



## **Human Rights and Rule of Law in Haiti: Key Recent Developments**

**November 2020 through May 2021**

The seven month period following IJDH's October 2020 *Human Rights and Rule of Law in Haiti* update<sup>1</sup> has been marked by increasing authoritarian actions by the government that have furthered concerns for the rule of law,<sup>2</sup> including an unconstitutional exercise to change the constitution through referendum.<sup>3</sup> A remarkable number of people in Haiti, including civil society groups,<sup>4</sup> have courageously demonstrated against the continuation of the democratic crisis and have demanded respect for the rule of law.<sup>5</sup> Many of these widespread demonstrations have been suppressed by the police through violent means<sup>6</sup> while catastrophic insecurity, primarily comprised of attacks against civilians by armed actors and kidnappings, continues.<sup>7</sup> Threats to judicial independence<sup>8</sup> and impunity for these and other human rights violations<sup>9</sup> additionally contribute to a deteriorating economic situation that frustrates the enjoyment of peoples' economic, social, and cultural rights.<sup>10</sup>

On January 5, 2021, the Administration used an executive decree to empower the Provisional Electoral Council (CEP) – already viewed as unlawful by many – to schedule a constitutional referendum, expressly forbidden by Haiti's constitution, along with legislative, presidential, local, and municipal elections.<sup>11</sup> Haiti's 1987 constitution sets out a mechanism for constitutional revision via legislature, stating clearly in Article 284.3 that “[g]eneral elections to amend the Constitution by referendum are strictly forbidden.”<sup>12</sup> The CEP itself was established extraconstitutionally in September 2020, never fulfilling Article 135.1 and 194.2 after Haiti's Supreme Court deemed it unconstitutional.<sup>13</sup> Though the Administration has postponed the referendum,<sup>14</sup> civil society continues to call for a complete cancellation on the basis of its unconstitutionality.<sup>15</sup>

On February 7, 2021 the Moïse Administration executed several arrests,<sup>16</sup> later deemed wrongful by an appeals court,<sup>17</sup> over an alleged coup.<sup>18</sup> These arrests, occurring while the President and his Administration were contesting Article 134 of Haiti's constitution and whether the President's term is scheduled to end on February 7, 2022 or already ended February 7, 2021,<sup>19</sup> were widely perceived as political.<sup>20</sup> The actions of the Administration and President's continued rule by decree in the absence of a Legislature<sup>21</sup> have been heavily contested,<sup>22</sup> and Haiti's civil society has clearly expressed that free, fair, and credible elections cannot be organized under the current administration – given its undermining of the rule of law,<sup>23</sup> the widespread insecurity disproportionately affecting voters in marginalized communities,<sup>24</sup> specific security issues related to the election including the leader of the gang federation *G9 an Fanmi* allegedly threatening civil war if the referendum does not pass,<sup>25</sup> controversies surrounding voter identification cards and eligible voter lists,<sup>26</sup> and the administration's current lack of credibility in the eyes of many of Haiti's citizens due to impunity, failures of accountability, and the alleged implication of the President in the misappropriation and misuse of PetroCaribe funds, which remains a significant backdrop and one of the drivers of the current situation.<sup>27</sup> These concerns are newly compounded by a resurgence of COVID-19 in the country even as Haiti has yet to receive a single dose of the vaccine as of June 11, 2021.<sup>28</sup> Civil society actors continue to call for a structured transition to restore democratic order.<sup>29</sup>

Human rights lawyers and advocates in Haiti from the *Bureau des Avocats Internationaux* (BAI), the *Réseau National de Défense des Droits Humains* (RNDDH), the *Fondasyon Je Klere* (FJKL), the *Fédération des Barreaux d'Haïti* (FBH), the *Centre d'analyse et de recherche en droits de l'homme* (CARDH), and others from Haiti's civil society, have respectively raised concerns over the past year that the socio-political situation constitutes a grave threat to human rights and the rule of law—with a significantly weakened judiciary and legislative branch, decrees that have reconfigured the country's legal code and institutions, a promulgation of unconstitutional exercises that undermine the foundation of the country's democratic order, and repeated failures of accountability that embolden impunity and corruption.<sup>30</sup>

