and lack of a functioning judicial system, it was difficult to obtain medical records, autopsy reports, or death certificates.” HRW, “Living a Nightmare”.

Between August 4 and September 12, BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 3-4 (reporting that armed groups use coordinated attacks “to reinforce control over key roads, in order to facilitate the transport of kidnap victims back to their bases”); HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 9; Final report of the Panel of Experts on Haiti at ¶ 19 (“The levels of violence and the depths of cruelty that gangs will go to in violating human rights are unprecedented.”); HRW, “Living a Nightmare”.

There are regular reports of executions or detention of people challenging their authority or refusing to obey their orders; BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 4 (“There are regular reports of executions or detention of people challenging their authority or refusing to obey their orders.”); Oct. 2023 Report of the UN Secretary-General at ¶ 28 (“Entire families, including children, were executed inside their homes.”).
dans l'indifférence des autorités étabties (reporting dozens of houses pillaged and/or burned in the Artibonite region in July); Haiti-Criminalité : Deux employés tués et quatre autres blessés dans une attaque armée contre l'entreprise Rhum Bakara, ALTERPRESSE (Jul. 24, 2023), https://www.alterpresse.org/spip.php?article29490 (reporting an attack on the Rhum Bakara company, during which armed individuals stole eight company trucks, set three on fire, and ransacked the company’s offices); @Radio_Metronome, X (Jun. 10, 2023, 10:33 PM), https://twitter.com/Radio_Metronome/status/1667721785561739265 (“Heavily armed bandits looted and then set fire to the home of the former President of the Haitian Senate.”).


65 BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 5-6 (“In some areas of Croix-des-Bouquets and Port-au-Prince (Western Department), motorists, passers-by and street vendors are regularly victims of extortion and theft in the streets and at ‘checkpoints’ improvised by gangs along main roads.”); Jérôme Wendy Norestyl, Gangs are increasing their attacks on boats off the coast of Port-au-Prince, AYIBO Post (Oct. 26, 2023), https://ayibopost.com/gangs-are-increasing-their-attacks-on-boats-off-the-coast-of-port-au-prince/ (reporting that attacks by armed groups on boats “are increasing as overland routes become less and less passable due to gang violence”); Oct. 2023 Report of the UN Secretary-General at ¶ 30-32; HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶¶ 7-8 (“Various stakeholders . . . described how people are afraid to leave their homes, go to the market, send children to school, visit relatives, or go to work or worship . . . Travelling in a vehicle can be life-threatening.”); Final report of the Panel of Experts on Haiti at ¶ 42 (reporting that violence by armed groups prevents the distribution of fuel, which further impedes freedom of movement); Wethzer Piercin, Acculés par les bandits, de nombreux chauffeurs lâchent le secteur, AYIBO Post (Aug. 23, 2023), https://ayibopost.com/draines-par-les-bandits-de-nombreux-chauffeurs-lachent-le-secteur/; Matt Rivers, Millions in Haiti starve as food, blocked by gangs, rots on the ground, ABC News (Jul. 31, 2023), https://abcnews.go.com/International/millions-haiti-starve-food-blocked-gangs-rots-ground/story?id=101443292. See also infra notes 319-21.


68 IOM, Haiti—Internal Displacement Situation (West, Center and Artibonite) (June 2023), https://dmc.iom.int/reports/haiti-internal-displacement-situation-west-center-and-artibonite-june-2023; Final report of the Panel of Experts on Haiti at ¶ 153; Oct. 2023 Report of the UN Secretary-General at ¶ 50 (noting that this represents a “tenfold increase in two years”); Paul, Insécurité : la Protection civile estime le nombre de déplacés à près de 200 000 personnes. Other reports put the number at well over 200,000. See Geffrard, “Les gangs armés ont perpétré au moins 10 massacres, faisant plus de 100 morts et au moins 250 mille déplacés entre mai et août 2023” ; selon la POHDH . . .; Haiti - FLASH : More than 200,000 people had to flee their homes, HAITI LIBRE (Aug. 25, 2023), https://www.haitilibre.com/en/news-40339-haiti-flash-more-than-200-000-people-had-to-flee-their-homes.html. See also RNDDH, Crise sécuritaire et situation des personnes déplacées internes en Haïti at 16 (reporting that violence by armed groups accounts for 95 percent of internal displacement).

violence, warns IRC during 16 Days of Activism against Gender-Based Violence campaign (Dec. 4, 2023), https://www.rescue.org/press-release/haitian-women-and-girls-bear-brunt-escalating-violence-warns-irc-during-16-days (reporting over 146,000 displaced persons in the West Department, primarily made up of the Port-au-Prince metropolitan area). See also Haitian Gangs Call for Armed Overthrow of PM Henry as Chaos Escalates, US NEWS (Sep. 20, 2023), https://www.usnews.com/news/world/articles/2023-09-20/haitian-gangs-call-for-armed-overthrow-of-pm-henry-as-chaos-escalates (reporting that over 19,000 people were displaced in Port-au-Prince over several weeks in September); Geffrard, ‘‘Les gangs armés ont perpétré au moins 10 massacres, faisant plus de 100 morts et au moins 250 mille déplacés entre mai et août 2023’’, selon la POHDD… (reporting that 40,000 people have been displaced in the Carrefour-Feuilles neighborhood); Armed group sets fire to police station in Haiti, PRENSA LATINA (Aug. 30, 2023), https://www.plenglish.com/news/2023/08/30/armed-group-sets-fire-to-police-station-in-haiti (reporting that over 5,000 people fled their homes in August in response to violence by armed groups in southern Port-au-Prince); Jean Lovbent Cesar, Haitians shelter in sports center as fresh attacks displace nearly 9,000, REUTERS (Aug. 26, 2023), https://www.reuters.com/world/americas/haitians-shelter-sports-center-fresh-attacks-displace-nearly-9000-2023-08-26/ (reporting that around 8,730 people have been displaced around Carrefour-Feuilles as a result of recent attacks by armed gangs in the area).

70 Mobile Clinics Deployed in New Displacement Sites in the metropolitan area of Port-au-Prince, Haiti. See also Press Release, International Rescue Committee, Haitian women and girls bear the brunt of the escalating violence, warns IRC during 16 Days of Activism against Gender-Based Violence campaign (reporting that women make up more than half of all persons displaced in the West department); Marijan, Violence Basée sur le Genre 1, 4 (June 2023), https://imag1.wsimg.com/blobby/go/26ef5187-0cbb-472d-9f63-5d7ec25ed84e/MARIJA%CC%80N_RAPPORTE%CC%81CHOS_Juin2023.pdf (hereinafter Marijan June Report) (63 percent of 299 women surveyed from the Cité Soleil and Canaan neighborhoods reported being displaced because of violence).

71 See supra notes 54-55.

72 HRW, “Living a Nightmare.”


76 Oct. 2023 Report of the UN Secretary-General at ¶ 50; BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 6.


78 As Displacement Soars, Haiti Requires USD 21 Million for Emergency Shelter, Protection Services, IOM (Oct. 10, 2023), https://www.iom.int/news/displacement-soars-haiti-requires-usd-21-million-emergency-shelter-protection-services (reporting that approximately 70,000 displaced persons are living in “inadequate and precarious spontaneous settlements and collective centers”); Jérôme Wendy Norestyl, Cimetière de P-au-P : des déplacés de Carrefour-Feuilles cohabitaient avec les morts, AYIBO POST (Sep. 5, 2023), https://ayibopost.com/cimetiere-de-p-au-p-refuge-de-dizaines-de-deplaces-de-carrefour-feuilles/ (reporting that the vast majority those displaced by violence in Carrefour-Feuilles are living “in extremely precarious conditions in approximately twenty accommodation sites in the capital,” including the Port-au-Prince cemetery); Cesar, Haitians shelter in sports center as fresh attacks displace nearly 9,000 (*Hundreds of [displaced] people
are crammed into small white tents in the courtyard of a sports center in the Haitian capital.”); Francklyn B. Geffrard, "La POHDD indignée par la détérioration du climat d’in sécurité et de violence dans en Haïti....", RHI NEWS (Aug. 6, 2023), https://www.rhnews.com/actualites/la-pohdd-indigne-par-la-detrioration-du-climat-dinsecurety-et-de-violence-dans-en-haiti/ (reporting that displaced persons, including pregnant women, children, and the elderly, are sleeping “in the streets, in public places, in churches, and in schools in appalling conditions that violate their rights and their dignity as human beings”); Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo.*

79 *As Displacement Soars, Haiti Requires USD 21 Million for Emergency Shelter, Protection Services* (reporting that approximately 34,000 displaced persons are “crammed into classrooms”); Oct. 2023 Report of the UN Secretary-General at ¶ 50 (“20 [out of 26 informal displacement sites] have been set up in schools.”); Mobile Clinics Deployed in New Displacement Sites in the metropolitan area of Port-au-Prince, Haiti; Jean Junior Celestin, *Le MENFP appelle à la protection des bâtiments, du matériel et des archives des écoles occupées par les déplacés internes,* LE NOUVELLISTE (Aug. 31, 2023), https://lenouvelliste.com/article/244213/le-menfp-appele-a-la-protection-des-batiments-du-materiel-et-des-archives-des-ecoles-occupees-par-les-deplacés-internes (according to the Ministry of National Education and Vocational Training, displaced persons are sheltering in 24 public and private schools). See also infra note 394.

80 *As Displacement Soars, Haiti Requires USD 21 Million for Emergency Shelter, Protection Services* (reporting that approximately 31,000 displaced persons are “sleeping in the open air”); Oct. 2023 Report of the UN Secretary-General at ¶ 50; HRW, “Living a Nightmare”; Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo.*

81 See *Mariján June Report* at 4 (reporting on conditions of displacement at camps in Cité Soleil and Canaan); Mariján, Violence Basée sur le Genre 5 (May 2023), https://img1.wsimg.com/blobby/go/26ef5187-0cccb-472d-9fc3-5d7ec25ed84e/VBG-%C3%89CHOS-MAI%2020223-MARIJ%C3%80N.pdf (hereinafter *Mariján May Report*) (reporting on conditions of displacement at the Delmas 19 displacement camp); Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo*; Haiti: William O’Neill, *Expert on the human rights situation in Haiti, concludes his official visit*; HRW, “Living a Nightmare”; RNDHH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 22–23 (reporting that displacement sites “are not equipped to ensure a degree of privacy for the women and girls, who have to wash in the open air” and that many women are gang raped at displacement sites, prompting them to return to their communities where “they are often physically and/or sexually assaulted again by armed gangs, who consider them traitors because they chose to take refuge elsewhere at the time of the armed clashes”); id. at 24 (“Armed groups are demanding up to 30% of the money . . . [displaced persons] have been given [by international organizations] to feed their families and go to hospital.”). See also OCHA, Haiti: *Humanitarian Response Overview, Situation Report* (reporting that the neighborhoods hosting displaced persons remain extremely vulnerable to further violence).

82 *Mariján June Report* at 4; *Mariján May Report* at 5; Oct. 2023 Report of the UN Secretary-General at ¶ 50; Haiti: William O’Neill, *Expert on the human rights situation in Haiti, concludes his official visit* (relaying “appalling accounts of children and elderly people sleeping on the ground, next to mounds of garbage and without access to drinking water”); Mobile Clinics Deployed in New Displacement Sites in the metropolitan area of Port-au-Prince, Haiti; Cesar, *Haitians shelter in sports center as fresh attacks displace nearly 9,000*; Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo* (describing a shelter with “no power or running water, and just two makeshift holes in the ground that serve as a bathroom for nearly 1,000 people”).


84 *Mariján June Report* at 4; Oct. 2023 Report of the UN Secretary-General at ¶ 54; Mobile Clinics Deployed in New Displacement Sites in the metropolitan area of Port-au-Prince, Haiti; Louis, *CARDH Calls for Better Assistance for Displaced People in Carrefour-Feuilletes*.

Pierre Louis Opont after two months of captivity resistance; prime armed individuals attempted to kidnap a pastor); service was invaded by bandits in Haiti and it was captured live on Facebook “at least 40 medical doctors had been kidnapped since the beginning of 2022”); General of the High Transition Council); crime at a new high, UN envoy says (reporting at least 585 people kidnapped between July and September, representing an almost 96 percent increase from the previous quarter); Oct. 2023 Report of the UN Secretary-General at ¶ 50.

Haiti: Gangs move into rural areas as Türk says new force ‘must be deployed.’ See also Oct. 2023 Report of the UN Secretary-General at ¶ 11 (reporting 1,787 people kidnapped between January and September, including 506 women and 65 children); Deepening violence in Haiti (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council) (reporting 1,284 kidnappings between January and September); Bulletin Of Kidnapping For The Third Quarter Of 2023 (#13) And Disaggregated Statistics On Homicides And Violent Deaths In Haiti (reporting 362 kidnappings between July and September, 141.33 percent more than in the previous quarter); @opchaiti, X (Jul. 8, 2023, 12:09 PM), https://twitter.com/opchaiti/status/1677711548029059072.

Haiti: Surge in gun trafficking fuels spike in gang violence.

Haiti: Gangs move into rural areas as Türk says new force ‘must be deployed.’ See also Oct. 2023 Report of the UN Secretary-General at ¶ 11 (reporting 1,787 people kidnapped between January and September, including 506 women and 65 children); Deepening violence in Haiti (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council) (reporting 1,284 kidnappings between January and September); Bulletin Of Kidnapping For The Third Quarter Of 2023 (#13) And Disaggregated Statistics On Homicides And Violent Deaths In Haiti (reporting 362 kidnappings between July and September, 141.33 percent more than in the previous quarter); BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 5 (reporting at least 585 people kidnapped between July and September); BINUH, Human rights situation: Main trends, Quarterly report: January-March 2023 3 (2023), https://binuh.unmissions.org/sites/default/files/human_rights_quarterly_report_q1_2023.pdf (reporting 395 kidnappings between January and March); BINUH, Human rights situation: Main trends, Quarterly report: April-June 2023 at 5 (reporting 298 people kidnapped between April and June). See also Criminalité : 1,564 personnes tuées et plus de 900 autres enlevées de janvier à septembre 2023 en Haïti, selon le Cardh, ALTERPRESSE (Oct. 12, 2023), https://www.alterpresse.org/spip.php?article29758 (reporting that CARDH “notes an increase in kidnapping due to the weakening of the Bwa Kale movement and the absence of measures to prevent the resurgence of gang violence.”); @opchaiti, X (Jul. 8, 2023, 12:09 PM).

See Final report of the Panel of Experts on Haiti at ¶ 78.

BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 3, 5 ("Kidnappings in the Artibonite department rose by 166% compared with the previous quarter (from 142 to 378).”). See also Haiti: Children facing triple threat of insecurity, malnutrition, disease (reporting that nearly half of the 298 kidnappings countryside-wide between May and June took place in the lower Artibonite Department); Violence Des Gangs Et Kidnapping/Gang Violence And Kidnapping, CARDH (Aug. 4, 2023), https://cardh.org/archives/4579 (over a quarter of the 83 kidnappings CARDH reported in July occurred in the lower Artibonite Department).

See, e.g., Haiti-Criminalité : Une cinquantaine de personnes de nouveau kidnappées par des gangs armés dans l’Artibonite, ALTERPRESSE (Sep. 4, 2023), https://www.alterpresse.org/spip.php?article29627 (reporting that the Baz Gran Griff armed group kidnapped 30 people from a bus on September 2, the same day that the Palmis armed group kidnapped nearly 20 people in a nearby commune).

HRW, “Living a Nightmare” (those kidnapped “include civil servants, judicial officials, health and education workers, and others perceived to have access to financial resources, as well as some who happened to be in the wrong place at the wrong time”). See, e.g., Haiti-Criminalité : Kidnapping de 5 employés de la Cour des comptes à Laboule 12 (armed individuals kidnapped five employees of the Superior Court of Auditors and Administrative Disputes on November 6); Lederer, Growing gang violence is devastating Haitians, with major crime at a new high. UN envoy says ("[G]ang members dressed as police officers kidnapped the secretary general of the High Transition Council"); Oct. 2023 Report of the UN Secretary-General at ¶ 53 (as of October, “at least 40 medical doctors had been kidnapped since the beginning of 2022”); Jacqueline Charles, A church service was invaded by bandits in Haiti and it was captured live on Facebook, MIAMI HERALD (Oct. 8, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article2802772204.html (reporting that armed individuals attempted to kidnap a pastor); Charles, Efforts to move disabled Haitian kids to Jamaica meets resistance; prime minister is silent (reporting that eight employees of an orphanage were kidnapped); Release of Pierre Louis Opont after two months of captivity, LE NOUVELLISTE (Aug. 28, 2023),
**BULLETIN OF KIDNAPPING FOR THE THREE QUARTER OF 2023 (#13) AND DISAGGREGATED STATISTICS ON HOMICIDES AND VIOLENT DEATHS IN HAITI**

HRW, “Living a Nightmare” (“The victims are primarily Haitian nationals. . . . Some foreigners have also been kidnapped, including 40 in the first half of 2023.”).

*See, e.g.*, BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at ¶ 5; *Oct. 2023 Report of the UN Secretary-General* at ¶ 30.

*See, e.g.*, BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at ¶ 8; Final report of the Panel of Experts on Haiti at ¶ 78 (“In cases reported to the Panel, the amounts paid in ransom vary greatly depending on the profile of victims, ranging from $7,000 to $500,000 for foreign targets and prominent figures.”); HRW, “Living a Nightmare” (according to a Haitian civil society representative, kidnapping “is the only business that’s functioning in Haiti today”); Press Release, UNICEF, *Kidnappings of children and women spiking at alarming rates in Haiti* (“[A]n entrenched network of gangs see kidnapping their countrymen as one of the few lucrative industries. . . . Gedeon Jean, CARDH’s executive director, tells CNN that . . . his organization has been expecting a resurgence in hostage-taking as gangs look to recoup some financial losses suffered due to international sanctions and at the height of the Bwa Kale movement.”).

Findings of the appointed expert on the situation of human rights in Haiti at ¶ 78; Final report of the Panel of Experts on Haiti at ¶ 17; Blaise, *SOs Lopolis’ cries in Haiti met with silence, raising suspicions*; Geffrard, *Nouveau raid des bandits de “Gan Ravin” sur Carrefour-Feuelles...* (reporting that people displaced by violence in Carrefour-Feuelles “denounce the ‘inaction and indifference’ of the authorities in the face of the arrogance of the gangs” and “accuse the authorities of colluding with the thugs, against whom no energetic action has been taken to neutralize them”); HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 7 (“One resident of Bel Air, speaking for many, said that: ‘The State is absent, there are no police or other officials operating there.’”); Charles, *La terreur infligée par les gangs oblige la population de Carrefour-Feuelles à marcher contre l’insécurité*; RNDDH, *The resurgence of acts against lives and property: RNDDH urges police authorities to act,* at ¶ 42; FJKL, *Bas Artibonite: Une vague de terreur s’abat sur la région pendant le mois de juillet 2023 dans l’indifférence des autorités étatiques: Jérôme, Qui volera au secours du bas Artibonite ?

François, Haiti News Roundup: Transition Council at Odds with De Facto PM, CEPR (Nov. 6, 2023), https://cepr.net/haiti-news-roundup-transition-council-at-odds-with-de-facto-pm/. See also infra note 146.


109 De facto Prime Minister Henry has himself acknowledged that “[t]he national police force is weak. It lacks resources and has lost many members. [It] is not prepared or well trained. That is why police interventions are limited and many [police officers] are attracted by the gangs.” HRW, “Living a Nightmare.” See also Oct. 2023 Report of the UN Secretary-General at ¶ 17 (“The lack of an effective national strategy for operations and reform, the absence of dedicated, equipped and well-trained anti-gang units, increasing losses in operational capacity, the loss or degradation of operational assets following targeted gang attacks and shortfalls in resource management pose monumental challenges.”); RNDDH, Crise sécuritaire et situation des personnes déplacées internes en Haïti at 18; Juhakenson Blaise, Bandits burned down 2 police stations in 2 weeks in Haiti, HAITIAN TIMES (Oct. 5, 2023), https://haitiantimes.com/2023/10/05/bandits-burned-down-2-police-stations-in-2-weeks-in-haiti/; HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 26; Final report of the Panel of Experts on Haiti at ¶ 22; Robosenon Geffrard, How many police officers are there in the PNH, and what do they do?, LE NOUVELISTE (Aug. 21, 2023), https://www.lenouvelliste.com/en/article/244034/how-many-police-officers-are-there-in-the-pnh-and-what-do-they-do. Meanwhile, armed groups “are getting stronger, richer, better armed and more autonomous. . . . resulting in firepower exceeding that of the police.” Final report of the Panel of Experts on Haiti at ¶ 18. The police force’s capacity challenges have prompted the Haitian Armed Forces – which has a history of being used to repress popular dissent and whose leadership is directly implicated in grave human rights violations – to begin recruiting cadets. Haiti - FLASH : The Haitian army is recruiting cadets, registrations open, HAÏTI LIBRE (Oct. 10, 2023), https://www.haitilibre.com/en-news-40596-haiti-flash-the-haitian-army-is-recruiting-cadets-registrations-open.html; IJDH & BAI, Reversing Post-Raboteau Massacre Trial Impunity (Jul. 2020), https://ijdh.org/wp-content/uploads/2020/07/IJDH-IBRE-AW-EN_FINAL-EN.pdf 2-3. See also Final report of the Panel of Experts on Haiti at ¶ 23 (noting that the armed forces “have very little defence and security capacity”).

110 See, e.g., Oct. 2023 Report of the UN Secretary-General at ¶ 17.

111 Oct. 2023 Report of the UN Secretary-General at ¶ 17. See also Jacqueline Charles, Almost 800 cops in Haiti have left the force in what the U.N. calls a ‘staggering loss,’ MIAMI HERALD (Sep. 2, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article278879309.html (reporting that the police force “lost nearly 800 officers in the first six months of this year. . . . compared to an average attrition of around 400 police per year in the past”).


113 Final report of the Panel of Experts on Haiti at ¶ 24 (noting that this is “exceptionally low in any context, but even more so in Haiti”). See also Espérance, Haiti Doesn’t Need More Guns, It Needs a New Government, (reporting “barely 3,500 individual [police] on the streets on any given day”); Gamba, 2 years after assassination of Haiti’s president, country continues spiraling into chaos (reporting 3,500 police officers on active duty at any given time); Oct. 2023 Report of the UN Secretary-General at ¶ 17 (reporting 3,300 officers on public duty at any given time).

114 See CRS, Haiti: Recent Developments and U.S. Policy at 7. See also HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 26; Francklyn B. Geffrard, Crise à la PNH : Des policiers haïtiens n’ont pas reçu leur salaire depuis 8 mois…, RHI NEWS (Aug. 3, 2023).
Growing gang violence is devastating Haitians, with major crime at a new high, UN envoy says; Final report of the Panel of Experts on Haiti at ¶ 57, BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 4 (reporting that killings by the Bwa Kale movement are “now mainly documented outside the capital”); Oct. 2023 Report of the UN Secretary-General at ¶ 29 (reporting that the Bwa Kale movement “has now expanded to most departments, particularly the Artibonite, Centre and Grand-Anse Departments, and remains a concern”).
Amour was kidnapped in late November.

Radio host Pierre Fils Saint explained in a radio program that he was shot at twice in less than two weeks near his home on the outskirts of the capital Port-au-Prince.

Commissioner for Human Rights at 54th session of the Human Rights Council (reporting that “over 350 people have been lynched by the local population and self-defense groups” between April 24 and mid-August); Final report of the Panel of Experts on Haiti at ¶ 56 (reporting that the “Bwa Kale” movement has resulted in the deaths of 479 people between April and July 2023).

See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 29; HRW, “Living a Nightmare.”

HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 10 (“The Bwa Kalé movement demonstrates the population’s lack of trust in the State, especially in the police and the courts.”).

HRW, “Living a Nightmare” (“Some victims were apparently targeted because they seemed unfamiliar to neighborhood residents or had tattoos or dreadlocks, or because their photos had been posted on social media.”). See also BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 4 (“While these murders, now mainly documented outside the capital, initially targeted gang members or suspected gang members, they are increasingly affecting individuals suspected of common crimes such as theft or rape.”).

Final report of the Panel of Experts on Haiti at ¶¶ 59-60 (reporting that the “Bwa Kale” movement is contributing to arms proliferation and has “the potential to further destabilize the already dire security situation in the country”); Deepening violence in Haiti (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council); RNDDH, “Living a Nightmare.”

See, e.g., BINUH, Human rights situation: Main trends, Quarterly report: April-June 2023 at 4 (reporting that armed groups targeted at least 31 people “for allegedly belonging to a local ‘self-defense group’ operating in the area of Source Matelas”).


See, e.g., Final report of the Panel of Experts on Haiti at ¶ 60.

See, e.g., id. at Annex 39 (reporting “increasing attacks on journalists (six kidnapped and three killed so far this year) and human rights advocates”); In Haiti, murders of journalists go unpunished amid instability and gang violence, CPJ (Oct. 31, 2023), https://cpj.org/2023/10/in-haiti-murders-of-journalists-go-unpunished-amid-instability-and-gang-violence/ (the governance and insecurity crises have forced journalists to work in “a climate of almost total lawlessness,” resulting in “a press corps that tries to report against all odds, but is often terrified into self-censorship,” with local journalists saying “they have never encountered a more dismal situation”); Haitian broadcaster Radio Antarctique burned down in gang attack; Haitian radio reporter Blondine Tanis kidnapped amid wave of abductions, CPJ (Jul. 26, 2023), https://cpj.org/2023/07/haitian-radio-reporter-blondine-tanis-kidnapped-amid-wave-of-abductions/; RNDDH, The resurgence of acts against lives and property: RNDDH urges police authorities to act, at ¶ 6 (reporting that members of the Kraze Baryè armed group kidnapped journalist Marie Lucie Bonhomme); HAITI-Criminalité : L'organisation Rsf exige des dispositions pour faire libérer Pierre-Louis Opont, propriétaire de Télé Pluriel, ALTERPRESSE (Jun. 28, 2023), https://www.alterpresse.org/spip.php?article29428 (the continued kidnapping of members of the media “has raised fears among Haitian colleagues that they may suffer the same fate, inciting them to silence and self-censorship on any subject relating to armed gangs, of which they have become a prime target over the past two years.”); ‘I’ll be killed if they find me’: Radio reporter Maxo Dorvil flees Haiti amid gang violence, CPJ (Nov. 27, 2023), https://cpj.org/2023/11/i'll-be-killed-if-they-find-me-radio-reporter-maxo-dorvil-flees-haiti-amid-gang-violence/ (“Haitian radio journalist Maxo Dorvil fled the country on November 7, 2023, after reporting that he was shot at twice in less than two weeks near his home on the outskirts of the capital Port-au-Prince.”); Radio host Pierre Fils Saint-Amour kidnapped, Haiti - News : Zapping..., HAITI LIBRE (Nov. 30, 2023), https://www.haitilibre.com/en/news-41100-haiti-news-zapping.html (reporting that radio host Pierre Fils Saint-Amour was kidnapped in late November). See also infra note 161.


**131** Information shared by RNDDH lawyer Rosy Auguste Ducena.

**132** Information shared by a representative from FACS DIS.

**133** Information shared by Solages. See also infra note 272.

**134** See, e.g., Crisis-hit Haiti fails to deliver justice for murdered journalists, **CPJ** (Oct. 31, 2023), https://cpj.org/2023/10/crisis-hit-haiti-fails-to-deliver-justice-for-murdered-journalists/ (Haiti has for the first time joined the Committee to Protect Journalist’s 2023 Impunity Index, in third place behind Syria and Somalia); In Haiti, murders of journalists go unpunished amid instability and gang violence (citing multiple cases where the PNH has not followed through on investigations into killings of journalists by police and armed groups); Press Release, Inter-American Commission on Human Rights (IACHR), RELE condemns the escalation of violence against journalists in Haiti and calls for comprehensive solutions with the accompaniment of the international community (Oct. 3, 2023), https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/expression/media_center/preleases/2023/237.asp (discussing violence against journalists in Haiti and impunity for perpetrators). According to Haitian human rights activist Nixon Boumba, the government has shown no interest in protecting human rights defenders in Haiti, including neighborhood activists organizing around improving access to basic needs, which makes it impossible for them to function.

**135** See, e.g., Blaise, Haitian politicians harden stances, fail Caricom’s 4th attempt at consensus. See also supra notes 13-14, 21-25.

**136** NHEAON & FANM in Action, National Haitian American Elected Officials Network (NHAEON) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti. See also infra notes 142-44.

**137** See infra notes 146-48.

**138** See Final report of the Panel of Experts on Haiti at ¶ 69; HRW, “Living a Nightmare”; Sénat, Tabarre, Croix-des-Bouquets, Pétion-Ville, and Liancourt under the Terror of Armed Gangs; RNDDH, The Increasing violence in the West and Artibonite departments; RNDDH denounces the complicity of the CSPN at ¶ 18-20.

**139** See RNDDH, The Increasing violence in the West and Artibonite departments; RNDDH denounces the complicity of the CSPN at ¶ 18. See also infra notes 158-61.

**140** See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 6; HRW, “Living a Nightmare.”

**141** See Deepening violence in Haiti (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council); HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 22-23; Final report of the Panel of Experts on Haiti at ¶ 168, 179.

**142** See, e.g., Geffrard, Ariel Henry visits the CEP offices in Pétion-Ville (in September, Henry declared “that he intends to organize elections in the country with or without a general political consensus”); @DrArielHenry, X (Sep. 25, 2023, 3:14 PM), https://twitter.com/DrArielHenry/status/170638676717941375120 (Henry acknowledges that “some people disagree” about the urgent need to hold elections, but reaffirms that he “will intends to organize elections in the country with or without a general political consensus”); Blaise, Haiti still in stalemate after ‘failed’ talks in Jamaica (“After three days of meetings in Jamaica, representatives from Haiti’s various political and civil society groups proposed a resolution that Prime Minister Ariel Henry refused to agree to.”); Juhakenson Blaise, Haitians hold tense meetings in Jamaica after failed talks in Haiti, HAITIAN TIMES (Jun. 13, 2023), https://haitiantimes.com/2023/06/13/haitians-hold-tense-meetings-in-jamaica-after-failed-talks-in-haiti/ (Henry refused to discuss governance issues with representatives
of various Haitian political parties during negotiations in June facilitated by CARICOM). See also Sanders, Haiti urgently needs a genuine and representative transitional government (“After three days of a failed meeting from 11 to 13 June in Jamaica – which Henry had to be coaxed to attend – it was obvious that he has no interest in genuine power sharing.”); Daniela Mohor, Q&A: The problem with the international force set for Haiti, NEW HUMANITARIAN (Sep. 29, 2023), https://www.thenewhumanitarian.org/interview/2023/09/29/q-and-interview-international-force-haiti-problem (according to Pierre Espérance, RNDHH Executive Director, “Ariel Henry’s government doesn’t want to make any concessions because they are comfortable with the unconditional support of the United States, Canada, and the United Nations”).

144 See, e.g., Blaise, Haitian politicians harden stances, fail Caricom’s 4th attempt at consensus (“Several political entities previously supportive of negotiations with Henry have refrained from endorsing [his political agreement, saying] . . . that reaching an accord with Henry while he remains in the prime ministerial position would further consolidate his two-year-long hold on power.”); @Radio_Metronome, X (Oct. 25, 2023, 8:42 PM), https://twitter.com/Radio_Metronome/status/1717340782443581731; Geffrard, L’accord de Montana ne veut plus négocier avec Ariel Henry. Il réclame sa démission et de son gouvernement pour faciliter une sortie de crise...

145 See @Radio_Metronome, X (Nov. 9, 2023, 9:08 AM); https://haitiliberte.com/cep-des-noms-circulent-deja/; see also Oct. 2023 Report of the UN Secretary-General at ¶ 6 (“On 22 September, in front of the seventy-eighth session of the General Assembly, the Prime Minister reiterated his commitment to establishing a new provisional electoral council and holding elections.”).

146 See JUDH June 2023 Update at 1 (Henry installed the HCT as part of his “National Consensus Document for an Inclusive Transition and Fair Elections” (“December Accord”), which Haitians broadly reject “as an attempt to consolidate PHTK power through unconstitutional changes to Haiti’s Constitution, unfair elections, and illegal court-packaging”). See also infra notes 471-73. In June, Henry promised to expand the HCT in order to be more inclusive; however, chronic under-resourcing and conflict between Henry and members of the HCT raise concerns about the viability of any expansion. See Statement from the meeting of the CARICOM Eminent Persons Group with Haitian stakeholders in Kingston, Jamaica, CARICOM (Jun. 15, 2023), https://caricom.org/statement-from-the-meeting-of-the-caricom-eminent-persons-group-with-haitian-stakeholders-in-kingston-jamaica; Johnston & François, Haiti News Roundup: Transition Council at Odds with De Facto PM; see also Oct. 2023 Report of the UN Secretary-General at ¶ 3 (reporting that various signatories of Henry’s December accord called on him to “continue dialogue on ways to enlarge the High Transitional Council and strengthen national consensus on the way forward”).

147 See Sanders, Haiti urgently needs a genuine and representative transitional government; JUDH June 2023 Update at 4.

148 See, e.g., Sanders, Haiti urgently needs a genuine and representative transitional government; Crise : La société civile d’Europe appelle l’Union européenne à appuyer une nouvelle gouvernance en Haïti, ALTERPRESSE (Nov. 14, 2023), https://www.alterpresse.org/spip.php?article29839; NHEAON & FANM in Action, National Haitian American Elected Officials Network (NHEAON) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti (noting that PHTK governments – of which Henry’s administration is the latest iteration – have never run a fair or timely election); HRW, “Living a Nightmare” (discussing failures of previous administrations associated with the PHTK to hold free and fair elections). See also BAI et al., Urgent Civil Society Appeal for a Rights-Based International Response to the Crisis in Haiti (calling on the international community to facilitate “the establishment of a transitional government led by technocrats who would commit to not participating in future elections and who would work to create an environment that will allow for the organization of free, fair, and credible elections within a clearly defined timetable”).

149 See, e.g., HRW, “Living a Nightmare” (“Some members of Haitian civil society attribute the recent spike of violence to . . . politics: they say that opposition political parties and parties allied to the government seek to influence the results of the upcoming (yet to be scheduled) elections by using criminal groups to control areas with many voters.”); Geffrard, Nouveau raid des bandits de “Grain Ravy” sur Carrefour-Feulles…; Sénat, Tabarre, Croix-des-Bouquets, Pétion-Ville, and Liancourt under the Terror of Armed Gangs; RNDHH, The Increasing violence in the West and Artibonite departments; RNDHH denounces the complicity of the CSPN at ¶ 18-20; Haiti | Nuit d’horreur à Carrefour Feuilles – Ariel Henry est le « réel chef suprême et effectif des gangs armés criminels », REZO NODWES (Aug. 11, 2023), https://rezonodwes.com/?p=317403 (“Dr. Ariel Henry is also seen as the mastermind behind the recent activities of criminal gangs in Caradeux, Tabarre and Savane Pistache.”); Haiti Criminal Collusion Transparency Act of 2023, CONGRESSWOMAN SHEILA CHERFILUS McCORMICK, https://cherfilsus-mccormick.house.gov/haiti-criminal-collusion-transparency-act-2023 (last visited Dec. 6, 2023). See also Final report of the Panel of Experts on Haiti at ¶ 69 (“The influence of politicians and financial actors on gang activities is systemic in nature. Politicians and economic elites, seeking votes and the
protection of their wealth, respectively, have tended to compensate gangs with money and other resources for offering those services, a practice that has gradually enriched and empowered gangs.”).