### **Antidemocratic and authoritarian government conduct**

- Moïse failed to ensure legislative elections in 2019, and on January 13, 2020, announced that the terms of all deputies and senators, except 10, had expired with no replacements.<sup>31</sup> Ruling by executive decree since January 2020, Moïse has issued over forty executive decrees several of which have unilaterally altered and created laws or appointed officials without the constitutionally required parliamentary approval.<sup>32</sup> His decrees have also introduced criminal and civil penalties for citizens and businesses.<sup>33</sup>
- Throughout the period November 2020 – May 2021, Moïse issued several decrees, including those to: redefine domestic terrorism in Haitian law;<sup>34</sup> create a new national intelligence agency, which prompted the country's human rights ombudsman (OPC) to review and provide recommendations that were only partially adopted;<sup>35</sup> remove and then appoint three judges on Haiti's Supreme Court;<sup>36</sup> and allow Haiti's military to operate on domestic territory jointly with the Haitian National Police (PNH) after a police raid into a marginalized neighborhood left four police officers dead.<sup>37</sup>
- Haitian lawyers and constitutional experts, including the Federation of Haitian Bar Associations,<sup>38</sup> the *Conseil Supérieur du Pouvoir Judiciaire* (CSPJ), Haiti's official judicial oversight body,<sup>39</sup> and the Chair on Constitutionalism in Haiti and Rector of Quisqueya University,<sup>40</sup> all separately evaluated that Moïse's presidency ended on February 7, 2021. A remarkable cross-section of Haiti's civil society publicly supported this view.<sup>41</sup>
- On February 7, Judge Yvickel Dieujuste Dabrésil of Haiti's Supreme Court was arrested along with more than seventeen others over an alleged coup,<sup>42</sup> which multiple human rights groups immediately denounced as violating Haitian law's prohibitions on arrest without warrants and arrest at night without an active crime in progress.<sup>43</sup> Justice Dabrésil was released in February based on legal provisions governing arrests and detention of Supreme Court judges,<sup>44</sup> and on March 24, 2021, Haiti's Appeals Court ordered the release of the seventeen people arrested who were still detained, basing its decision on Haiti's habeus corpus law governing unlawful detentions.<sup>45</sup>
- Haiti's civil society and legal community have consistently cited Article 284.3 of Haiti's constitution to argue that the proposed referendum would expressly violate existing provisions in the country's current constitution.<sup>46</sup> Of additional concern, the May draft of the proposed document for vote<sup>47</sup> not only would reshape institutional structures and consolidate additional power in the Executive,<sup>48</sup> but it has been developed through a process that has been non-transparent, non-participatory, and, most concerningly, unlawful.<sup>49</sup>
- Despite the credible concerns voiced by the country's population that free, fair, credible elections are impossible under the current administration,<sup>50</sup> and despite criticizing the Administration's use of executive decrees,<sup>51</sup> the international community has maintained a policy position and support to the Moïse Administration to organize elections planned for September and November 2021.

The OAS deployed a mission from June 8-10 to “facilitate a dialogue that would lead to free and fair elections.”<sup>52</sup> While the US and UN continue to articulate support for “free and fair” elections in 2021, they have now come out against the referendum through an April 13 statement from BINUH and with statements by the US Department of State on May 18, May 24, and June 9.<sup>53</sup> Notably, sixty-nine US congresspersons, including the Chair of the Committee on Foreign Affairs, sent the US Secretary of State a letter on April 24, 2021 demanding that, beyond the US publicly stating that it will not support a constitutional referendum, the US “not provide any support, financial or technical, to facilitate the proposed constitutional referendum, including through multilateral institutions.”<sup>54</sup>

### **Threats to the effectiveness and independence of the judicial system**

- Judge Renor Regis was attacked in his car in November 2020 shortly after issuing a written order for the production of evidence relating to allegations of the First Lady’s knowledge of the assassination of Monferrier Dorval, before it was reported. Dorval was the former head of the Port-au-Prince Bar who was killed in August 2020.<sup>55</sup> Judge Regis reported experienced death threats in January 2021 shortly after another arrest of a suspect in the Dorval case was made.<sup>56</sup> Journalists reported at the end of May 2021 that Judge Regis was set to interview key witnesses, including the former Prime Minister and the current First Lady.<sup>57</sup>
- In January 2021, President Moïse decided to not renew the mandates of three judges against the recommendation for continued service and favorable review by the CSPJ.<sup>58</sup> Haiti’s Professional Association of Magistrates (*Association Professionnelle des Magistrats /APM*) issued a statement on January 26 explaining how all three judges presided over cases that involved allegations implicating the President and members of his Administration and relating to either the La Saline Massacre or PetroCaribe corruption.<sup>59</sup> The non-renewal of these three mandates has now left the cases stalled at this time.<sup>60</sup>
- On February 8, after arresting Supreme Court Judge Dabrézil over the alleged coup, Moïse used a decree to remove Justice Dabrézil and two other judges from Haiti’s Supreme Court even though Article 177 of Haiti’s constitution makes them irremovable absent a “legally determined abuse of authority,”<sup>61</sup> a condition not present in any of the three removals.<sup>62</sup> On February 11, Moïse appointed three replacements outside of constitutional procedure.<sup>63</sup> Shortly thereafter, the Office of the United Nations High Commissioner for Human Rights (OHCHR) released a statement on attacks on judicial independence in Haiti.<sup>64</sup>
- Beginning on February 15 and lasting through April, judges went on strike over chronic underfunding, poor working conditions, and executive interference.<sup>65</sup> Work stoppages due to the strikes and insecurity blocking access to the courts have led to the suspension of cases, backlogs in civil and criminal courts, and an exacerbation of prolonged pre-trial detention.<sup>66</sup>
- Attorneys and advocates in the Grand-Anse area of Haiti asserted that improper exercises of judicial and prosecutorial discretion were enabling crimes against women, girls, and their children.<sup>67</sup>