150 Final report of the Panel of Experts on Haiti at ¶¶ 73-76; see also OHCHR, **Criminal violence extends beyond Port-au-Prince: The situation in Lower Artibonite from January 2022 to October 2023** at 17. All three are subject to foreign sanctions. See *IJDH, Sanctioned Haitian individuals associated with the Pati Ayisyen Tét Kale (PHTK).*

151 Final report of the Panel of Experts on Haiti at ¶ 77.

152 See, e.g., *Haiti Criminal Collusion Transparency Act of 2023*; HRW, “*Living a Nightmare*”; Geffrard, *Nouveau raid des bandits de “Gran Ravin” sur Carrefour-Feuilles...: Haïti | Nuit d’horreur à Carrefour-Feuilles – Ariel Henry est le « réel chef suprême et effectif des gangs armés criminels »*; *A Word...*with Jason Johnson: *Haiti on the Brink*, SLATE (Aug. 11, 2023), *https://slate.com/transcripts/WnZyR1nWtkVEUXRRdkdyTUJNdiUMrcWZyblgxdWtGTAhNk5R083Mm1FeTToe*; Espérance, *More Police Won’t Solve Haiti’s Crisis.* See also Final report of the Panel of Experts on Haiti at 2, ¶ 114 (noting that “the current lull in visible collusion between gangs and some members of the political and economic elite does not point towards a complete disengagement” and discussing ongoing collusion between politicians and armed groups).

153 *See IJDH, Foreign Sanctions Against Haitian Individuals (December 2020 - Present). See also infra notes 481-85. The problem may be even more widespread than the sanctions indicate. See *IJDH Participates in Webinar on Sexual Violence Against Women & Girls in Haiti, IJDH, https://www.ijdh.org/ijdh_events/ijdh-participates-in-webinar-on-sexual-violence-against-women-girls-in-haiti/ (last visited Dec. 6, 2023) (according to Barbadian academic Ronnie Yearwood, foreign sanctions “do not capture the large number of people involved” in corruption and complicity with armed groups).*

154 *See IJDH, Sanctioned Haitian individuals associated with the Pati Ayisyen Tét Kale (PHTK). See also supra note 21.

155 “[S]ome members of the Haitian National Police are also linked to criminal groups and allow them to operate. They do this by not trying to combat them or to apprehend the leaders, or by providing them with information useful for their criminal activities, or by participating with them in these activities, or by supporting them with equipment, weapons, or vehicles to carry out their operations.” HRW, “*Living a Nightmare*” See also *Deepening violence in Haiti (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council)* (“A significant number of national police personnel are reportedly associated with gangs, notably in the capital.”); HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 10, 27; Final report of the Panel of Experts on Haiti at ¶¶ 25, 167; CRS, *Haiti: Recent Developments and U.S. Policy* at 7 (“A July 2022 International Crisis Group study estimated that 40% of HNP officers have ties to gangs.”); Sénat, *Tabarre, Croix-des-Bouquets, Pétion-Ville, and Liancourt under the Terror of Armed Gangs* (according to RNDDH’s Pierre Espérance, “[t]he bandits have accomplices at all levels, in all specialized units, and in all police structures”); Da Rin, *Haitians Turn to Mob Justice as the Gang Threat Festers* (“E]xperts have estimated that about half of the total [police] force has links to illegal armed groups.”).

156 *See, e.g., Final report of the Panel of Experts on Haiti at ¶ 107 (“Between 2012 and 2023, close to 2,500 police firearms were declared lost or stolen. While police officers are regularly targeted by gangs and their weapons, some officers have also been selling their own firearms and ammunition. The latter is regularly distributed within police units, even to those that do not typically use their firearms, resulting in some police officers selling their personal quota surplus.”); HRW, “*Living a Nightmare*” (reporting that armed groups “use police cars to move around and conduct kidnappings”); Press Release, RNDDH, *Chasing the internally displaced persons: RNDDH condemns the behavior of the Acting Director General of the PNH* at ¶¶ 5-6 (reporting that armed group leader Vitelhomme Innocent, “presented by many as the protege of [PNH chief] Frantz ELBE and certain other high-ranking officers,” has been seen holding meetings with PNH members and using vehicles marked as belonging to the PNH). See also Final report of the Panel of Experts on Haiti at ¶ 108 (“[P]olice units regularly seize illicit firearms and ammunition; however, the lack of any regulatory framework, standard operating procedures or resources results in the mismanagement of seized materiel, including diversions.”). Members of armed groups sometimes wear police uniforms when carrying out attacks. See, e.g., *Haiti-Criminalité : Kidnapping de 5 employés de la Cour des comptes à Laboule* 12, ALTERPRESSE (Nov. 7, 2023), *https://www.alterpresse.org/spip.php?article29822*; Charles, *A church service was invaded by bandits in Haiti and it was captured live on Facebook.*

157 *See, e.g., RNDDH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 20.

158 *See, e.g., RNDDH, *The Increasing violence in the West and Artibonite departments: RNDDH denounces the complicity of the CSPN* at ¶ 18; Evans Sanon, *Thousands in Haiti march to demand safety from violent gangs as killings and kidnappings soar*, AP News (Aug. 8, 2023), *https://apnews.com/article/haiti-gangs-kidnapping*
issued for several other public officials. In September, the Minister of Social Affairs was indicted for embezzlement and corruption. https://www.usnews.com/news/best-countries/articles/2023-06-19/amid-chaos-haitians-struggle-to-access-a-new-path-to-the-u-s. See also infra note 437.


Press Release, RNDDH, Chasing the internally displaced persons: RNDDH condemns the behavior of the Acting Director General of the PNH. See also supra note 74.


161 RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023 at ¶¶ 64-71; BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 5 (noting Muscardin’s continued actions “despite some efforts by the Ministry of Justice and Public Security to investigate and prosecute the executions attributed to [him]”).

162 See, e.g., Deepening violence in Haiti (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council) (“Widespread corruption, combined with poor oversight, has penetrated most of the State’s entities, including those in charge of law enforcement.”); HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 22; Final report of the Panel of Experts on Haiti at ¶¶ 168, 179. See also Corruption : 4 billion gourdes in public institutions, Haiti - News : Zapping, HAITI LIBRE (Nov. 16, 2023), https://www.haitilibre.com/en/news/40991-haiti-news-zapping.html (according to the director of Haiti’s Anti-Corruption Unit (ULCC), “[a]lmost corruption within public institutions amount to more than 4 billion gourdes”); infra notes 481-85 (foreign sanctions reveal widespread and long-standing corruption among Haiti’s political elites).

Bell is also subject to sanctions by the U.S. and Dominican governments for corruption. IJDH, Foreign Sanctions Against Haitian Individuals (December 2020 - Present).

163 Final report of the Panel of Experts on Haiti at ¶¶ 175-76. See also id. at ¶¶ 82, 84-86 (discussing long-standing issues around corruption in Haiti’s customs agency as one of the “primary enablers of criminal activity”). The situation of corruption in the customs agency has reportedly improved following Bell’s dismissal in 2022. HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 25.


166 See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 24 (“There has been only one conviction in a corruption case in the last 10 years.”); RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023 at ¶¶ 3-4 (noting progress in several cases of corruption and arms trafficking that indicate investigating magistrates are willing to crack down on these issues). See also Michelson Césaire, FJKL Urges Haitian Justice to Stop the Impunity of White-Collar Criminals, LE NOUVELLISTE (Nov. 16, 2023), https://www.lenouvelliste.com/en/article/245416/fjkl-urges-haitian-justice-to-stop-the-impunity-of-white-collar-criminals (according to FJKL, “one of the main causes of corruption or poor governance lies in the impunity of defiant actors”).

FJKL, Corruption à la Caisse d’Assistance Sociale (CAS) (Oct. 5, 2023), https://www.fjkl.org.ht/images/doc/FJKL2-dossierCAS-rapport%20danalysecedeOxomancejutegueJnMorin.pdf. In September, the Minister of Social Affairs was indicted for embezzlement and corruption. Warrants were also issued for several other public officials. Haiti - Justice : The Minister of Social Affairs, indicted for abuse of

170 See, e.g., Corruption : 4 billion gourdes in public institutions, Haiti - News : Zapping (reporting that on November 15, the ULCC transmitted eleven investigation reports into corruption to the Court of First Instance of Port-au-Prince); HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶¶ 23-24.


172 See, e.g., Allwitch Joly, Enlevés début novembre, les 5 employés de la Cour des comptes libérés, LOOP NEWS (Nov, 24, 2023), https://haiti.loopnews.com/content/enleves-debut-novembre-les-5-employes-de-la-cour-des-comptes-liberes (reporting on the kidnapping of five officials of the Superior Court of Accounts and Administrative Disputes by armed individuals).


174 See, e.g., UNDP Project Document 6-7; HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 31. See also generally BAI et al., Justice Sector Challenges in Haiti; BAI & IJDH, Written Submission for the December 10, 2020 Thematic Hearing Before the IACHR on the Subject of Impunity for Serious Human Rights Violations and the Lack of Judicial Independence in Haiti.

175 See, e.g., BINUNU, Human rights situation: Main trends. Quarterly report: July-September 2023 at 6.


177 See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 41.

178 See Juhakenson Blaise, Haiti’s judiciary “up against wall” in pursuing UN-sanctioned elites, HAITIAN TIMES (Nov. 1, 2023), https://haitiantimes.com/2023/11/01/haitian-justice-sanctioned-elites-ganis/ (A prosecutor in Les Cayes expressed skepticism about the Haitian judicial system’s capacity to pursue cases against Haitian officials involved in financing armed groups: “When you have a prosecutor that is dependent on the Ministry of Justice, which are politicians, then justice is not really free. . . . Even the renewal of mandates for investigating judges is done by the executive power. It is difficult to expect much.”); HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 32 (“Only 2.9 per cent of citizens are satisfied with judges’ performance and just 2.5 per cent are satisfied with the prosecutors’ work.”); Final report of the Panel of Experts on Haiti at ¶ 28. But see Press Release, RNDDH, The victims of massive human rights violations file a complaint with the Haitian judicial authorities (complaints filed in late May by the victims of massacres in Plaine du Cul-de-Sac and Cité Soleil in April and July 2022, respectively, are being investigated; a third complaint was filed on September 15 by victims of violence by armed groups in Carrefour-Feuilles over August and September and is waiting to be transferred to an investigating magistrate).

179 See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶¶ 41-42; RNDDH, Crise sécuritaire et situation des personnes déplacées internes en Haïti at 19.


See infra notes 453-71.

RNDDH reported that 509 cases were decided between October 2022 and October 2023, 495 of those without the assistance of a jury; only 2 jurisdictions out of 18 are currently holding jury trials. RNDDH, *Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023* at ¶¶ 173-76.

*Id.* at ¶¶ 7, 178-80 (“[M]any cases were dismissed for unacceptable reasons, such as the defendants not being brought to court; heavy sentences were handed down for cases of theft, while lenient sentences were handed down for cases of rape.”).

BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at 6 (noting that “government authorities have taken no decision to relocate or reinforce security around these buildings, some of which are reportedly still occupied by gang members”; as a result, “the Port-au-Prince court and public prosecutor’s office continue to temporarily occupy a small space lent by the Office de la Protection du Citoyen” and “the magistrates can only visit the court three days a week, which is far from sufficient for the number of cases in their charge”); *Oct. 2023 Report of the UN Secretary-General* at ¶ 34; Final report of the Panel of Experts on Haiti at ¶ 29; HRW, *“Living a Nightmare”: Haiti: UN Expert William O’Neill concludes official visit*. See also CRS, *Haiti: Recent Developments and U.S. Policy* at 7 (“Gangs overtook several of Haiti’s main courthouses in summer 2022, and many of the courthouses remain inoperable.”).

See, e.g., HRW, *“Living a Nightmare”: Joly, Enlevés début novembre, les 5 employés de la Cour des comptes libérés*; @opchaiti, X (Jul. 6, 2023, 10:24 AM), https://twitter.com/opchaiti/status/1676960416596123649 (describing judges in charge of sensitive cases as “working in extremely poor security conditions”).


See, e.g., HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 31; *see also RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023* at ¶¶ 16, 73 (reporting that a strike by clerks and magistrates over poor wages and working conditions from March 7 to June 19 “had a major impact on the operation of the justice system”). *See generally BAI et al., Justice Sector Challenges in Haiti*; BAI & IDH, *Written Submission for the December 10, 2020 Thematic Hearing Before the IACHR on the Subject of Impunity for Serious Human Rights Violations and the Lack of Judicial Independence in Haiti*.


HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 33.


See, e.g., Center for Gender and Refugee Studies (CGRS), *Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life 1 (June 2023)*, https://cgrs.uclawsf.edu/sites/default/files/Jeremie%20Prison%20Report_2023.06%20ENGLISH.pdf (“[C]orruption has had a crippling effect on Haiti’s justice system and prisons—grinding trials and judicial access to a halt.”). *See also BAI et al., Justice Sector Challenges in Haiti* at ¶¶ 8-13 (discussing political interference with Haiti’s judiciary).

Blaise, *US prosecutes major Haitian cases as Haiti’s justice system freefalls*; RNDDH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 19. *See also generally BAI et al., Justice Sector Challenges in Haiti*.

See, e.g., RNDDH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 19 (reporting that no legal action has been taken against many well-known leaders of armed groups, even as “[t]hey themselves make declarations, both on the radio and on social networks, and openly threaten to attack the population,” and even though witnesses have provided “the Haitian judicial system with evidence that could have enabled it to take legal action”); Franclyn B. Geffrard, *Exécution d’Antoinette Duclair et de Diego Charles : Deux ans après, l’enquête judiciaire est au point mort*... *RHI News* (Jun. 30, 2023), https://www.rhnews.com/actualites/execution-antoinette-duclair-et-de-diego-charles-deux-ans-apres-lenquete-judiciaire-est-au-point-mort (although a number of individuals have been implicated in the 2021 assassinations...
of journalist Diego Charles and activist Antoinette Duclair, to date none have been arrested). See also infra note 212. For example, Kraze Barye leader Vitel’homme Innocent – who was added to the Federal Bureau of Investigation’s Ten Most Wanted List in November – has not been arrested despite having been charged by the United States as a co-conspirator in two separate kidnappings. See Press Release, U.S. Attorney’s Office District of Columbia, Haitian Gang Leader Charged with Hostage Taking Offenses that Resulted in the Death of a U.S. Citizen in Haiti in October 2022 (Oct. 24, 2023), https://www.justice.gov/usao-dc/pr/haitian-gang-leader-charged-hostage-taking-offenses-resulted-death-us-citizen-haiti; Haiti - FLASH USA : $2M for the arrest of Vitel’homme Innocent, HAITI LIBRE (Nov. 16, 2023), https://www.haitilibre.com/en/news/40986-haiti-flash-usa-$2m-for-the-arrest-of-vitel-homme-innocent.html. Former police officer turned leader of the G9 armed group coalition Jimmy Chérizier has likewise never been arrested despite consistent evidence of his complicity in numerous grave rights violations and an outstanding warrant for his arrest for his involvement in the 2018 La Saline massacre. See BAI et al., Justice Sector Challenges in Haiti. See also infra note 210.

190 See, e.g., Final report of the Panel of Experts on Haiti at ¶ 28. See also HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 32 (reporting that only three percent of arrested individuals are even convicted of a crime); HRW, “Living a Nightmare” (reporting that although “there are a few open cases under investigation in the Haitian judicial system about alleged links between criminal groups and politicians, including former senators and ministers, government officials, and former members of the police force,” none have led to convictions in Haitian courts).


200 See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 33 (“Seldom are judicial officers ever held to account for their misconduct. In one egregious case, a State prosecutor has publicly boasted of executing suspected gang leaders and has threatened a human rights advocate for criticizing him and yet he has never been disciplined.”). See also RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023 at ¶ 2 (“The RNDDH estimates that several of these scandals [within the judiciary] could have been avoided if the authorities had effectively taken into account the complaints and denunciations of the litigants against the magistrates involved in cases of violations of their rights to judicial guarantees.”). Conversely, it is clear that accountability pays dividends. See Final report of the Panel of Experts on Haiti at ¶ 34 (reporting that in light of certain judges’ decertification for corruption, “several high-profile cases of alleged involvement in corruption and criminal activity – including arms trafficking – are currently being investigated more seriously”).


Charles, Ex-Haiti President Michel Martelly meets with judge investigating murder of his successor; Evens Sanon, Haitian judge interviews Colombian suspects for the first time since the President was assassinated, AP NEWS (Aug. 30, 2023), https://apnews.com/article/haiti-presidential-assassination-moise-colombian-mercenaries-15546fb6463ac121b10bb674a1aad151.


Charles, Ex-Haiti President Michel Martelly meets with judge investigating murder of his successor; Maria Abi-Habib & Anatoly Kurmanaev, Haiti Prosecutor Says Evidence Links Prime Minister to President’s Killing, NEW YORK TIMES (Sep. 14, 2023), https://www.nytimes.com/2021/09/14/world/americas/haiti-assyssination.html.


Robles & Adams, Key Suspect in Assassination of Haiti’s President is Arrested (arrested on October 19).


RNDDH, Crise sécuritaire et situation des personnes déplacées internes en Haïti at 20; BINIH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 7; RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023 at ¶ 5, 14.

Former PNH officer Jimmy Chérizier and two senior officials in the Moïse administration – Fednel Monchey and Joseph Pierre Richard Duplan – planned and provided resources for the massacre, during which armed groups led by Chérizier killed at least 71 people, raped at least 11 women, and looted and destroyed at least 150 homes in the La Saline neighborhood in Port-au-Prince. Harvard Law School International Human Rights Clinic & Haitian Observatory for Crimes Against Humanity, Killing with Impunity: State-Sanctioned Massacres in Haiti (2021), https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity.pdf. See also RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023 at ¶ 95-98 (despite several developments, including the arrest of Monchey on June 23 after he refused an invitation to appear before the investigating judge and the questioning – but not arrest – of Duplan on July 17, there is still no meaningful progress in the investigation); Arrest warrant issued for former Haitian official, PRENSA LATINA (Jun. 26, 2023), https://www.plengelish.com/news/2023/06/26/arrest-warrant-issued-for-former-haitian-official/. There has been no accountability for perpetrators of other major massacres in the last several years. See RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023 at ¶ 99-110 (discussing the persistent lack of accountability for perpetrators of massacres in Plaine du Cul-de-Sac (April-May 2022), Cité Soleil (July 2022), and Carrefour Feuilles (August-September 2023)); Oct. 2023 Report of the UN Secretary-General at ¶ 37 (discussing the lack of accountability for perpetrators of the 2017 Grand Ravine and 2019 Bel Air massacres).

Dorval was shot and killed outside his home just “just hours” after he “had denounced government mismanagement, a series of decrees, the constitutional reform project, and the subordination of elections thereto in a radio interview.” BAI et al., Justice Sector Challenges in Haiti at ¶ 6(d); BINIH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 7; RNDDH, Fonctionnement de l’appareil judiciaire
haïtien au cours de l’année 2022-2023 at ¶ 85-89; Jean Junior Celestin, Bâtonnier Dorval Case: Detainee Freed Without Consultation of Investigating Judge, LE NOUVELLEST (Aug. 29, 2023)


212 Unidentified individuals shot and killed journalist Diego Charles and activist Marie Antoinette Duclaire on June 29, 2021. RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023 at ¶ 90-94; Geffrard, Exécution d’Antoinette Duclaire et de Diego Charles : Deux ans après, l’enquête judiciaire est au point mort...

213 Jeudy, the president of the LGBT advocacy organization Kouraj, was found dead in his home on November 25, 2019. Port-au-Prince’s Court of First Instance opened an investigation into his death on November 27, 2019. No progress has been reported since. HRW, Haiti: Events of 2022 (2022), https://www/hrw.org/world-report/2023/country-chapters/haiti; Décès de Charlot Jeudy : le parquet de Port-au-Prince annonce l’ouverture d’une enquête, LE NOUVELLEST (Nov. 27, 2019), https://lenouvelliste.com/article/209586/deces-de-charlot-jeudy-le-parquet-de-port-au-prince-anonce-louverture-dune-enquete.


215 See @opcha, X (Jul. 6, 2023, 10:24 AM).

216 BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 6; RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023 at ¶ 187 (reporting that of the approximately 11,837 people incarcerated in October 2023, 9,934 were awaiting trial); HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 37 (reporting 84.56 percent); CRS, Haiti: Recent Developments and U.S. Policy at 7 (reporting 85 percent as of June); BINUH, Human rights situation: Main trends, Quarterly report: April-June 2023 at 6-7 (reporting 85 percent as of June 30). See also Haiti: William O’Neill. Expert on the human rights situation in Haiti, concludes his official visit (“99% of the minors held in the [juvenile] prison [in Port-au-Prince] have not been convicted, and most are in prolonged pre-trial detention.”).

217 See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 37; CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 1. See also Haiti: William O’Neill. Expert on the human rights situation in Haiti, concludes his official visit (reporting that children “have been incarcerated for years for stealing a chicken, shoes or a telephone, without ever having seen a judge”).

218 See, e.g., Haiti: UN Expert William O’Neill concludes official visit. See also CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 2 (“[E]xcessive pretrial detention periods—which average nearly four years without any formal charges, trials, or access to lawyers—are the norm.”).

219 Haiti: UN Expert William O’Neill concludes official visit.

220 See supra note 184.

221 RNDDH, Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023 at ¶ 8. See also BINUH, Human rights situation: Main trends, Quarterly report. July-September 2023 at 7 (“The low number of cases handled, and the conviction rate also raises the question of the impact of correctional and criminal hearings on prison overcrowding.”).

222 IACHR, Resolution 49/2023, Precautionary Measure No. 509-23, Lovely Lamour regarding Haiti ¶¶ 8, 22 (Aug. 20, 2023), https://www.oas.org/en/iachr/decisions/me/2023/res_49-23.mc_509-23.ht.en.pdf (finding that, while detained, the pregnant petitioner “did not receive adequate food during pregnancy and does not currently receive it postpartum”); Haiti: UN Expert William O’Neill concludes official visit; CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 5 (reporting that 45 percent of incarcerated individuals interviewed in the Jérémie prison were going to bed hungry, and that “[c]ivil society organizations have had to step in and supplement with donations, though it’s not sufficient”).

medical care and humanitarian aid for LGBTQI+

Haiti and what to do about them

See, e.g., CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 4 (reporting that incarcerated individuals are sometimes forced to use buckets in their cells instead of toilets, and that “[s]mall windows and poor ventilation exacerbate the situation”).

See Oct. 2023 Report of the UN Secretary-General at ¶ 22 (reporting that “prison conditions have continued to deteriorate, marked by increased mortality rates, due in part to disruptions in the supply of medication”);

CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 5 (“The majority interviewed suffered from some kind of untreated medical conditions. . . . Fewer than 20% of respondents had received treatment for their medical conditions.”).

See, e.g., CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 6 (reporting that “93% of individuals interviewed had personally witnessed at least one act of violence in the prison, . . . 32% had themselves suffered physical harm while incarcerated. . . . [and] nearly half of respondents had also been harmed during their arrest”).

See, e.g., id.

HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 37; Clark, Inmates in Haiti’s prisons deemed unsafe (“Originally designed to house a maximum of 10 inmates, these cells now accommodate over 100 men and women, ‘jam-packed like sardines.’”); CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 3 (reporting that the Jérémie prison’s capacity is slightly over 60-70 incarcerated individuals, but in March the population of the prison reached 470).

BINUH, Human rights situation: Main trends, Quarterly report: April-June 2023 at 6-7 (reporting 33 died in April and June).

See, e.g., CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 7; BINUH, Human rights situation: Quarterly report: April-June 2023 at 6-7 (reporting that 75 died between July 1 and October 5);

BINUH, Human rights situation: Main trends, Quarterly report: April-June 2023 at 6-7. See also CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 3-4 (reporting that “[i]n the most densely-packed cells where there was not enough room for everyone to lie down at the same time, people were forced to squat or take turns sleeping,” and that individuals incarcerated in the Jérémie prison were not provided mattresses for sleeping).


See, e.g., Haiti: UN Expert William O’Neill concludes official visit; CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 6.

See IACHR Resolution 49/2023, Precautionary Measure No. 509-23, Lovely Lamour regarding Haiti at ¶ 5 (concerning an 18-year-old pregnant petitioner who was “detained with adults and men in a police station that does not have spaces adapted to her specific needs”);


See, e.g., Mosello, Destrijcker & McMurray, Roots for peace: Uncovering climate security challenges in Haiti and what to do about them at 24 (discussing lack of representation and systemic barriers to accessing medical care and humanitarian aid for LGBTQI+ individuals); HRC, Findings of the appointed expert on the
Due Process and Human Life

Haiti, Women Most at Risk

Modern Slavery

Vaughn, Louis Herns Marcelin & Toni Cela, Financial Inclusion is Key to Reducing Haiti’s Vulnerability to Modern Slavery, UNU CPR (Jul. 28, 2023), https://unu.edu/cpr/blog-post/financial-inclusion-key-reducing-haitis-vulnerability-modern-slavery (discussing how poverty exacerbates vulnerability to modern slavery); Plan International, Analyse Rapide de Genre en Haïti 24-25 (Mar. 2023), https://plan-international.org/uploads/sites/67/2023/06/Rapid-Gender-Analysis-Haiti-Full-Report-FRA.pdf (finding that women and children are uniquely vulnerable to Haiti’s economic downturn because they work longer hours but earn less than men, who also usually control the family finances); CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life at 1 (“[T]he re-emergence of cholera and the collapse of critical services and access to basic necessities like food, water, and healthcare combined with extreme levels of poverty have contributed to a rampant and alarming decline in the right to health of detained individuals in particular.”); Rolph Louis-jeune, Moteurs de l’agriculture haïtienne, très peu de paysannes possèdent des terres, AYIBO POST (Nov. 5, 2023), https://ayibopost.com/moteurs-de-l-agriculture-haitiennetres-peu-de-paysannes-possent-des-terres/ (although women represent 70 percent of Haiti’s agricultural workforce, they are less than their male counterparts to own land, are under-represented in agricultural organizations, and are vulnerable to violence and eviction by male family members).

See Final report of the Panel of Experts on Haiti at ¶¶ 129, 132; HRW, “Living a Nightmare” (“Sexual violence is not only used as a weapon of war between criminal groups,” an international humanitarian officer told Human Rights Watch. “But it has become a usual practice, just for their [criminal group members’] pleasure, simply because they have the power to do so, since they have control of the population in the absence of the state.”). See generally Mariján June Report; Mariján May Report.

See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶¶ 52-53 (discussing the “State’s lack of appropriate measures to prevent and protect women and girls from human rights violations and abuses.”); id. at ¶ 55 (“Those words echo those of a survivor from Cité Soleil who told Human Rights Watch investigators that: ‘They rape us because they are in control, because they have guns, because there is nobody to defend us. There is no police or State.’”); RNDDH, Crise sécuritaire et situation des personnes déplacées internes en Haïti at 25; Genre: Le Rept exige des mesures adéquates pour lutter contre les violences faîtes aux femmes et filles en Haïti, ALTERPRESSE (Nov. 27, 2023), https://www.alterpresse.org/spip.php?article29876.

See, e.g., UDJH Participates in Webinar on Sexual Violence Against Women & Girls in Haiti; Haitian Women’s Collective (HWC), HWC Webinar: Exploring Empowerment of Girls in Haiti: Challenges & Opportunities, YOUTUBE (Oct. 31, 2023), https://www.youtube.com/watch?v=d-ffWgTh6c&t=4s; HWC, HWC: Reflecting on Sexual & Reproductive Health in Haiti: Achievements & Prospects, YOUTUBE (Sep. 21, 2023), https://www.youtube.com/watch?v=k0HWm_LoUDQ; Ravensley Boisrond, Des femmes marchent contre la pénalisation de l’avortement en Haïti, LOOP NEWS (Oct. 2, 2023), https://haiti.loopnews.com/content/des-femmes-marchent-pour-la-depenalisation-de-lavortement-en-haiti. See also Press Release, UNICEF, Kidnappings of children and women spiking at alarming rates in Haiti (“‘I have witnessed the remarkable resilience of Haitian children, women and families as they face seemingly insurmountable challenges, refusing to surrender,’ said [UNICEF Regional Director for Latin America and the Caribbean, Garry] Conille. ‘However, their bravery is being met with increasing, unthinkable terror. It must stop now.’”).


Jillian Watt, Interaction member recommendations for the Haiti humanitarian response, INTERACTION (Jun. 9, 2023), https://www.interaction.org/blog/interaction-member-recommendations-for-the-haiti-humanitarian-response/. According to the Deputy Special Representative for BINUH, nearly one-third of women between the ages of 15 and 49 have suffered physical violence. Genre : Le système des Nations unies signale des niveaux
alarmants de violences sexuelles et sexistes en Haïti, ALTERPRESSE (Nov. 27, 2023),

HWC, HWC: Reflecting on Sexual & Reproductive Health in Haiti: Achievements & Prospects (Dr. Florence Jean-Louis, Executive Director of the Association for the Promotion of the Haitian Family (PROFAMIL), further noted that 29 percent of women ages 15 to 49 years old have experienced GBV, 12 percent were victims of sexual violence, and 34 percent experienced some form of intimate partner violence).


Christopher Newton, The Many Violences Afflicting Haitians, INSIGHT CRIME (Oct. 25, 2023),
https://insightcrime.org/news/many-violences-afflicting-haitians. See also HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 50 (“According to civil society organizations, there is direct evidence that more than half and as many as 70 per cent of women and girls have experienced some form of gender-based violence”); World Bank, Gender-Based Violence, Country Profile Haiti at 5 (“Twenty-eight percent of Haitian women aged 15 to 49 have reported experiencing some form of physical violence, and more than one woman in 10 women said they [had] been subjected to sexual violence.”).

HRW, “Living a Nightmare.”

Mariján June Report at 2.


HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 50; Final report of the Panel of Experts on Haiti at ¶ 131; UNFPA, Addressing Gender-Based Violence in Haiti at 1.

See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 54-55 (“While police stations are supposed to have sexual and specific gender-based violence desks and a dedicated unit to combat sexual violence, significant operational, logistical and resource impediments hamper the effectiveness of the police to investigate sexual violence. Similarly, corruption of public services and impunity for cases of sexual violence and trafficking against women and girls is widespread.”); Plan International, Analyse Rapide de Genre en Haïti at 35 (reporting that police and judicial authorities receiving complaints from victims of GBV tend to blame the victim).

Final report of the Panel of Experts on Haiti at ¶ 131.

See, e.g., Mariján June Report at 1; BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 5 (“[B]etween 11 August and 14 September, at least five women living in the Carrefour-Feuilles neighborhood were raped inside their homes. One was killed and her body burned after being raped.”); HRW, “Living a Nightmare” (“Many survivors of rape said that they were also beaten during the episodes of sexual violence, and one said the perpetrators penetrated her vagina with a stick.”); Gamba, 2 years after assassination of Haiti’s president, country continues spiraling into chaos (““We are talking about systematic collective rapes. Several gang members repeatedly raped women from the same family in front of their relatives, and there have been cases in which the victim is killed right there, in front of their family members.”)."

See, e.g., BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 5; Final report of the Panel of Experts on Haiti at ¶ 132 (“The use of sexual and gender-based violence . . . is not merely the result of isolated incidents by rogue members, but appears to be a consistent tactic.”); Genre: Le Rupt est exige des mesures adequates pour lui contre les violences faites aux femmes et filles en Haïti (“Armed bandits use the bodies of women and girls as an instrument of combat.”).

See BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 5; HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 48; Zengarini, Haitian bishops urge end to ‘genocide’ of defenceless people by gangs; HRW, “Living a Nightmare.”

258 HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 9; Final report of the Panel of Experts on Haiti at ¶ 132 (“Gangs use sexual and gender-based violence as an instrument of . . . extortion, as in the case of kidnappings, to obtain ransom.”).
260 See e.g., Mariján June Report at 1 (“In today’s marginalized neighborhoods, women and girls are used as sex objects, spies and bargaining chips with rival gang groups. In most cases, depending on their physical attractiveness, they are forced to serve as sex slaves at the whim of gang leaders.”); Final report of the Panel of Experts on Haiti at ¶ 132.
261 Mariján May Report at 1.
262 *Haiti: Gangs Compete Over Crimes Against Women and Girls:* Mariján May Report at 4 (sharing survey results that include nine victims of rape over 50 years of age). See also Press Release, RNDDH, *The victims of massive human rights violations file a complaint with the Haitian judicial authorities* (reporting that during the period of August 4 to September 12, two cases of sexual violence were carried out against a mother and her daughter); *IIDH Participates in Webinar on Sexual Violence Against Women & Girls in Haiti,* See also infra note 273.
263 See Oct. 2023 Report of the UN Secretary-General at ¶ 31 (“In the Artibonite Department, women and girls are increasingly exposed to sexual violence during gang attacks or when they travel in public transportation vehicles along National Road 1.”); BINUH, *Human rights situation: Main trends, Quarterly report: April-June 2023* at 5; Plan International, *Analyse Rapide de Genre en Haïti* at 33-34.
264 See supra note 81.
265 See, e.g., RNDDH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 25 (reporting that the state has not fulfilled its promise to offer services and support to victims of sexual violence); HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶¶ 52, 54-55 (discussing systemic barriers to accessing “medical, psychological, legal and socioeconomic services and reintegration support”); Oct. 2023 Report of the UN Secretary-General at ¶ 31; RNDDH, *Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023* at ¶¶ 7, 56, 184-85 (reporting that “heavy sentences were handed down for cases of theft, while lenient sentences were handed down for cases of rape”); *Haiti: William O'Neill, Expert on the human rights situation in Haiti, concludes his official visit; Deepening violence in Haiti* (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council); Mosello, Destrijcker & McMurray, *Roots for peace: Uncovering climate security challenges in Haiti and what to do about them* at 24 (“Access to prevention programmes and basic response services for survivors is extremely limited, underfunded, dependent on external sources, and affected by cultural and social norms.”). See also HRW, *“Living a Nightmare”* (“Of the 23 people whose sexual violence cases Human Rights Watch documented and which occurred between January and April 2023, 16 said they had not received any medical treatment before Human Rights Watch met with them and referred them to a hospital.”).
266 See, e.g., UNFPA, *Addressing Gender-Based Violence in Haiti* at 1; Emma Freire, *Looking for relief, World* (Aug. 10, 2023), https://wng.org/articles/looking-for-relief-1691639261; *IIDH Participates in Webinar on Sexual Violence Against Women & Girls in Haiti,* See also infra notes 382-83.
267 See, e.g., Mosello, Destrijcker & McMurray, *Roots for peace: Uncovering climate security challenges in Haiti and what to do about them* at 24 (“These services are almost exclusively linked to humanitarian programmes and hence only available in areas affected by emergencies.”). According to co-founder of Haitian feminist organization Négès Mawon Pascale Solages, services for victims of GBV are provided primarily by local organizations. She noted that victims often come to Négès Mawon after being unable to obtain assistance from the Ministry on the Status and Rights of Women in Haiti.
268 See HWC, *HWC: Reflecting on Sexual & Reproductive Health in Haiti: Achievements & Prospects* (according to a Mortality, Morbidity and Use of Services Survey, 70 percent of institutions offering contraceptives have run out of supplies, 67 percent of pregnant women complete their prenatal visits, 39 percent of women give birth at home, and 69 percent of women receive no postnatal care); Fenel Péliéssier, *Haiti: Only 25% of Pregnant Women Receive Recommended Prenatal Care,* According to WHO, AYIBO POST (Aug. 2, 2023), https://ayibopost.com/haiti-only-25-of-pregnant-women-receive-recommended-prenatal-care-according-to-who/ (“Only 25% of women in Haiti have completed the minimum of four prenatal visits recommended by the World Health Organization (WHO) since 2015.”); Freire, *Looking for relief; Aid efforts for Haitians suffer blow with kidnapping of American nurse and daughter,* NPR (Aug. 2, 2023), https://www.npr.org/2023/08/02/1191508372/aid-efforts-for-haitians-suffer-blow-with-kidnapping-of-american-nurse-and-daughter. See also infra notes 382-83. Women and girls in displacement camps and areas controlled by
army groups are particularly impacted, as rape by members of armed groups often results in unwanted pregnancies, including for teenage girls. Marijahn June Report at 1, 4; Marijahn May Report at 8.