### **Violence against protesters**

- Widespread and multi-sector demonstrations continued to face repression by police agents, including the shooting of James Pierrin, a student at the State University of Haiti who was shot during a demonstration in January and only survived after emergency surgery.<sup>68</sup> IJDH’s review of journalists’ coverage of public demonstrations during our reporting period revealed at least

eighteen instances of police use of tear gas (November 4 and 18, 2020; December 10, 2020; January 17, 19, 20, 21, and 27; February 3, 9, 10, 14, 21 and 22; March 3 and 29; April 15 and 29) and at least eleven instances where the PNH used live ammunition against assemblies and demonstrations (November 18, 2020; January 17, 19, 20 and 27; February 3, 9, 10, 14 and 22; April 29).<sup>69</sup> In January, local human rights organization RNDDH detailed the ongoing political repression of demonstrators.<sup>70</sup>

- The appointment of PNH chief Leon Charles in mid-November, outside of the law governing such appointments, raised concerns among human rights organizations due to his previous tenure as chief of police in 2004-2005 when he was alleged to have repeatedly ordered police to use force stop political demonstrations.<sup>71</sup> After Charles' re-appointment, state violence against demonstrators continued undeterred, insecurity continued to increase, and a failed police raid into Village de Dieu in March further undermined confidence in the State's ability to secure Haitians right to life.<sup>72</sup>
- On January 20, while announcing the release of a report condemning violence against protesters in Haiti from 2018-2019 by the Moïse Administration, OHCHR spokesperson Marta Hurtado stated that the political tension around the referendum and election "raises concerns of renewed human rights violations by security forces during the policing of protests as seen during the months-long protests in 2018 and 2019, as well as during demonstrations in October and November of last year."<sup>73</sup>
- In its March statement, the UN Security Council noted with concern "reported violations and abuses of international human rights, including those involving the alleged use of deadly force against protesters."<sup>74</sup> It called on the government to "to respect freedom of expression and freedom of association, and for the Haitian National Police Inspector General to conduct a thorough investigation of these incidents."<sup>75</sup>

### **Violence against journalists and human rights defenders**

- On February 8, 2021, journalist Alvarez Destiné was shot in the hand and Méus Jeanril shot in the stomach as police and military officers used live ammunition to disperse a protest against the Administration.<sup>76</sup> That same week, police shot tear gas canisters into Radio-TV Pacific's truck while it was clearly marked and carrying journalists displaying their press credentials.<sup>77</sup>
- From December 2020 to May 2021, journalists suffered violent attacks from state authorities while covering demonstrations against the Moïse regime, including being shot with live ammunition, tear gas canisters, and rubber bullets.<sup>78</sup> In November 2020 and February 2021, media reported that violence against journalists, ongoing impunity for perpetrators, and Moïse's decrees on domestic terrorism increased the chilling effect on investigative journalism and the expression of opinions opposed to those of the administration.<sup>79</sup>
- In February, the Administration drew public statements of condemnation from the InterAmerican Commission for Human Rights (IACHR) as well as the International Federation of Journalists and the Committee to Protect Journalists,<sup>80</sup> and Moïse was criticized for attempting to justify the Administration's violence against the press by arguing that terrorists were disguising themselves as journalists.<sup>81</sup>
- In its 2021 World Press Freedom Index, Reporters Without Borders cited intimidation and violence against journalists to lower Haiti four places since 2020, to 87th out of 180 countries ranked.<sup>82</sup> And in March, the OAS Special Rapporteur for Freedom of Expression published his annual report noting continuing "trends of attacks and threats directed against the media in Haiti."<sup>83</sup>