269 Freire, Looking for relief.


271 See, e.g., HWC, HWC: Reflecting on Sexual & Reproductive Health in Haiti: Achievements & Prospects (according to Dr. Florence Jean-Louis, Executive Director of the Association for the Protection of the Haitian Family, 75 percent of abortions take place in unsafe conditions with charlatan doctors); Beauvais, The Cost of Legalizing Abortion in Haiti.

272 Boisron, Des femmes marchent contre la pénalisation de l’avortement en Haïti. Demonstration organizers and participants received threats on social media. See supra note 133.

273 Lederer, Growing gang violence is devastating Haitians, with major crime at a new high, UN envoy says (reporting that “children are getting killed and injured in crossfire, some on the way to school”); Oct. 2023 Report of the UN Secretary-General at ¶ 55 (“A preliminary survey by the Ministry of Education and Vocational Training, conducted in the West Department between August and September 2023 and supported by UNICEF, revealed that more than 12,000 children were displaced, including 11,085 pupils. Some 44 per cent of children surveyed were traumatized as a result of gang violence, which included incessant detonations, house fires, witnessing the murder of a loved one and, above all, walking across dead bodies.”); HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 49 (“The violence against children has reached a level warranting the Special Representative of the Secretary-General for Children and Armed Conflict to add Haiti to its “watch list” for the coming year.”); BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 4 (“[I]n August and September, in the Brooklyn neighborhood of Cité Soleil, at least 19 people, including six children, were killed by gang members as punishment for "bad behavior". Among the victims was an eight-year-old boy who was killed for slapping a gang member during a game.”); Final report of the Panel of Experts on Haiti at ¶ 139; Press Release, UNICEF, Kidnappings of children and women spiking at alarming rates in Haiti; Plan International, Analyse Rapide de Genre en Haïti at 33 (reporting that one in four teenage girls are affected by sexual violence); Increasing acts of violence against children, Haiti - News : Zapping..., HAÏTI LIBRE (Jun. 11, 2023), https://www.haitilibre.com/en/news-39753-haiti-news-zapping.html. See also Haiti: William O’Neill, Expert on the human rights situation in Haiti, concludes his official visit (The UN expert is “particularly concerned about the impact of insecurity and violence on children. . . . An entire generation is seemingly being sacrificed by violence, and the future of a country is threatened by the dramatic situation faced by its youth.”).”)

274 Oct. 2023 Report of the UN Secretary-General at ¶ 33 (“The lack of economic and social opportunities for children and youth, including limited access to schools and high levels of food insecurity among children, are factors that are exploited by gangs, who offer these children regular access to food and money in exchange for their ‘work’ as a gang member.”); Lederer, Growing gang violence is devastating Haitians, with major crime at a new high, UN envoy says: Haiti: William O’Neill, Expert on the human rights situation in Haiti, concludes his official visit; HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 49. HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 49. See also Final report of the Panel of Experts on Haiti at ¶ 138 (“All gangs have minors in their ranks, whom they exploit for various purposes, including labour, spying, hostage care, surveillance, operating checkpoints and participating in attacks. As minors prove their loyalty and capabilities, they gain more responsibility within the criminal organization. Girls are typically involved in activities such as house chores and spying.”); Coto, Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo (reporting that armed groups “are now recruiting children as young as 8 at shelters”).

275 See, e.g., Oct. 2023 Report of the UN Secretary-General at ¶ 33.

malnutrition – up 30 percent in a single year – according to data published in May by Unicef.”); infra notes 343-44.

278 See, e.g., UNICEF Executive Director Catherine Russell’s Remarks at the ECOSOC Special Session on Haiti - “Saving Lives: Addressing the urgent food security needs of Haiti,” UNICEF (Jun. 16, 2023), https://www.unicef.org/press-releases/unicef-executive-director-catherine-russells-remarks-ecosoc-special-session-haiti (reporting that nearly half of suspected cholera cases are found in children under the age of 14); Haiti Cholera Outbreak Leaves More Than 700 Dead, TELESUR (Jun. 2, 2023), https://www.telesurenglish.net/news/Haiti-Cholera-Outbreak-Leaves-More-Than-700-Dead-20230602-0020.html (reporting that the average age of patients hospitalized for cholera is 17, and that “the incidence is especially notable among children aged 1 to 9 years”). See also infra notes 384-91.

279 See, e.g., FAO & WFP, Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook at 16.

280 HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 49; Press Release, UNICEF, Nearly 3 million children need support in Haiti – highest number on record (Jun. 15, 2023), https://www.unicef.org/press-releases/nearly-3-million-children-need-support-haiti-highest-number-record (chronic hunger and malnutrition are the primary drivers of this need, alongside insecurity and lack of access to clean water and healthcare).

281 IJDH June 2023 Update at 7.

282 Jacqueline Charles, Fresh gang violence traps over 100 school children in Haiti for a second day, MIAMI HERALD (Oct. 14, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article280546704.html. See also Haiti: William O’Neill, Expert on the human rights situation in Haiti, concludes his official visit (“Over 500,000 youths have no access to education.”); HRW, “Living a Nightmare” (“According to UNICEF, 4.2 million children have been deprived of their right to education due to high education costs, insecurity at school or on the way to school, or lack of infrastructure and staff.”); infra note 284.

283 Plan International, Analyse Rapide de Genre en Haïti at 54-55 (citing sexism in education, domestic obligations, early pregnancies, and dangerous commutes as the primary reason girls are more likely to drop out of school than boys); Marijan May Report at 8.


286 See HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 53; Coto. 30,000 Haitian kids live in private orphanages. Officials want to shutter them and reunite families.

287 See, e.g., BINUH, Human rights situation: Main trends, Quarterly report: July-September 2023 at 4, 6 (reporting on armed groups targeting farm workers in the Artibonite Department); Final report of the Panel of Experts on Haiti at ¶ 68 (“In the Artibonite department, the gangs . . . have committed acts of extreme violence, forcing people to abandon large areas of cropland and threatening agricultural production.”). See also infra notes 354-56.


A study prepared in close collaboration with the UN Environment Programme, the UN Development Programme, the Ministry of Environment of Haiti, and the Climate Security Working Group (a coalition of over 60 UN agencies, Haitian institutions, international organizations, non-governmental organizations, and Haitian civil society organizations, joined by IJDH) found that climate change and environmental degradation exacerbate existing vulnerabilities, weaken communities’ resilience to shocks, and contribute to the deterioration of peace and stability in Haiti. Specifically, the study found that (1) climate-induced natural disasters exacerbate pre-existing issues with government response and prevention efforts; (2) climate change reduces access to natural resources and increases the use of harmful adaptation practices; (3) climate change and environmental degradation drive displacement and harm social cohesion; (4) climate and environmental pressures impact livelihoods and social safety nets, increasing especially young Haitians’ vulnerability to violence, exploitation, and abuse; and (5) fragile institutions and widespread insecurity exacerbate climate risks and undermine climate action efforts. Accordingly, the authors recommend addressing Haiti’s intersecting crises through “a new approach with an explicit focus on climate and peacebuilding, and with inclusion at its heart.” Mosello, Destrijcker & McMurray, *Roots for peace: Uncovering climate security challenges in Haiti and what to do about them* at 24.
Inflation rate, average consumer prices, IMF, https://www.imf.org/en/external/datamapper/PCIPICH@WEO/HTI?zoom=HTI&highlight=HTI (last visited Dec. 6, 2023). See also Haiti Inflation Rate, TRADING ECONOMICS, https://tradingeconomics.com/haiti/inflation-cpi (last visited Dec. 6, 2023) (reporting that inflation was at 22.8 percent as of October); Crise haïtienne : La CFHCI prend position (reporting that inflation has exceeded 40 percent for a year as of September 20). This is down from an all-time high of 49.3 percent in January. The Haitian Institute of Statistics and Information Sciences attributes the decline to “among others, a slowdown in the increase of world prices for necessities, a fall in the exchange rate of the United States dollar on the local market, and a slight improvement in the, albeit unstable, availability of petroleum products.” Oct. 2023 Report of the UN Secretary-General at ¶ 43.

Haiti, Inflation, DATAVIZ, https://dataviz.vam.wfp.org/economic_explorer/macro-economics/inflation (last visited Dec. 6, 2023). See also Haiti - Economy : Inflation falls, but remains close to 40% (July 2023), HAITI LIBRE (Sep. 25, 2023), https://www.haitilibre.com/en/news-40585-haiti-economy-inflation-falls-but-remains-close-to-40-july-2023.html (according to the Haitian Institute of Statistics and Information, as of July, the price of rice had increased 41.4 percent, meat 62.7 percent, milk 41.4 percent, edible oil 51.7 percent, and sugar 40.0 percent since the previous year); Final report of the Panel of Experts on Haiti at ¶ 42 (“[F]ood prices increased
by up to 44 per cent amid increases in food imports and disruptions in basic supplies, including fuel, occasioned by gang violence and some economic actors.


313 BINUH, Human rights situation: Main trends. Quarterly report: July-September 2023 at 5-6; Oct. 2023 Report of the UN Secretary-General at ¶ 32 (“In the communes of Croix-des-Bouquets and Port-au-Prince, drivers, passersby and street vendors were extorted and robbed at improvised checkpoints erected by gangs along the main roads, and trucks transporting goods were frequently hijacked.”); HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 8; Piercin, Acculés par les bandits, de nombreux chauffeurs lâchent le secteur; BINUH, Human rights situation: Main trends. Quarterly report: April-June 2023 at 6 (“At least 13 commercial trucks transporting fuel, food, and other merchandise were hijacked” between April and June, with several commercial boats and barges attacked as well). See also Final report of the Panel of Experts on Haiti at ¶ 81 (“Gangs have been extorting businesses as well as institutions, including schools, in the areas they control.”). See also supra notes 65-67.


315 BINUH, Human rights situation: Main trends. Quarterly report: July-September 2023 at 6; Final report of the Panel of Experts on Haiti at ¶ 79 (“Cargo trucks are particularly high targets because of the value of the merchandise transported (such as fuel or manufactured goods). . . . An extortion fee of between $1,000 and $3,000 is paid per truck hijacked, depending on its size and the value of its cargo.”)

316 See, e.g., HRW, “Living a Nightmare”. See also infra notes 354-55.


318 Final report of the Panel of Experts on Haiti at ¶ 81, Annex 23.

319 Charles, Record hunger, armed gangs and raging inflation: U.N. convenes special meeting on Haiti crisis. See also Joachim & Noreystl, Insécurité : Au bas de l’Artibonite, les petites entreprises ferment leurs portes (reporting that the cost of transporting 600 bags of rice has nearly tripled).

320 Haiti gasoline Prices, TRADING ECONOMICS, https://tradingeconomics.com/haiti/gasoline-prices (Dec. 6, 2023) (prices have been steadily increasing since March); FEWS, Despite falling inflation, insecurity and agricultural production deficits lead to widespread acute food insecurity Crisis (IPC Phase 3) in Haiti (Oct. 2023 - May 2024), https://fews.net/node/31013 (last visited Dec. 6, 2023); Oct. 2023 Report of the UN Secretary-General at ¶ 43.

321 Roberson Alphonse, Terminal de Varreux: les gangs imposent de nouveaux paiements aux transporteurs, LE NOUVELLISTE (Nov. 6, 2023), https://lenouvelliste.com/article245253/terminal-de-varreux-les-gangs-imposent-de-nouveaux-paiements-aux-transporteurs (reporting that armed groups have imposed fees on fuel trucks of 200,000 gourdes per month and 20,000 gourdes per truck per load to access the Varreux fuel terminal – Haiti’s main fuel depot); Final report of the Panel of Experts on Haiti at ¶ 80; Les professionnels du pétrole sollicitent l’intervention de l’État face au rançonnement systématique par les gangs en Haïti, HAITI LIBRE (Jul. 23, 2023), https://www.alterpresse.org/spip.php?article29484.

322 See, e.g., Haiti to move into fifth year of economic recession (“Exports, accounting for a 40% of Gross Domestic Product (GDP), dropped by around 21.6% in the Q1 2023, as a result of the closure of mainly textile manufacturing companies.”); Germina Pierre Louis, Insécurité : La filière des manques s’étouffe, LE


**327** See, e.g., HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 12.

**328** See, e.g., Lederer, *Growing gang violence is devastating Haitians, with major crime at a new high, UN envoy says: Oct. 2023 Report of the UN Secretary-General* at ¶ 33. See also supra notes 274-76.

**329** See HRW, *“Living a Nightmare”* (“Only 55 percent of Haitian households have access to basic drinking water, and two-thirds of the population has limited or no sanitation services”); Secteur EPAH Haïti, *Haiti - Advocacy note* at 1 (5.2 million Haitians - approximately 44 percent of the population – have no access to basic drinking water services); Plan International, *Analyse Rapide de Genre en Haïti* at 48 (reporting that approximately 48 percent of households have access to drinking water in rural areas, compared with 68 percent in urban areas; and that 61 percent of households lack access to improved latrines in rural areas, compared with 33 percent in urban areas). See also *In Haiti, Access to Water and Sanitation is Vital, and the World Bank Is Making This Possible*, WORLD BANK (Mar. 22, 2023), https://www.worldbank.org/en/news/feature/2023/03/22/in-haiti-access-to-water-and-sanitation-is-vital-and-the-world-bank-is-making-this-possible (“Access to drinking water supplies and sanitation services in rural areas is not only low but decreasing.”).


confrontes-a-des-choix-difficultes/ (reporting that 80 percent of the southern island of Île-à-Vache does not have access to sanitary drinking water and is forced to rely on contaminated wells and untreated rainwater).

332 HRW, “Living a Nightmare”; Plan International, Analyse Rapide de Genre en Haïti at 50; Norestyl, Pénurie d'eau sur l'Île-à-Vache : les habitants confrontés à des choix difficiles (“From January 2022 to May 2023, water-borne diseases represent 60% of cases treated” in Île-à-Vache’s main health center.”).


334 See, e.g., Farah A. Dorval, Véronique Verdeil & Christophe Prevost, Making development strides in Haiti’s water sector, WORLD BANK BLOGS (Sep. 7, 2023), https://blogs.worldbank.org/water/making-development-strides-haitis-water-sector; Norestyl, Pénurie d'eau sur l'Île-à-Vache : les habitants confrontés à des choix difficiles (“A water system that supplied three kiosks was built on Île-à-Vache in 2014 under the government of Laurent Lamothe. However, in 2018 this system stopped working, despite efforts to repair it. . . . The town hall does not have the financial resources necessary to meet the needs. Its employees have not received a salary for a year.”).


340 OCHA, Latin America & The Caribbean Weekly Situation Update.

341 The FAO elevated Haiti to the highest concern level for 2023 – defined as “facing or projected to face starvation . . . or are at risk of deterioration towards catastrophic conditions, given they have already critical food insecurity . . . and are facing severe aggravating factors.” FAO & WFP, Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook at vii. See also Crise haïtienne : La CFT/CFHC prend position (the Franco-Haitian Chamber of Commerce and Industry described the situation as one of “catastrophic food insecurity, affecting the physical and cognitive development of future generations”); Rivers, Millions in Haiti starve as food, blocked by gangs, rot on the ground (reporting that Haiti is “just one step shy of famine and starvation”).

342 See, e.g., Press Release, OCHA, The humanitarian community in Haiti is deeply concerned about the continued escalation of violence.


344 Isaac, UNICEF warns of food shortages at overcrowded Haiti camp.

345 IDH June 2023 Update at 9.


347 Oct. 2023 Report of the UN Secretary-General at ¶ 46 (citing “sustained humanitarian support, better access to fuel and a slight improvement in access to the southern part of the country”); WFP, Haiti Country Brief (Sep.
Millions in Haiti starve as food, blocked by gangs, rots on the ground

Haitian Food Sovereignty Program


See, e.g., Press Release, UNICEF, Armed violence takes root in Haiti’s “rice basket”: (“In one incident, 15 women heading to market were reportedly kidnapped and raped.”); Rivers, Millions in Haiti starve as food, blocked by gangs, rots on the ground (reporting that armed individuals kidnapped and raped four Madan Sara (women market sellers critical to the food distribution chain), leaving them too afraid to go to the markets).

According to the Declaration of Nyéléni, the first global forum on food sovereignty, “[f]ood sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and...

348 FAO & WFP, Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook at 6; IPC, Haiti: IPC Acute Food Insecurity Snapshot | August 2023 - June 2024 (noting that the number of Haitians experience crisis-level hunger is expected to increase to 3.03 million in 2024). See also Oct. 2023 Report of the UN Secretary-General at ¶ 46 (“The percentage of people in phase 4, ‘emergency’, on the Integrated Food Security Phase Classification scale has increased over the past four years. At the same time, the percentage of people in phase 1, ‘minimal’, has fallen from 41 to 28 per cent. This shift from lower levels of food insecurity to higher emergency levels of food insecurity is concerning and corresponds to a critical erosion of means of subsistence.”).