## Deteriorating security situation

- Since our last update, kidnappings and insecurity involving armed gangs have continued to increase—with repeated instances of mass violence in marginalized neighborhoods, involving shootings, burnings, rapes, and house destruction that has left at least thousands displaced.<sup>84</sup> The mass violence repeatedly involved the *G-9 an Fanmi* gang alliance,<sup>85</sup> though other armed gangs such as *400 Mawozo* or *5 Segond* have also been implicated in kidnappings and insecurity.<sup>86</sup> Haitian civil society continued to allege collusion between the G-9, led by former police officer Jimmy Chérizier, and state actors in the Moïse Administration to sow insecurity in marginalized neighborhoods that were sources of escalating demonstrations against the Administration.<sup>87</sup>
- RNDDH reported that massacres by the G9 in Bel-Air and Cité Soleil between August 2020 and May 2021 killed 125 people—with 23 women killed, 31 people kidnapped or disappeared, 168 houses burned, and 428 children orphaned.<sup>88</sup> In June 2021, the UN reported that mass violence in Port-au-Prince had left at least 10,000 people internally-displaced in a little over a year’s time.<sup>89</sup> The UN reported on June 8, 2021 that least a thousand had been displaced over a seventy-two hour period after gun battles and house burnings, particularly in and around Martissant, Cité-Soleil and Bel-Air, and the government of Haiti confirmed on June 11, 2021 that at least 1,500 people were staying at an emergency center at the Carrefour Sports Center after having been displaced recently from the Martissant/Fontamara area.<sup>90</sup>
- The kidnapping and murder in Port-au-Prince of a twenty-two year old woman who had just passed her final examination to graduate high school gained international attention in November 2020,<sup>91</sup> and kidnappings continued to terrorize people in Haiti from November through May 2021.<sup>92</sup> CARDH identified 796 kidnappings in 2020<sup>93</sup> and reported a 300% increase in kidnappings in April 2021 as compared to March 2021.<sup>94</sup> Witnesses told journalists that people wearing PNH uniforms and driving state vehicles were implicated in kidnappings,<sup>95</sup> and the coordination between the government and kidnappers in the case of the return of a Dominican film crew in February fueled further speculation that the Administration was working with kidnappers.<sup>96</sup>
- In May, the Moïse Administration announced it had negotiated a two-month truce between gangs,<sup>97</sup> and human rights lawyers from RNDDH and CARDH raised concerns of ongoing collusion between the government and gangs, this time with a negotiated truce just long enough to secure peace before Moïse’s desired referendum, which had been scheduled for June prior to its postponement.<sup>98</sup> Despite the announced ceasefire, a leader of the G-9 was alleged to have made threats of civil war via social media if the referendum did not pass and also personal death threats to human rights attorney, Pierre Esperance of RNDDH;<sup>99</sup> the CEP acknowledged in May that many polling locations are inaccessible because of pervasive violence that has escalated under Moïse;<sup>100</sup> and armed gangs began targeting police stations for attacks in June 2021, with RNDDH reporting that the G-9 was responsible for nine of the attacks.<sup>101</sup>

## Pervasive impunity for serious human rights violations

- In December 2020, two ex-officials of the Moïse Administration were sanctioned by the US for their involvement in the November 2018 La Saline massacre.<sup>102</sup> The two officials, Fednel Monchéry and Richard Duplan only left office in September 2019 following public pressure amidst revelations that both officials had been indicted in official reports from investigative police earlier

in April 2019.<sup>103</sup> Monchéry was arrested on February 13, 2021 for improper license plates and then freed,<sup>104</sup> and he and Duplan remain free.<sup>105</sup> Chérizier, also sanctioned by the US, continues to move freely in public while being implicated in subsequent mass violence.<sup>106</sup>

- The UN Secretary General in February highlighted how “[t]he lack of protection by the State, including the lack of accountability for human rights abuses committed by prominent gang members, especially those who were already the subject of national police warrants, such as Jimmy ‘Barbecue’ Chérizier, fueled the recurring cycle of violence.”<sup>107</sup> The Secretary General noted a lack of accountability for massacres in Grand Ravine in 2017, La Saline in 2018, and Bel-Air in 2019.<sup>108</sup> In March, the UN Security Council issued a resolution on Haiti stressing “the urgency of accountability for human rights violations and abuses” and “call[ing] on the government of Haiti to take immediate action to end impunity for those responsible.”<sup>109</sup> The alleged perpetrators of these crimes, however, still remain free.
- Massacre survivors in Haiti continued to call for an end to ongoing impunity in these cases.<sup>110</sup> On January 15, human rights lawyers, including BAI’s Mario Joseph, activists, and survivors spoke to AyiboPost about the lasting impact of the Raboteau Massacre and the ongoing harm created by the impunity for those convicted, such as Jean Robert Gabriel who currently serves in Haiti’s army despite convictions *in absentia* over the Raboteau Massacre.<sup>111</sup> Also in January 2021, survivors of the November 2019 massacre in Bel-Air recounted how the absence of justice has created ongoing harms.<sup>112</sup>
- Founded in October 2020,<sup>113</sup> the *Observatoire Haïtien de Crimes Contre l’Humanité en Haïti* (OHCCH) released a report on April 22, 2021 with Harvard Law School’s International Human Rights Clinic concluding that, based on publicly available evidence of the 2018 La Saline Massacre, the November 2019 Bel-Air Massacre and the 2020 Cité Soleil Massacre, there is a reasonable basis to conclude that actors in the current regime have, along with non-state actors, committed crimes against humanity—with Moïse potentially carrying liability under the command responsibility doctrine.<sup>114</sup>
- Moïse said he is using decrees to combat gangs and insecurity, but the results and the uneven application of the rule of law under his Administration have significantly undermined his credibility on the issue with many within Haitian civil society.<sup>115</sup> The lack of trust was highlighted after a failed police raid that some PNH officers allege was intentionally planned to fail by PNH leadership due to political motivations.<sup>116</sup>
- No meaningful accountability for PetroCaribe corruption has been realized, and Moïse issued a decree in November to limit the oversight power of Haiti’s Superior Court of Auditors and Administrative Disputes (CSCCA), the organization that has detailed PetroCaribe corruption. Civil society continued to call for justice and accountability.<sup>117</sup> Meanwhile, Transparency International released its 2020 corruption perception index in which Haiti now ranks 170th out of 180 because of its lack of progress towards any accountability over government corruption.<sup>118</sup>
- As reported in IJDH’s last update and discussed at the IACHR hearing in December,<sup>119</sup> the government has continued to fail to take steps to prosecute those responsible for serious human rights violations under the Jean-Claude Duvalier administration or to recover over 120 million dollars that the Duvalier family stole from Haiti’s public funds.<sup>120</sup>

### **Accountability for international actors**

- Media has reported on lobbying efforts by the Moïse Administration.<sup>121</sup> In January 2020 and February 2021, the US, the OAS, and the UN articulated support that Moïse’s mandate extends

through February 7, 2022,<sup>122</sup> a position strongly criticized by local civil society and individuals.<sup>123</sup> A wide array of voices from diverse sectors have outlined how this iteration of Haiti's socio-political crisis, and the undermining of Haiti's democracy, stems from policies that exert undue influence of international actors and prioritization of short-term stability over acknowledging and engaging with country-led knowledge, perspectives, and long-term solutions.<sup>124</sup>

- In November 2020, the UN Special Rapporteur on Extreme Poverty and Human Rights criticized the UN's continued refusal to acknowledge any legal responsibility for its introduction of cholera to Haiti and ruling out any requests for compensation for damages suffered by victims.<sup>125</sup> On December 31, 2020, UN Secretary-General Guterres announced the end of the mandate of the UN Special Envoy for Haiti, Josette Sheeran, with no indication that the position will be replaced, raising serious concerns about the viability of implementation efforts of the UN's New Approach to Cholera in Haiti, including individual compensation to victims.<sup>126</sup>
- In April, the UN's Office of Internal Oversight Services released a report revealing the lack of criminal and civil accountability system-wide for acts of sexual exploitation and abuse (SEA).<sup>127</sup> Through a judgment from a Jacmel court issued in March 2021, the BAI secured a child support order against a UN peacekeeper who had impregnated and abandoned a Haitian woman.<sup>128</sup> The claim faced significant hurdles to move forward over three years, including because the UN failed to provide necessary evidentiary documentation directly to the courts in accordance with Article 52 of the Status of Forces Agreement between the UN and the Government of Haiti.<sup>129</sup>

### **Deteriorating social and economic rights landscape**

- According to the Haitian Institute of Statistics and Informatics (IHSI), for the first time in twenty years, the economy in Haiti experienced negative growth for two consecutive fiscal years (-1.7% in 2019 and -3.3% in 2020).<sup>130</sup> IHSI attributed the contraction to structural weaknesses in Haiti's economy, the socio-political crisis, and the effects of the global contraction due to the pandemic.<sup>131</sup>
- The deteriorating economic conditions affected peoples' lives in drastic ways: increasing inflation persisted;<sup>132</sup> thousands of families lost their savings due to the volatility and unreliability of credit unions;<sup>133</sup> businesses experienced reduced sales and cash flow problems;<sup>134</sup> and families relied more on remittances to Haiti, which increased as the economy lagged and kidnappings rose.<sup>135</sup>
- In May, Haiti's National Food Security Council confirmed that 4.4 million Haitians were food insecure as Haiti continued to struggle with domestic agricultural production.<sup>136</sup>
- Insecurity forced multiple medical facilities across Haiti to sporadically close and frustrated access to care while facilities faced hardships due to Haiti's economic difficulties.<sup>137</sup>
- COVID-19 cases began rising in Haiti in May with more dangerous global variants of the virus B.1.525 and P.2 present.<sup>138</sup> Though Haiti is a member of the UN COVAX program,<sup>139</sup> Haiti had yet to receive any vaccines at the time of publication.<sup>140</sup>
- Insecurity and the socio-political crisis have frustrated people's access to education, with many schools forced to close due to changing and unsafe conditions.<sup>141</sup> After an eight year old girl was shot while attempting to go to school in January 2021, the United Nations Children's Fund demanded that the government of Haiti confront insecurity so that the right to education was not denied.<sup>142</sup> In March, public school teachers threatened a strike due to lack of pay.<sup>143</sup> The National Conference of Haitian Educators announced on May 17 that public school teachers had not been paid in April and called for the state to take better care of all, including teachers.<sup>144</sup>
- During the pandemic, only 5.6% of families in Haiti were able to continue their children's education through distance learning, as reported by the UN in May 2021.<sup>145</sup>