349 News Alert: Dire Economic and Food Crisis Grips Haiti, Women Most at Risk.

350 OHCHR, Criminal violence extends beyond Port-au-Prince: The situation in Lower Artibonite from January 2022 to October 2023 at 24.

351 FAO & WFP, Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook at 3, 16; Final report of the Panel of Experts on Haiti at ¶¶ 142-46; Rivers, Haiti fights for its life in the streets: Reporter’s notebook.

352 See, e.g. HRW, “Living a Nightmare”; Rivers, Millions in Haiti starve as food, blocked by gangs, rots on the ground. See also Final report of the Panel of Experts on Haiti at ¶ 143 (“[In 2022] G9 deliberately blockaded access to the Brooklyn area, preventing movements of inhabitants and cutting off supply chains of basic commodities, including food and water. Sniper-style attacks further escalated the situation, resulting in malnutrition, disease outbreaks and disruptions to basic services. While no longer in complete lock down, there are still severe movement restrictions for the population and humanitarians in the area.”).

353 Press Release, UNICEF, Armed violence takes root in Haiti’s “rice basket”; HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 8; HRW, “Living a Nightmare” (reporting that violence in the Artibonite Department has led to “the closure of multiple markets and abandonment of land, which affected food production and the distribution chain to Port-au-Prince and from there to the rest of the country”); Rivers, Millions in Haiti starve as food, blocked by gangs, rots on the ground; Pierre Richard Luxama, UN agencies decry humanitarian crisis in Haiti and seek help for hungry families fleeing violence, PETERBOROUGH EXAMINER (Jun. 20, 2023), https://www.thepeterboroughexaminer.com/news/world/americas/un-agencies-decry-humanitarian-crisis-in-haiti-and-seek-help-for-hungry-families-fleeing-violence/article_54af0000f-31e2-5bad-a-9f-428513a8af4f.html (“The violence has led to a spike in starvation, with goods unable to move freely while people are forced to remain in their homes out of fear for their lives.”).

354 Press Release, UNICEF, Armed violence takes root in Haiti’s “rice basket”; Final report of the Panel of Experts on Haiti at ¶ 68 (“In the Artibonite department, the gangs of Gran Grif, led by Luckson Elan, and Kokorat San Ras, led by Meyer, have committed acts of extreme violence, forcing people to abandon large areas of cropland and threatening agricultural production.”); Rivers, Millions in Haiti starve as food, blocked by gangs, rots on the ground. See also supra notes 54-55.

355 OHCHR, Criminal violence extends beyond Port-au-Prince: The situation in Lower Artibonite from January 2022 to October 2023 at 5 (reporting that this has “led to the reduction of cultivated land and the indebtedness of many farmers and traders unable to repay their loans,” thus exacerbating long-term drivers of food insecurity). See also supra notes 287-90.


357 See, e.g., Press Release, UNICEF, Armed violence takes root in Haiti’s “rice basket”: (“In one incident, 15 women heading to market were reportedly kidnapped and raped.”); Rivers, Millions in Haiti starve as food, blocked by gangs, rots on the ground (reporting that armed individuals kidnapped and raped four Madan Sara (women market sellers critical to the food distribution chain), leaving them too afraid to go to the markets).

358 According to the Declaration of Nyéléni, the first global forum on food sovereignty, “[f]ood sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and...

360 Haiti Plan de Réponse Humanitaire 2023; FAO & WFP, Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook at vii; Amnesty International et. al., Open Letter to Congress on Haitian Food Sovereignty (criticizing U.S. agricultural assistance to Haiti for “not match[ing] the priorities of Haitian farmers”); Lack of funding forces UN to slash food program in Haiti amid a surge in malnutrition, AP News (Jul. 17, 2023), https://apnews.com/article/haiti-un-food-cuts-starving-1acd6e8d329e30b5dc917289cc02bf98 (reporting that, as of July 17, the WFP’s response plan for Haiti is only 16 percent funded, leaving it unable to help the 100,000 Haitians urgently in need of assistance that month); FEWS, Floods in early June cause major damage to crops 8 (June 2023 - January 2024), https://fews.net/latin-america-and-caribbean/haiti/food-security-outlook/june-2023 (last visited Dec. 6, 2023) (“The average monthly amount [of humanitarian assistance] is 6,008 gourdes per household...An analysis in terms of covering food needs shows that this amount represents barely 21 percent of the cost of the food basket . . . (27,850 gourdes on average per month) for a household of 5 people...In terms of nutritional value, a complete food basket costs an average of 31,275 gourdes per month at current prices.”).

361 See, e.g., Amnesty International et. al., Open Letter to Congress on Haitian Food Sovereignty.


363 See Oct. 2023 Report of the UN Secretary-General at ¶ 53 (reporting that, as of August, “at least 40 medical doctors had been kidnapped since the beginning of 2022”). An MSF survey of employees and their families revealed “a remarkably high level of exposure to violence. Fourteen per cent of the households surveyed said that at least one member has witnessed an episode of extreme violence over the past 12 months, such as lynching or murder. Five per cent said that at least one member of their family has suffered physical violence, including robbery or kidnapping, and 30 per cent said they had suffered material damage as a result of the violence. Ninety per cent of respondents felt that the security situation in 2023 was much worse than in 2022.” Haiti, caught in the crossfire, MSF (Jul. 11, 2023), https://www.doctorswithoutborders.org/latest/haiti-caught-crossfire.

364 Statement on Armed Attack on Hôpital Universitaire de Mirebalais in Haiti, PARTNERS IN HEALTH (Sep 26, 2023), https://www.pih.org/article/statement-armed-attack-hospital-universitaire-de-mirebalais-haiti; Charles, Mirebalais: armed individuals attacked the town, the HUM targeted by automatic weapons fire.


Six in 10 Haitians lack access to health care; HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 20 (“Only 34 per cent of health services are public and 41 per cent of Haitians mention high costs as the main barrier to medical care. The expert has also received information regarding persons dying in front of hospitals because they were not able to afford health care.”).

HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 13 (also noting that any basic services offered are often lacking in quality).

HRW, “Living a Nightmare.” See also infra note 381.

See, e.g., Towards the end of the strike at La Paix Hospital, Haiti - News : Zapping..., HAITI LIBRE (Aug. 11, 2023), https://www.haitilibre.com/en/news-40234-haiti-news-zapping.html (reporting that residents at La Paix university hospital in Delmas 33 were on strike for several days in August); Jean Feguens Regala, Des employés en grève menace de fermer l’Hôpital Eliazar Germain de Pétion-Ville, AYIBO POST (Jul. 11, 2023), https://ayibopost.com/des-employes-en-greve-meneant-de-fermer-lhopital-eliazar-germain-de-petion-ville/ (reporting that healthcare workers at Eliazar Germain Hospital – Pétion-Ville’s only public hospital – have been striking in July to protest “among other things: the absenteeism of the nursing staff, the repeated thefts of

See, e.g., Oct. 2023 Report of the UN Secretary-General at ¶ 53.

HRW, “Living a Nightmare.” L’organisation Msf déplore l’impact des violences armées sur les structures sanitaires en Haïti, ALTERPRESSE (Jun. 14, 2023), https://www.alterpresse.org/spip.php?article29376, See also HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 17 (reporting that “the costs of importing essential drugs, surgical tools and oxygen tanks have skyrocketed,” including as a result of corruption within the Haiti’s customs agency).

See, e.g., Haiti, caught in the crossfire.

See ACAPS, Haiti: Returns from the Dominican Republic 3 (Nov. 3, 2023), https://www.acaps.org/fileadmin/Data_Product/Main_media/20231103_ACAPS_Anticipatory_note_Haiti_returns_from_the_Dominican_Republic.pdf (“Following the [Dominican] border closures, healthcare facilities in Haiti were forced to limit their services because of medical supply shortages. These included clinics in Malpasse, which were cut off from Port-au-Prince by gang violence on the main road and which relied entirely on supplies from the Dominican Republic.”); Jacqueline Charles, Haiti-D.R. border shutdown forces hospitals, clinics to cut back on care, medications, MIAMI HERALD (Nov. 7, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article279900234.html (reporting that the Higgins Brothers Surgicenter for Hope in Malpasse is “performing only emergency operations to salvage what anesthesia medications we have left” as a result of the closure and will soon “need to close down our operating rooms entirely simply from lack of obtainable medications for surgery.”).

See See HRW, “Living a Nightmare”; Jean Junior Celestin, Panne de moyens et rareté de sang au Centre national de transfusion sanguine, LE NOUVELLELISTE (Aug. 3, 2023), https://lenouvelliste.com/article/243741/undefined (“All branches of public health in Haiti have difficulty achieving their objectives due to a lack of resources.”).


Six in 10 Haitians lack access to health care; HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 20 (“Only 34 per cent of health services are public and 41 percent of Haitians mention high costs as the main barrier to medical care. The expert has also received information regarding persons dying in front of hospitals because they were not able to afford health care.”).

HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 13 (also noting that any basic services offered are often lacking in quality).

HRW, “Living a Nightmare.” See also infra note 381.


Charles, Haiti Gangs take aim at disabled children: ‘Put those kids out of their misery or we will’”; Louis, Les balles font fuir maladies et Médecins du sanatorium de Port-au-Prince; Haiti, caught in the crossfire; Haiti: “We give our all to save lives,” MSF (Jun. 27, 2023), https://www.doctorswithoutborders.org/latest/haiti-we-give-our-all-save-lives.

Charles, Fresh gang violence traps over 100 school children in Haiti for a second day.
gasoline, which should have been used to supply the hospital with electricity. . . . the poor management of the center, [and] overbilling and the dysfunction of certain services including urology and radiography”); Claudy Junior Pierre, La grève est levée à l’hôpital Justinien, Le NOUVELLISTE (Jun. 21, 2023), https://lenouvelliste.com/article/242982/la-greve-est-levée-a-l-hopital-justinien (reporting that residents at Justinien University Hospital ended their nearly three month long general strike on June 17).


382 See Freire, Looking for relief; Pélissier, Haiti: Only 25% of Pregnant Women Receive Recommended Prenatal Care, According to WHO; André Paultre & Daniela Mohor, Haitian Gangs Use Rape as Weapon for Terror — And There is Little Support for Survivors, HEALTH POLICY WATCH (Jun. 30, 2023), https://healthpolicy-watch/news/haitian-gangs-use-rape-as-weapon-of-control/; Plan International, Analyse Rapide de Genre en Haïti at 42 (“Around 70% of households surveyed say they had access to family planning before the crisis compared to 20% during the crisis.”).

383 See Oct. 2023 Report of the UN Secretary-General at ¶ 31; Haiti: A protection crisis for women and girls, UNFPA (last updated Aug. 8, 2023), https://www.unfpa.org/haiti-protection-crisis-women-and-girls (“Despite the soaring needs, funding for protection services for women and girls is woefully inadequate — less than 2 percent of the total budget required for gender-based violence prevention and response under the Humanitarian Response Plan 2023.”); Número Spécial: Décret Établissant le Budget Général de la République d’Haiti Exercice 2023 - 2024 at 21 (the Haitian government allocated just 0.1% of the 2023-2024 national budget to the Ministry on the Status and Rights of Women). See also supra notes 265-67.


385 See, e.g., Secteur EPAH Haïti, Haiti - Advocacy note at 1 (reporting cases in 75 percent of Haiti’s communes).


387 See, e.g., Press Release, UNICEF, Armed violence takes root in Haiti’s “rice basket” (“Humanitarian workers say the insecurity has made it extremely difficult, and in some cases impossible, to access six of the [Artibonite] department’s 17 communes, including Saint Marc, Verrettes and Petite Rivière — hotspots of cholera where some families are virtually besieged by the violence.”); Résurgence choléra/Haïti: Le bilan s'élève à 743 morts, selon MSPP, LOOP NEWS (Jun. 14, 2023), https://haiti.loopnews.com/content/cholera-en-haiti-le-bilan-seleve-743-morts-selon-le-mspp (reporting that nearly half of all those who have died from cholera since October 22 never received medical treatment); Pierre-Paul Ancion, Choléra à Jacmel : plus de dix morts en six jours, LE NOUVELLISTE (Jun. 6, 2023), https://lenouvelliste.com/article/242726/cholera-a-jacmel-plus-de-dix-mort-en-six-jours (reporting that from June 1 to 6, there were more cases of cholera in Jacmel than there was space in the local cholera treatment center).

388 See, e.g., Dorval, Verdeil & Prevost, Making development strides in Haiti’s water sector, See also supra notes 335-35.

389 See, e.g., OCHA, Latin America & The Caribbean Weekly Situation Update. See also supra notes 338-40.

390 See, e.g., HRW, “Living a Nightmare”; Secteur EPAH Haïti, Haiti - Advocacy note.


392 See Final report of the Panel of Experts on Haiti at Annex 40; Charles, Fresh gang violence traps over 100 school children in Haiti for a second day (“A study by the Ministry of Education and other partners found that the recent wave of violence is greatly affecting children’s education. The study identified 12,057 children, 11,085 of whom were already attending school, living in 43 internally displaced camps across the West region, which includes Port-au-Prince. Some 90% of the students were living in the city of Port-au-Prince, which accounted for the highest concentration.”); HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 7 (“Gangs have invaded . . . schools in session.”); Haiti - Education: Minister Manigat meets with more than a hundred school directors, HAÏTI LIBRE (Sep. 24, 2023), https://www.haitilibre.com/en-news-40576-haiti-education-minister-manigat-meets-with-more-than-a-hundred-school-directors.html (reporting that many schools have been subject to acts of looting and arson by armed groups); Jonasson Odigène, Rentrée scolaire : les déplacés de Carrefour-Feuilles expriment leurs inquiétudes, LE NOUVELLISTE (Sep. 7, 2023),
397 Oct. 2023 Report of the UN Secretary-General at ¶ 55 (“In the Artibonite Department (Gonaïves), the Departmental Education Directorate reported that 280 schools (21 per cent) had been affected by gang violence and had not been operational since the 2022/23 academic year. To date, 30 of these schools have been destroyed and 16 have been badly looted.”); Charles, *Fresh gang violence traps over 100 school children in Haiti for a second day*; Press Release, UNICEF, *Armed violence takes root in Haiti’s “rice basket”*; Michelson Césaire, *A Timid Start to the 2023 School Year*, LE NOUVELLEISTE (Sep. 11, 2023), https://www.lenouvelliste.com/en/article/244363/tres-timide-rentree-des-classes-2023, See also Paul, *Insécurité : la Protection civile estime le nombre de déplacés à près de 200 000 personnes* (reporting that some universities have also been forced to close due to insecurity); Lucnise Duquereste, *Chute drastique des inscriptions dans les Universités en Haïti, YIBO POST* (Nov. 20, 2023), https://ayibopost.com/chute-drastique-des-inscriptions-dans-les-universites-en-haiti/ (reporting huge drops – up to 76 percent – in student enrollment at multiple universities, prompting concerns that universities would be forced to close in the short-term and long-term concerns about “a shortage of talent” that Haiti needs to rebuild).

398 Oct. 2023 Report of the UN Secretary-General at ¶ 55 (“At least 25 public and private schools, or 225 classrooms, are occupied by families expelled from their homes by gang violence in the metropolitan area of Port-au-Prince.”); Éducation : *Cri d’alarme de la Cneh face à une éventuelle pénurie d’enseignants en Haïti*, ALTERPRESSE (Oct. 5, 2023), https://www.alterpresse.org/spip.php?article29736; Final report of the Panel of Experts on Haiti at Annex 40 (“[A] 2023 UNICEF evaluation of the Artibonite region . . . found that . . . 97 [schools] were used by IDP[s].”); Césaire, *A Timid Start to the 2023 School Year*; Odigène, *Rentière scolaire : les déplacés de Carrefour-Feulles expriment leurs inquiétudes*, See also supra note 79.

399 See, e.g., Final report of the Panel of Experts on Haiti at Annex 40 (“In a 2023 UNICEF evaluation of the Artibonite region covering 1,996 schools, it was found that . . . 97 schools were used by IDP[s]”).; Lucnise Duquereste, *Rentière scolaire : les déplacés de Carrefour-Feulles expriment leurs inquiétudes*, See also supra note 79.

395 See, e.g., Manifestation de lycéens à Port-au-Prince, LE NOUVELLEISTE (Nov. 13, 2023), https://lenouvelliste.com/a-la-minute (“Students from several high schools demonstrated in several streets of Port-au-Prince, calling on the country’s authorities to make arrangements for them to return to the classroom. Some of these students deplored the fact that they had not attended any classes for the 2023-2024 school year. More than two months after the reopening of classes, the premises of several public schools are still occupied by displaced persons driven out of certain neighborhoods by armed gangs.”).


398 See Césaire, *A Timid Start to the 2023 School Year*; Lederer, *Growing gang violence is devastating Haitians, with major crime at a new high, UN envoy says* (“[C]hildren are getting killed and injured in crossfire, some on the way to school.”).


401 See, e.g., Césaire, *A Timid Start to the 2023 School Year* (reporting that some teachers in Les Cayes did not show up for the first day of school “due to a delay in receiving their payments for the month of August”), Veron Arnault, À quand la fin de la grève dans les établissements scolaires publics ?, LE NATIONAL (Jun. 14, 2023), https://lenational.org/post_article.php?pol=3668 (public school teachers were striking in June to demand better management and operating conditions).

402 Éducation : *Cri d’alarme de la Cneh face à une éventuelle pénurie d’enseignants en Haïti*, See also infra notes 434-37.

403 HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 21 (reporting 85 percent); Plan International, *Analyse Rapide de Genre en Haïti* at 53 (reporting 85 percent); Haitian Ministry
warns of unregulated high schools, PRENSA LATINA (Jul. 5, 2023), https://www.plenglish.com/news/2023/07/05/haitian-ministry-warns-of-unregulated-high-schools/ (reporting over 90 percent); Charles, “One day I will be...” - School attendance and a keen interest in learning are priorities for many young Haitians (reporting 80 percent).

HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 13 (“45 per cent of children aged between 6 and 9 have never been to school ... and nearly half of Haitians aged 15 and older are illiterate.”). See also Charles, “One day I will be...” - School attendance and a keen interest in learning are priorities for many young Haitians (“[M]ore than 250,000 children aged 6–11 and about 65,000 youth aged 12–14 are not enrolled in school for financial or other reasons.”).

ACAPS, Haiti: A deep dive into the food security crisis at 6.


See infra notes 419-33, 436-37.


See, e.g., Gabrielle Apollon & María Alejandra Torres García, Anti-Blackness Knows No Borders and Neither Should Haitian Migrant Rights Advocacy, NACLA (Sep. 6, 2023), https://nacla.org/anti-blackness-knows-no-borders-neither-should-haitian-migrant-rights-advocacy. See also infra notes 434-38.

Oct. 2023 Report of the UN Secretary-General at ¶ 20; Lacarte, Addressing the Next Displacement Crisis in the Making in the Americas.

See, e.g., Douyon, Haitians Flee a Nation Nearing Collapse.


Id.

Douyon, Haitians Flee a Nation Nearing Collapse. See also Lacarte, Addressing the Next Displacement Crisis in the Making in the Americas (“Haitians since 2022 have been among the top three nationalities crossing the dangerous jungle of the Darién Gap that straddles the Colombian-Panamanian border, headed northward.”); Final report of the Panel of Experts on Haiti at ¶ 126 (“While typical vessels [constructed to transport migrants] hold around 20 people, they often carry 80 to 100 individuals, sometimes more, leading to inhumane conditions and capsizing.”); @Jacquiecharles, X (Aug. 4, 2023, 7:49 PM), https://twitter.com/Jacquiecharles/status/1687611835344300872 (reporting that Turks and Caicos authorities intercepted 148 Haitian migrants at sea on August 4); ACNUR y OIM piden mayor cooperación regional ante el récord de 250,000 personas que cruzan a pie la selva del Darién, IOM (Aug. 2, 2023), https://rosanjeo.iom.int/es/news/acnur-y-oim-piden-mayor-cooperacion-regional-ante-el-record-de-250000-personas-que-cruzan-pie-la-selva-del-darien (reporting that 250,000 migrants crossed the Darién Gap in search of safety between January and August 2023); Haiti Migration : Nearly 33,000 Haitians risked their lives in the Darien jungle in 6 months, HAII LIBRE (Jul. 24, 2023), https://www.haitilibre.com/en/news-40088-haiti-migration-nearly-33-000-haitians-risked-their-lives-in-the-darien-jungle-in-6-months.html (Panamanian authorities project that approximately 400,000 migrants will cross the Darien Gap in 2023, where they face poisonous animals, dangerous river crossings, and attacks by armed groups; as of July, 14 percent of those are Haitian); Coast Guard repatriates, transfers 115 people to Haiti, Bahamas, U.S. COAST GUARD NEWS (Jul. 6, 2023), https://www.news.uscg.mil/Press-Releases/Article/3449859/coast-guard-repatriates-transfers-115-people-to-haiti-bahamas/ (between Oct. 1, 2022, and July 6, 2023, the U.S. Coast Guard interdicted or encountered 4,717 Haitian migrants); Royal Bahamian Defence Force Patrol Vessel Intercepts Haitian Migrant Vessel Near Turks And Caicos Islands, THE SUN (Jul. 11, 2023), https://sunsci.com/royal-bahamas-defence-force-patrol-vessel-intercepts-haitian-migrant-vessel-p9475-129.htm (reporting that the Turks and Caicos authorities intercepted a “40-ft wooden vessel with approximately 189 Haitian nationals” on July 1). Hurricane season – June through November – exacerbates the danger of boat crossings. Coast Guard repatriates, transfers 115 people to Haiti, Bahamas.


417 Charles, Ortiz-Blanes & Torres, How Nicaragua is helping – and charging – Haitians who want to reach the United States: Janetsky, Nicaragua is ‘weaponizing’ US-bound migrants as Haitians pour in on charter flights. Observers say (reporting that “most tickets range between $3,000 and $5,000 a seat”). The Haitian government stopped all flights to Nicaragua on October 30, prompting immediate protests from Haitians “demanding that Prime Minister Ariel Henry reimburse them and tell the public what plans he has to keep them safe from gangs and provide economic opportunities.” The next day, Haiti’s National Civil Aviation Office announced that the shutdown was temporary and that flights would resume shortly. Jacqueline Charles, Haiti suspends all Nicaragua-bound flights in effort to end wave of migration to the U.S., MIAMI HERALD (Oct. 30, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article281192038.html; Jacqueline Charles & Syra Ortiz Blanes, Biden administration issues warning to those involved in Nicaragua-bound migrant flights, MIAMI HERALD (Nov. 6, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article281504018.html.

418 Charles, Ortiz-Blanes & Torres, How Nicaragua is helping – and charging – Haitians who want to reach the United States (according to Arturo McFields Yescas, Nicaragua’s former ambassador to the Organization of American States (OAS), “the [Ortega] regime offers migrants ‘a complete package,’ including transportation and lodging, to get them to Honduras, the next stop on the way to the U.S.”).


420 How Nicaragua is helping – and charging – Haitians who want to reach the United States (according to Arturo McFields Yescas, Nicaragua’s former ambassador to the Organization of American States (OAS), “the [Ortega] regime offers migrants ‘a complete package,’ including transportation and lodging, to get them to Honduras, the next stop on the way to the U.S.”).


423 *Global Data Institute Displacement Tracking Matrix*. See also HRW, *“Living a Nightmare”* (reporting 93 percent as of August); Lacarte, *Addressing the Next Displacement Crisis in the Making in the Americas* (*The Dominican Republic has engaged in large-scale deportations of Haitians, carrying out more than 120,000 removals between November 2022 and August 2023.*).)


425 See *Onz Chéry, Distant Neighbors: Haiti-Dominican Republic historical feud finds new fodder online and over migration*, HAITIAN TIMES (Jun. 20, 2023), https://haitiantimes.com/2023/06/20/haiti-dominican-republic-feud-online-social-media/; Peña, *A Different Border Crisis Mirrors What’s Happening in the U.S.* ("The border closings reinforced the dangerous nativist Dominican talk Mr. Abinader and his government have deployed in their efforts to contain Haitian immigration. Claims that Haitians are invading have led to the banning of Haitians from public transit, mass deportations and, reportedly, looting of Haitian-owned residences. . . . The crisis along the border is another example of a global trend in which nativist and extreme nationalist language is being weaponized by government officials seeking to garner popular support.").

426 See *Lacarte, Addressing the Next Displacement Crisis in the Making in the Americas*; Francklyn B. Geffrard, *République Dominicaine : Arrestations et déportations de femmes enceintes et allaitantes. Une organisation féministe proteste . . .*, RLH NEWS (Jul. 21, 2023), https://www.rhnews.com/actualites/republique-dominicaine-arrestations-et-deportations-de-femmes-enceintes-et-allaitantes-une-organisation-feministe-proteste/ (reporting that Dominican authorities carry out raids on medical centers, where they target darker skinned pregnant and breastfeeding women for detention and deportation); @AI_Campaignolle, X (Jul. 9, 2023, 10:19 AM), https://twitter.com/AI_Campaignolle/status/1678046158764011522 ("But in reality not all the people captured by the authorities are in an illegal situation. Some are in the process of renewing their residence. Others are residents. What do they have in common? They are black. . . . Sometimes Dominicans are taken on board because of the color of their skin. I have collected dozens of testimonies to this effect. Tom passports, residence documents that we don't even look at."); *Migration : Les enfants des migrants devenus les nouvelles cibles des opérations migratoires en République Dominicaine, dénonce la plateforme Garr*, ALTERPRESSE (Jul. 18, 2023), https://www.alterpresse.org/spip.php?article29474 (reporting that pregnant women “are apprehended anytime,
anywhere without checking their documents, and locked up in detention centers characterized by deplorable hygienic conditions for several days”.


429 The day after the U.S. government issued its security alert for U.S. citizens in Haiti, a deportation flight carrying at least 50 Haitians departed the United States for Port-au-Prince. Bill Frelick, *US Chooses Shameful Hypocrisy in Forcibly Returning Haitians*, HRW (Sep. 1, 2023), https://www.hrw.org/news/2023/09/01/us-chooses-shameful-hypocrisy-forcibly-returning-haitians; Rafael Bernal, *ICE sends deportation flight to Haiti after warning US citizens to evacuate*, THE HILL (Aug. 31, 2023), https://thehill.com/latino/4180930-ice-sends-deportation-flight-to-haiti-after-warning-us-citizens-to-evacuate/; US to continue deporting Haitians as it evacuates its citizens, REUTERS (Aug. 31, 2023), https://www.reuters.com/world/americas/us-continue-deporting-haitians-it-evacuates-its-citizens-2023-09-01/ (reporting a spokesperson for the U.S. Department of Homeland Security stating that “[r]emovals of Haitian nationals encountered at our southern border and repatriation of Haitian nationals encountered at sea continue. . . . Those interdicted at sea are subject to immediate repatriation, and those encountered in the United States without a legal basis to remain are subject to removal”); *The Border Where Different Rules Apply* (“Since the summer of 2021, the Coast Guard has detained more than 27,000 people, a number larger than in any similar period in nearly three decades. . . . The public has no way of knowing what happens on board. Unlike at the U.S.–Mexico border, which is closely monitored by advocates, the courts and the press, immigration enforcement at sea takes place out of public view. . . . People intercepted at sea, even in U.S. waters, have fewer rights than those who come by land. ‘Asylum does not apply at sea,’ a Coast Guard spokesman told me. Even people who are fleeing violence, rape and death, who on land would be likely to pass an initial asylum screening, are routinely sent back to the countries they’ve fled.”). Human rights organizations and news reports have condemned this policy as hypocritical and illegal. See *Letter from Over 70 Organizations Calling for Suspension of Deportation Flights to Haiti*; Flores & Weisfeldt, *The US keeps deporting to a country that it says is too dangerous for travel*; Frelick, *US Chooses Shameful Hypocrisy in Forcibly Returning Haitians*; Harb, *US deports dozens to Haiti despite telling citizens to leave country*; Widlore Mérancourt & David Lorens Mentor, *Des dizaines d’Haïtiens déportés par les États-Unis, AYIBO POST* (Aug. 31, 2023), https://ayibopost.com/des-dizaines-dhaitiens-deportes-par-les-etats-unis/.

430 As of September 11, Dominican authorities are no longer issuing visas to Haitians. Onz Chéry, *As DR suspends visas for Haitians, one man’s hopes to see wife and son dashed*, HAITIAN TIMES (Sep. 18, 2023), https://haitiantimes.com/2023/09/18/as-dr-suspends-visas-for-haitians-one-mans-hopes-to-see-wife-and-son-dashed/; Martín Adames Alcántara, *Dominican president suspends visas for Haitians and threatens to close border with its neighbor*, AP NEWS (Sep. 11, 2023), https://apnews.com/article/dominican-republic-haiti-border-visas-canal-river-ad81b04bbd49d4425f5ff2b69a5ac8u8.
removal process, where many asylum seekers are subjected to a screening interview rigged by the asylum ban. People irregularly will generally be subject to . . . penalties. . . . [including] rapid deportation through t
limited CBP One appointments, people who enter at U.S. ports of entry to seek asylum or cross the border will generally be managed to . . . limitations, where they are first . . . a "waiver" that applies to . . . requests, which is . . . Waiting in Mexico . . . 4.

The current Biden administration asylum policy, adopted in May 2023, “bars asylum seekers who crossed through another country on their way to the southern U.S. border, unless they have previously applied for (and been denied) asylum elsewhere or managed to receive an appointment at a port of entry through a new U.S. government app [CBP One] for smartphones. These requirements are unfeasible and impractical for many people in need of protection, as some asylum seekers cannot find safety in the countries where they first arrive because of violence or persecution similar to that in their native land.” It also violates international and U.S. law. What is President Biden’s ‘asylum ban’ and what does it mean for people seeking safety?, Rescue (last updated Jul. 25, 2023), https://www.rescue.org/article/what-president-bidens-asylum-ban-and-what-does-it-mean-people-seeking-safety. See also HRW, “Living a Nightmare” (The CBP One app is “inaccessible to many asylum seekers due to financial, language, technological, and other barriers.” Further, requirements under the current asylum policy “mean that many Haitians attempting to access asylum in the United States are forced to wait in Mexico, where they experience a wide range of human rights abuses such as racial discrimination, kidnapping, sexual violence, and extortion.”); Human Rights First, Refugee Protection Travesty 3 (Jul. 2023), https://humanrightsfirst.org/wp-content/uploads/2023/07/Refugee-Protection-Travesty_Asylum-Ban_Report_July-2023-1.pdf (“The Biden asylum ban — which violates U.S. law and treaty obligations — is a new iteration of similar transit and entry bans promulgated by the Trump administration that were repeatedly struck down by federal courts because they violated U.S. law. . . . Unless they are lucky enough to get one of the limited CBP One appointments, people who enter at U.S. ports of entry to seek asylum or cross the border irregularly will generally be subject to . . . penalties. . . . [including] rapid deportation through the expedited removal process, where many asylum seekers are subjected to a screening interview rigged by the asylum ban and quickly deported without a hearing on their case if they do not pass the screening. People who are not subjected to this rigged process or manage to overcome it will still likely be denied asylum in a later hearing and
potentially deported to persecution or left in permanent limbo in the United States without a pathway to citizenship.”); Cerin, Haitians Struggle to Access a New Path to the U.S. (“Migration activists argue that these measures strip people of the right to apply for asylum at the border, rendering thousands of potential asylum-seekers ineligible.”). In July, a U.S. District Judge held that this asylum policy violates the right to seek asylum. See US judge blocks Biden’s ‘asylum ban’ at Mexico border, ALJAZEERA (Jul. 25, 2023), https://www.aljazeera.com/news/2023/7/25/us-judge-blocks-bidens-asylum-ban-at-mexico-border.

437 The CHNV parole program requires access to a passport, internet, a smartphone, and a U.S.-based sponsor, “requirements that are out of reach for many Haitians.” Haitians complain that language, technology, and financial barriers make the program difficult to access. The process for acquiring passports has become more complicated and costly since the program was implemented. Apollon & García, Anti-Blackness Knows No Borders and Neither Should Haitian Migrant Rights Advocacy, See also HRW, “Living a Nightmare” (explaining that accessing alternative pathways or asylum “becomes even more difficult if individuals previously attempted to claim asylum by traveling to the US on boat or crossed a southwest US land border outside official ports of entry,” making the process “inaccessible to many Haitians who face language barriers and racial discrimination and are economically and socially vulnerable”); Syra Ortiz Blanes, Changes are coming to the family-reunification programs for Cuba, Haiti. See what they are, MIAMI HERALD (Aug. 10, 2023), https://www.miamiherald.com/article278126627.html (according to Americans for Immigrant Justice, “the Biden administration was presenting a ‘false dichotomy’ because it has simultaneously created a series of new paroles and family reunification programs, while imposing a restrictive asylum policy at the U.S.-Mexico border”); Cerin, Haitians Struggle to Access a New Path to the U.S. (reporting that violence, including by police officers, has broken out at passport centers and that “police officers and passport officials are charging people more than the official prices for passports”). There are also reports that “the facial recognition technology in the application process . . . doesn’t register darker skin tones easily,” making it more difficult for darker-skinned Haitians to complete their applications. Id. Those who are able to apply for the program are faced with a large backlog of cases, forcing them to choose between waiting in Haiti at grave risk to their lives or resorting to desperate measures to flee on their own. Charles, Ortiz-Blanes & Torres, How Nicaragua is helping – and charging – Haitians who want to reach the United States.


439 See, e.g., Final report of the Panel of Experts on Haiti at ¶ 63 (reporting that some deportees from the United States are members of armed groups). See also The Border Where Different Rules Apply (reporting that protections are not in place for unaccompanied children returned to Haiti: “Last year, the Coast Guard stopped tracking the “reception agency” in each country, because according to the Department of Homeland Security, the U.S. government has set up rules establishing which agencies take these children and no longer needs to track them on a case-by-case basis. . . . But the official with one of the other agencies involved in the processing of returned and deported Haitians at the Cap-Haitien port . . . said that children have departed the port with adults and with older children without any agency confirming they have an actual relationship or connection.”).

440 See, e.g., HRC, Findings of the appointed expert on the situation of human rights in Haiti at ¶ 51; The Border Where Different Rules Apply.

441 See Oct. 2023 Report of the UN Secretary-General at ¶ 51 (reporting that the IOM provided assistance to just 1,858 returnees from July to October – less than five percent of all migrants returned during this period); HRW, “Living a Nightmare” (“IOM assistance only reaches 1 percent of migrants and asylum seekers due to a lack of financial resources.”). See also The Border Where Different Rules Apply (“One man [returned to Haiti via the port in Cap-Haitien] said he feared he would be killed if he left Cap-Haitien for his home in Port-au-Prince. After he ran through the roughly $50 the U.N. agency gave each of the returnees, which he used for a hotel, he did go back and was attacked on the street as he traveled to a hospital, he said, to get medicine for his daughter.”).