- Throughout our reporting period, multiple organizations in Haiti denounced increases in gender-based violence during the pandemic and as a result of widespread insecurity, including *Solidarité Fanm Ayisyèn, Kay Fanm, Fanm Deside, Rezo Fanm Radyo Kominotè Ayisyen, Réseau des Femmes Organisées de Jacmel, Mouvman Fanm Volontè an Aksyon, Fanm Yo La, Nègès Mawon* and *Operasyon Tèt Ansanm*.<sup>146</sup> UNICEF reported that, from September 2021 to February 2021, violence against women and children in Haiti increased by 62% versus its previous reporting period.<sup>147</sup>

### Activity and outlook of BINUH / UN

In June 2021, the UN Security Council will meet to review and discuss the Secretary-General's report on BINUH. In October, it will decide whether to renew its mandate in Haiti. The international community continues to support Moïse's stay in power and to call on Haiti to hold elections this year in order to resolve the crisis, despite concerns from Haiti's civil society and mounting evidence of its logistical constraints within the proposed timeframe. The recommendations from IJDH's last update remain highly relevant.<sup>148</sup> In addition to focusing on making amends for its own past violations of Haitians' human rights in order to gain legitimacy amongst the population, the UN and other international actors can support human rights and the rule of law in Haiti by centering the perspectives of Haiti's marginalized majority and both acknowledging and engaging with concerns extensively documented and raised by local civil society and individuals of authoritarian and anti-democratic conduct of the current administration, in respect of the Human Rights Council's resolution on civil society space.<sup>149</sup>

Specifically, as it continues its role as negotiator, the UN should give meaningful consideration of the clear demands emerging from Haiti's civil society and the people of Haiti for a socio-political "Rupture,"<sup>150</sup> not a change in one leader or administration but a structural reorientation in national and international governance after the last thirty years of democratic transition, nearly half of which have been spent with a UN peacekeeping presence.<sup>151</sup> Moving forward with an unconstitutional referendum or elections under the current administration, which lacks legitimacy, is procedurally problematic, substantively troubling, and creates a real legitimacy risk going forward which may undermine its credibility and the rule of law for years to come. The current call from civil society for a proposed transition is understood to be intended to protect the gains made over the last thirty years while improving and accelerating the country's democratic transition.

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<sup>1</sup> Institute for Justice & Democracy in Haiti (IJDH), *Human Rights and Rule of Law in Haiti: Key Recent Developments* (Nov. 2020), <https://www.ijdh.org/2020/11/projects/human-rights-and-rule-of-law-in-haiti-key-recent-developments-2/>; IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments* (Feb. 2020), <https://www.ijdh.org/2020/02/projects/human-rights-and-rule-of-law-in-haiti-key-recent-developments/>; see also IJDH, *Haiti at a Crossroads: An Analysis of the Drivers Behind Haiti's Political Crisis* (May 2019), <http://www.ijdh.org/wp-content/uploads/2019/05/IJDH-Report-Haiti-at-a-Crossroads-May-2019.pdf>.

<sup>2</sup> See Jacqueline Charles, *Slew of presidential decrees have some wondering if Haiti is on the road to dictatorship*, Miami Herald (Dec. 21, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article247954080.html>; see also *infra* notes 31-54 and associated text.

<sup>3</sup> See Jocelerme Privert, "La volonté manifeste du Président Moïse de changer l'actuelle constitution de 1987 et d'en adopter une nouvelle, en dehors de ses attributions, est une menace pour la démocratie," selon l'ex-président provisoire, Jocelerme Privert., Le Réseau Haïtien de l'Information (RHInews) (May 30, 2021), <https://www.rhinews.com/opinion/la-volonte-manifeste-du-president-moise-de-changer-lactuelle-constitution-de-1987-et-den-adopter-une-nouvelle-en-dehors-de-ses-attributions-est-une-menace-pour-la-democratie-selon/>;



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Edwidge Danticat, *Haitians are at an impasse over the country's future*, The New Yorker (Feb. 19, 2021), <https://www.newyorker.com/news/news-desk/haitians-are-at-an-impasse-over-the-countrys-future>; Yamiche Alcindor, *Haiti endures an 'assault on democracy' as Moise clings to power*, PBS Newshour (June 2, 2021), <https://www.pbs.org/newshour/show/haiti-endures-an-assault-on-democracy-as-moise-clings-to-power>.

<sup>4</sup> In international forums and media, Haiti's civil society is often characterized as or alongside "Haiti's opposition" or "Haiti's opposition movement." Here, for the purposes of clarity in this update, IJDH has excluded official political parties and formal representatives of political parties from our use of the term "civil society." Otherwise, IJDH relies on the UN Human Rights Council's prior usage of civil society, and the groups cited as civil society hereafter are representative of that usage. See Human Rights Council, *Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned*, UN Doc. A/HRC/32/20, (Apr. 11, 2016), <https://undocs.org/A/HRC/32/20>; see also, UN Office of the High Commissioner for Human Rights (OHCHR), *Civil Society Space and the United Nations Human Rights System: A Practical Guide for Civil Society*, [https://www.ohchr.org/Documents/AboutUs/CivilSociety/CS\\_space\\_UNHRSysstem\\_Guide.pdf](https://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSysstem_Guide.pdf) (defining civil society as "individuals and groups who voluntarily engage in forms of public participation and action around shared interests, purposes or values that are compatible with the goals of the UN: the maintenance of peace and security, the realization of development, and the promotion and respect of human rights.").

<sup>5</sup> See Amy Wilentz, *After a Decade of Misrule, the People of Haiti Have Had Enough*, The Nation (Mar. 1, 2021), <https://www.thenation.com/article/world/haiti-moise-corruption-protest/>; Arvind Dilawar, *Haiti's Massive Protests Are a Repudiation of Authoritarianism and US Intervention: an interview with Kim Ives*, Jacobin (Mar. 5, 2021), <https://www.jacobinmag.com/2021/03/haiti-protests-us-intervention-jovenel-moise>.

<sup>6</sup> *Id.*; see also *infra* notes 68-75 and associated text.

<sup>7</sup> See RNDDH, *Massacres à Bel-Air et à Cité Soleil sous le regard indifférent des autorités étatiques*, para. 3 (May 2021), <https://web.rnddh.org/wp-content/uploads/2021/05/2-Rap-Bel-Air-Cit%C3%A9-Soleil-2020.2021-20-Mai-2021-FR.pdf> [warning: includes graphic evidence of the killings and burning]; Andre Paultre & Sarah Marsh, *Haiti's New Epidemic*, News Americas Now (Apr. 27, 2021), <https://newsamericasnow.com/caribbean-news-haiti-news-latest-epidemic/>; see also *infra* notes 84-101 and associated text.

<sup>8</sup> See Mario Joseph, Presentation at Thematic Hearing Before the Inter-American Commission for Human Rights (IACHR), *La problématique de l'impunité et la dépendance du pouvoir judiciaire Haïtien* (Dec. 10, 2020), <http://www.ijdh.org/wp-content/uploads/2021/01/Prezantasyon-Met-Mario-nan-CIDH-FINAL.pdf>. A video of the hearing is available on the IACHR's YouTube page at the following hyperlink: <https://www.youtube.com/watch?v=FUgzRzOI-BU>. For more resources, see IJDH, *IACHR Public Hearing on Impunity for Human Rights Violations and Lack of Judicial Independence in Haiti* (Dec. 2020), <http://www.ijdh.org/2020/12/projects/iachr-public-hearing-on-impunity-for-human-rights-violations-and-lack-of-judicial-independence-in-haiti/>; see also *infra* notes 55-67 and associated text.

<sup>9</sup> UN Secretary General, *Report of the Secretary-General on the United Nations Mission for Justice Support in Haiti*, UN Doc. S/2021/133, para. 33 (Feb. 11, 2021), <https://undocs.org/S/2021/133>; see also *infra* notes 102-120 and associated text.

<sup>10</sup> *Id.* at para. 45-46; International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>; see also *infra* notes 130-147 and associated text.

<sup>11</sup> *Décret sur le Référendum Constitutionnel*, Le Moniteur, Special No. 1 (Jan. 5, 2021) available at <https://ambassade-haiti.ca/wp-content/uploads/2021/01/Moniteur-2021-05.pdf>; see also Jacqueline Charles, *Haiti has finally come up with a date for elections. But there are concerns*, Miami Herald (Jan. 7, 2021), <https://www.miamiherald.com/article248344290.html>; Jean Daniel Sénat, *Le CEP communique son calendrier pour le référendum constitutionnel et les élections*, Le Nouvelliste (Jan. 7, 2021), <https://lenouvelliste.com/article/224975/le-cep-communique-son-calendrier-pour-le-referendum-constitutionnel-et-les-elections>; *Haïti - Politique : Référendum / Élections calendrier révisé (officiel)*, HaitiLibre (May 31, 2021), <https://www.haitilibre.com/article-33857-haiti-politique-referendum-elections-calendrier-reviser-officiel.html>.

<sup>12</sup> For informal English translation, see Haiti's Constitution of 1987 with Amendments through 2012, ConstituteProject.org, [https://www.constituteproject.org/constitution/Haiti\\_2012.pdf?lang=en](https://www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en). For the original version in French, see La Constitution de la République d'Haïti (1987), [http://www.oas.org/juridico/PDFs/mesicic4\\_hti\\_const.pdf](http://www.oas.org/juridico/PDFs/mesicic4_hti_const.pdf) (establishing in Article 284.3 that «[t]oute Consultation Populaire tendant à modifier la Constitution par voie de Référendum est formellement interdite. »); see also La Constitution de 1987 Amendée (2012), [https://observatoriop10.cepal.org/sites/default/files/documents/la\\_constitution\\_de\\_1987\\_amendee.pdf](https://observatoriop10.cepal.org/sites/default/files/documents/la_constitution_de_1987_amendee.pdf) (showing

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Article 284.3 unchanged by the controversial 2012 amendments and stating that «[t]oute Consultation Populaire tendant à modifier la Constitution par voie de Référendum est formellement interdite. ». See also Georges Michel, *C'est encore la même constitution dictatoriale et le même projet anti-démocratique !*, *Le Nouvelliste* (May 27, 2021), <https://lenouvelliste.com/article/229301/cest-encore-la-meme-constitution-dictatoriale-et-le-meme-projet-anti-democratique>.