442 According to information shared by Executive Director of Alternative Chance, Michelle Karshan, one of the individuals returned to Haiti as part of this deportation was Guy Philippe, who was sentenced to prison for money laundering by a U.S. federal judge in 2017 and also has “an outstanding warrant [in Haiti] stemming from a 2016 fatal attack on a police station in the southern coastal city of Les Cayes.” No such warrants have been made public for the other 16 deportees, making their detention alongside Philippe unlawful. All 17 deportees were released without any public explanation regarding further envisioned proceedings for Philippe, who has previously benefited from institutional impunity borne of political connections. See also Evens Sanon, Authorities in Haiti hold former rebel leader Guy Philippe after US repatriated him, AP NEWS (Dec. 1, 2023), https://apnews.com/article/haiti-guy-philippe-us-eb4a97bd77b45c4f63be542a8345ac06.
Canada focused on preventing sexual violence in Haiti as military intervention looms


452 See supra note 37.


454 UNSC, Resolution 2699 (2023) ¶ 1, UN Doc. S/RES/2699 (2023) (Oct. 2, 2023), https://digitallibrary.un.org/record/4022890?ln=en. Resolution 2699 was submitted by the United States and Ecuador and passed with 13 in favor and 2 abstaining (China, Russian Federation). The resolution was issued under the UNSC’s Chapter VII authority, which requires a finding of a threat to international peace and security.

Nations African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist

security

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https://undocs.org/Home/Mobile?FinalSymbol=A%2F78%2F181&Language=E&DeviceType=Desktop&Lang

2023),


acceptable by UN states. See also OAS, SP/RES.1237 (2469/23) (Nov. 17, 2023), available at: https://www.haitilibre.com/docs/res-1237-2469-23-en.pdf (OAS resolution from November 17 calling for member state contributions to the MSS).


458 UNSC, S/RES/2699 (2023) at ¶ 1.


460 See, e.g., Haitian Civil Society Open Letter to the Members of the UN Security Council (Sep. 12, 2023), available at: https://www.ijdh.org/open_letters/haitian-civil-society-open-letter-to-the-members-of-the-un-security-council/ (letter from 68 primarily Haitian civil society organizations and individuals opposing intervention); Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations (letter from ten Haitian civil society and human rights organizations opposing intervention); Frantcllyn B. Geffrard, Des organisations politiques, sociales et personnalités haïtiennes opposées à tout déploiement de
force multinationale en Haïti... RHI News (Aug. 12, 2023), https://www.rhinews.com/actualites/des-organisations-politiques-sociales-et-personnalites-haitiennes-opposees-a-tout-deploiement-de-force-multinationale-en-haiti/ (letter from 67 Haitian civil society organizations and individuals stating their dismay that Kenya would agree to lead a multinational force into Haiti); Crise : Les gangs armés utilisés pour légitimer une éventuelle occupation étrangère d’Haïti, révèlent plusieurs organisations et personnalités, ALTERPRESSE (Aug. 10, 2023), https://www.alterpresse.org/spip.php?article29550 (letter from the same 67 Haitian organizations and individuals calling on the Russian Representative to the UNSC to reject a multilateral security force in Haiti); Joseph, BAI Letter to CARICOM Regarding Proposed International Intervention in Haiti (BAI letter to the Secretary-General of CARICOM stating concerns regarding the proposed international intervention in Haiti). See also Haitian Organizations Against Intervention Tracker, IDH (last updated Oct. 4, 2023), https://docs.google.com/document/d/1o8I5pGoNrfEx9qH7txpDEC5MhD5S_dJ67TzyA30rL/8/edit (last visited Dec. 10, 2023) (identifying 71 Haitian civil society organizations that have joined public statements against intervention).


463 See, e.g., Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations; Crise : Les gangs armés utilisés pour légitimer une éventuelle occupation étrangère d’Haïti, révèlent plusieurs organisations et personnalités. In October 2022, Haiti’s then-remaining senators requested that Henry postpone the implementation of the resolution requesting an armed intervention on the ground that, among other issues, the resolution “is an illegal administrative act” which “is akin to an attempt by an illegitimate, unpopular and increasingly contested Government to resort to foreign forces to maintain itself in power at all costs and thus delay Haiti’s return to constitutional and democratic order.” Le sénat demande un sursis à l’exécution de la décision du gouvernement de faire déployer des troupes étrangères en Haïti, ALTERPRESSE (Oct. 10, 2022), https://www.alterpresse.org/spip.php?article28694. A group of Haitian lawyers summoned Henry “to appear before the court of Port-au-Prince, accusing the government of acts of treason and violation of the Haitian constitution for requesting the presence of a foreign force on Haitian soil.” Juhakenson Blaise, Haitian lawyers against armed force summon Henry on treason, constitutional “betrayal” claims, HAITIAN TIMES (Nov. 9, 2023), https://haitiantimes.com/2023/11/09/haiti-government-treason-henry/.

464 See, e.g., NHEAON & FANM in Action, National Haitian American Elected Officials Network (NHAEON) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti: Haitian Civil Society Open Letter to the Members of the UN Security Council; Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations; Crise : Les gangs armés utilisés pour légitimer une éventuelle occupation étrangère d’Haïti, révèlent plusieurs organisations et personnalités; Geffrard, Des organisations politiques, sociales et personnalités haïtiennes opposées à tout déploiement de force multinationale en Haïti...; Joseph, BAI Letter to CARICOM Regarding Proposed International Intervention in Haiti; Crise : La société civile d’Europe appelle l’Union européenne à appuyer une nouvelle gouvernance en Haïti (in a letter to the European Union, the Europe-Haiti Coordination notes that “[t]he sending of this umpteenth mission of international troops... instead of attacking the root of evil, only strengthens the government that led the country to the hellish state in which it finds itself today”). See also A New Occupation Force? Haitians Denounce U.N. Vote to Deploy U.S.-Backed, Kenyan-Led Troops, DEMOCRACY NOW! (Oct. 4, 2023), https://www démocracynow.org/2023/10/4/haiti_united_nations_forces (in an interview with Democracy Now, Haitian-American professor Mamyra Prosper says that “[t]his is not the first time that the Security Council has voted to send what Haitians are calling an occupation force... These missions don’t really come in, in fact, to protect the population. They are there to protect multinational investments.”); Jonathan M. Katz, Here we go again?, THE RACKET (Oct. 3, 2023), https://theracket.news/p/here-we-go-again (“[A]s even several of the members who voted for the resolution noted, there was little on the table to address what Brazilian ambassador Sérgio França Danese called the “underlying causes of violence and instability” in Haiti.”).

465 Haitian Civil Society Open Letter to the Members of the UN Security Council; Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations; Joseph, BAI Letter to CARICOM Regarding Proposed International Intervention in Haiti. Although the UNSC Resolution authorizing the MSS includes language calling for safeguards against the types of harms that occurred with peacekeeping missions to Haiti in the past, there are serious implementation questions that will determine whether protections and
recourse are meaningfully available, especially with the MSS operating outside of the UN system. See, e.g., Beatrice Lindstrom, Will a New Foreign Security Force for Haiti Embrace Accountability?, JUST SECURITY (Oct. 23, 2023), https://www.justsecurity.org/89648/will-a-new-foreign-security-force-for-haiti-embrace-accountability/.


466 Many of the letters and statements from Haitian civil society and human rights organizations rejecting intervention cite the unremedied harms of past interventions – including civilian massacres, widespread sexual exploitation and abuse, and a deadly cholera epidemic – as a primary reason for their opposition. See supra notes 450.


470 On October 9, Ekuuru Aukot, Miruru Waweru, and Thirdway Alliance Kenya filed a lawsuit in Kenya’s High Court to oppose the deployment of Kenyan police as part of the MSS on constitutional grounds. Petition by Ekuru Aukot, Miruru Waweru & Thirdway Alliance Kenya before the High Court at Nairobi (Oct. 6, 2023), available at: https://jfdh.org/wp-content/uploads/2023/11/Petition-6.10.2023_p.pdf. The argument was heard on

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471 See, e.g., *Oct. 2023 Report of the UN Secretary-General* at ¶ 5 (describing efforts by BINUH and the UN Development Programme to support the HCT – set up pursuant to the December Accord – in implementing the its proposed political, constitutional, and electoral reforms); Final report of the Panel of Experts on Haiti at ¶¶ 13-15 (describing the December Accord as “the most consensual effort to date” and praising its provisions around the rapid organizing of elections and reforms to Haiti’s constitution while dismissing corresponding civil society concerns regarding its “legitimacy and legality”). The use of “consensus” in the name of the December Accord is misleading, as the document does not reflect a meaningful consensus and was not the product of an inclusive dialogue. See, e.g., Jean Daniel Sénat, *D’importants partis politiques n’ont pas signé l’accord du 21 décembre*, LE NOUVELLEISTE (Dec. 30, 2022), https://lenouvelliste.com/article/239815/dimportants-partis-politiques-nont-pas-signe-laccord-du-21-decembre (“[M]ajor political parties have not signed the agreement or are categorically opposed to it.”); *Haiti-Crise : La signature d’un document dit de consensus national, une démarche démagogique et partisane, selon plusieurs secteurs*, ALTERPRESSE (Dec. 23, 2022), https://www.alterpresse.org/spip.php?article28919; *Human Rights Groups Tell UN High Commissioner for Human Rights He Must Choose Haiti’s Rule of Law Over the De Facto Government’s Accord*, IJDH (Feb. 8, 2023), https://www.ijdh.org/press_release/human-rights-groups-tell-UN-high-commissioner-for-human-rights-he-must-choose-haitis-rule-of-law-over-the-de-facto-governments-accord (“Not a single party that won more than 1% in Haiti’s last Presidential elections has signed the Accord, and a broad swath of Haitian civil society has condemned it as a transparent power grab by a de facto government that lacks a single elected official.”); HRW, *“Living a Nightmare”* (“The Montana Group and key human rights organizations and civil society representatives were either not invited to the discussions or did not sign on to the final declaration.”). See also *IJDH June 2023 Update* at 4.


473 See, e.g., *A Word...with Jason Johnson: Haiti on the Brink*: Secretary Blinken and Haitian Prime Minister Ariel Henry Before Their Meeting, U.S. DEPARTMENT OF STATE (Jul. 5, 2023), https://www.state.gov/secretary-blinken-and-haitian-prime-minister-ariel-henry-before-their-meeting/ (expressing the United States’ support for Henry’s “efforts to develop an inclusive, broad-based consensus”). See also HRW, *“Living a Nightmare”* (describing continued support from “Haiti’s main international partners, including the United Nations Integrated Office in Haiti (BINUH) and the US government” for Henry over the broad-based civil society transition initiative known as the Montana Accord, which Henry and his close allies did not join). In contrast to effective public silence in response to Henry’s insincerity and repeated avoidance of meaningful dialogue and compromise, see supra notes 142-44, international actors have sharply criticized Haitian civil society actors who point out that Henry has demonstrated himself not to be a credible partner in any transition and have called for his resignation as a condition for agreement. See, e.g., *Haiti - CARICOM : The Group of mediators disappointed by their last visit to Haiti*, HAITI LIBRE (Sep. 12, 2023), https://www.haitilibre.com/en/news-40483-haiti-carcicom-the-group-of-mediators-disappointed-by-their-last-visit-to-haiti.html (expressing disappointment “that the tone of the discussions [in Kingston] had hardened and that the positions of some stakeholders had regressed significantly, reflected in the strident calls for the resignation of the Prime Minister”).
See, e.g., NHEAON & FANM in Action, National Haitian American Elected Officials Network (NHEAON) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti; https://www.jidih.org/2023/02/rule-of-law/enough/; Malley, UN Closer To Approving Armed Intervention To Secure Haiti; Jacques Ted St Dic, As Haiti’s Henry Refuses Checks on Power, the US Should Aid Efforts to Build True Democracy, JUST SECURITY (Sep. 7, 2023), https://www.justsecurity.org/82968/as-haitis-henry-refuses-checks-on-power-the-us-should-aid-efforts-to-build-true-democracy/.

See, e.g., Sanders, Haiti urgently needs a genuine and representative transitional government (“After three days of a failed meeting from 11 to 13 June in Jamaica – which Henry had to be cajoled to attend – it was obvious that he has no interest in genuine power sharing.”); Chris François & Jake Johnston, Haiti News Round-up: Political and Civil Society Leaders Meet in Jamaica, CEPR (Jun. 13, 2023), https://cepr.net/haiti-news-round-up-political-and-civil-society-leaders-meet-in-jamaica/ (reporting that international pressure was necessary for Henry to continue participating in a three-day summit between political and civil society stakeholders to find a solution to Haiti’s governance crisis, after he left the consultations after his opening remarks).

See supra notes 142-44.

The UN, the U.S. government, and independent experts have documented significant weapons trafficking into Haiti from the United States (particularly Miami), at least in part due to looser gun laws in the United States. See, e.g., Final report of the Panel of Experts on Haiti at ¶ 87 (“The illicit trafficking of arms and ammunition to Haiti is one of the primary drivers of the expansion of territorial control by gangs and the extreme levels of armed violence in the country and represents a threat to regional stability. The Panel is of the view that disrupting the flows of arms and ammunition into the country should be a priority for the Haitian authorities and Member States in the wider region and that the targeted arms embargo provisions should be urgently and robustly reinforced.”); id. at ¶ 96 (“On the basis of research and on-site observations by the Panel in Haiti, the majority of firearms and ammunition in circulation in the country are either manufactured and/or originally purchased in the United States.”); id. at ¶¶ 88-91, 97, 99-101, 103 (also noting that guns trafficked to Haiti from the Dominican Republic often originate in the United States); id. at ¶ 102 (reporting that a recent driver of illicit firearm flows from the United States are ghost guns, which are privately made firearms that are not serialized, untraceable, and mostly unregulated); The Caribbean is awash with illegal American guns, THE ECONOMIST (Oct. 5, 2023), https://www.economist.com/the-americas/2023/10/05/the-caribbean-is-awash-with-illegal-american-guns; Public Safety in Haiti: Now and Tomorrow, CSIS (Jun. 8, 2023), https://www.csis.org/events/public-safety-haiti-now-and-tomorrow (former UN Special Representative for Haiti Susan D. Page and UN Expert on Human Rights in Haiti William O’Neill criticized the U.S. government for not doing more to stop the flow of weapons into Haiti); UN Office on Drugs and Crime, Haiti’s criminal mark mapping trends in firearms and drug trafficking 18 (2023), https://www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf.

See Press Statement, U.S. Department of State, UN Security Council Resolution on Haiti (Oct. 20, 2023), https://www.state.gov/un-security-council-resolution-on-haiti/ (these include “using new criminal authorities in the Bipartisan Safer Communities Act to identify and hold firearms traffickers accountable;” creating a Department of Justice Coordinator for Caribbean Firearms Prosecutions, announced in June; “supporting the regional Crime Gun Intelligence Unit in Trinidad and Tobago to help Caribbean partner nations solve gun-related crime cases, deter gun crimes in the region and bring criminals to justice;” and “partnering with Homeland Security Investigations to create a Transnational Criminal Investigative Unit within Haiti to facilitate investigations and prosecution of transnational crimes, including those with a U.S. nexus”).

See, e.g., Tim Padgett, A bizarre arms trafficking case in Haiti leaves scars in South Florida, WLRN (Dec. 1, 2023), https://www.wlrn.org/americas/2023-12-01/arms-trafficking-haiti-south-florida (noting that two individuals accused of complicity in a scheme to traffic weapons from the United States to Haiti have been charged in Haiti, but not in the United States).

See The Caribbean is awash with illegal American guns (“But there is a limit to what American agencies and Caribbean governments can do while weapons are so readily available in the United States.”). These initiatives are further reminiscent of U.S. government programs to limit the flow of weapons into Mexico, which remains unabated and is the subject of a lawsuit against the U.S. government. See Chantal Flores, Are U.S. Gun-Makers Responsible for Violence in Mexico?, FOREIGN POLICY (Oct. 24, 2023), https://foreignpolicy.com/2023/10/24/mexico-united-states-guns-arms-trafficking-lawsuit/.

UNSC, Resolution 2700 (2023), UN Doc. S/RES/2700 (2023) (Oct. 19, 2023),
https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2700(2023)&Language=E&DeviceType=Desktop
&LangRequested=False. See also IJDH, Foreign Sanctions Against Haitian Individuals (December 2020 - Present);
supra notes 15-16.

482 See IJDH, Sanctioned Haitian Individuals Associated with the Pati Ayisyen Tèt Kale (PHTK) Party (listing sanctioned individuals with substantiated connections to the PHTK).

483 Sanctions: Grave breach of international peace and security in Haiti (former officials Gracia Delva and Prophane Victor; armed group leaders Lanmo Sanjou, Vitél’Homme Innocent, and Johnson Andre; and businessmen Andre Apaid, Marc Antoine Acra, Carl Braun, and Jean Marie Vorbe were sanctioned for participating in “gross and systematic human rights violations in Haiti and engaged in acts that threaten the peace, security, and stability of Haiti”).

484 Press Release, UNSC, Security Council 2653 Sanctions Committee Adds 4 Entries to Its Sanctions List (Dec. 8, 2023), https://press.un.org/en/2023/sc15520.doc.htm. See also Onu-Sanctions : Mise en garde contre toute éventuelle omission de noms de présumés financeurs de gangs en Haïti, ALTERPRESSE (Oct. 30, 2023), https://www.alterpresse.org/spip.php?article29803 (reporting that several Haitian organizations and individuals “express their fears about the possible publication of a list that is incomplete . . . due to the fact that millions would have been paid to lobbyists in order to remove their names from this list”)

485 RNDDH, Crise sécuritaire et situation des personnes déplacées internes en Haïti at 12 (finding that the sanctions regime does not appear to have had any concrete impact on armed actors).

486 The Panel of Experts issued its final report, see Final report of the Panel of Experts on Haiti, and the UN Expert on Human Rights in Haiti issued his interim report (with the final due early next year), see HRC, Findings of the appointed expert on the situation of human rights in Haiti. See also supra notes 15-16.


488 See, e.g., HRW, “Living a Nightmare” (“Haitian and international human rights organizations and civil society representatives say that BINUH, like other international representatives in Port-au-Prince, has not adequately recognized or addressed the allegations that the governments of the late President Moïse and current Prime Minister Henry have undermined the rule of law and perpetuated political instability and insecurity by failing to enable the creation of a transitional government to organize elections and through corruption and links with criminal groups.”).