<sup>13</sup> See IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments* (Nov. 2020), *supra* note 1 (citing Jacqueline Charles, *Haiti's supreme court declines to swear in election council. Moïse installed them anyway*, *Miami Herald* (Sept. 22, 2020), <https://www.miamiherald.com/news/nationworld/world/americas/haiti/article245930435.html>; Bernard H. Gousse, «M. Moïse, tout Président que vous êtes, vous n'êtes qu'un citoyen», *le rappel de Me Bernard Gousse*, *Le Nouvelliste* (Sept. 28, 2020), <https://lenouvelliste.com/article/221407/m-moise-tout-president-que-vous-etes-vous-netes-quun-citoyen-le-rapelle-me-bernard-gousse>).

<sup>14</sup> See Jacqueline Charles, *Haiti's controversial constitutional referendum is postponed, again*, *Miami Herald* (June 7, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article251906968.html>.

<sup>15</sup> See, e.g., Press Release, Fondasyon Je Klere (FJKL), *Report sine die du réferendum: La FJKL demande d'utiliser les fonds initialement prévus pour cet acte de folie au renforcement de la capacité sanitaire et sécuritaire du pays*. (June 8, 2021), [https://www.fjkl.org.ht/images/doc/7%20FJKL7-Report%20sine%20Die%20du%20r%C3%A9f%C3%A9rendum%20\(1\).pdf](https://www.fjkl.org.ht/images/doc/7%20FJKL7-Report%20sine%20Die%20du%20r%C3%A9f%C3%A9rendum%20(1).pdf); Nou Pap Dòm, *Position Officielle De Noupapdòm sur le Projet de Référendum Inconstitutionnel du Gouvernement de Jovenel Moïse* (June 10, 2021), [https://aa8daa9e-9ecc-447e-819b-c81c17fac56b.filesusr.com/ugd/e35c6a\\_3eeab48ffec246738df3b31c72fa3c17.pdf](https://aa8daa9e-9ecc-447e-819b-c81c17fac56b.filesusr.com/ugd/e35c6a_3eeab48ffec246738df3b31c72fa3c17.pdf).

<sup>16</sup> See Anthony Faiola, *Coup allegations and rival claims to the presidency deepen Haiti's crisis*, *Washington Post* (Feb. 8, 2021), [https://www.washingtonpost.com/world/the\\_americas/haiti-moise-constitutional-crisis/2021/02/08/c7dfbf86-6a15-11eb-9f80-3d7646ce1bc0\\_story.html](https://www.washingtonpost.com/world/the_americas/haiti-moise-constitutional-crisis/2021/02/08/c7dfbf86-6a15-11eb-9f80-3d7646ce1bc0_story.html); Dave Lawler, *Coup claim deepens Haiti's political crisis*, *Axios* (Feb. 8, 2021), <https://www.axios.com/haiti-coup-claim-political-crisis-jovenel-moise-4eed8011-672c-455e-a51b-3336c0fa1edf.html>. February 7 also marked the 30-year anniversary of the day Jean-Claude Duvalier resigned as president and ended the Duvaliers' 29 years in office. See Amy Wilentz, *Haiti: Too Many Presidents, Too Little of Everything Else* (Feb. 9, 2021), <https://www.thenation.com/article/world/haiti-coup-president/>.

<sup>17</sup> Caleb Lefèvre, *Affaire Petit-Bois : la cour d'appel ordonne la libération immédiate de tous les détenus*, *Le Nouvelliste* (Mar. 24, 2021), <https://lenouvelliste.com/article/227647/affaire-petit-bois-la-cour-dappel-ordonne-la-liberation-immEDIATE-de-tous-les-detenus> (describing the Port-au-Prince Court of Appeals March 23 decision to liberate people detained on February 7 based on Haiti's constitutional provisions governing illegal and arbitrary arrests).

<sup>18</sup> Press Release, RNDDH, *State of siege and systematic violation of the civil and political rights of the population: RNDDH demands compliance with the Haitian Constitution* (Feb. 9, 2021), available at [https://drive.google.com/file/d/1RBuZLO8VRt7kUBGQ1EG7\\_eQyKpO4Y-SM/view](https://drive.google.com/file/d/1RBuZLO8VRt7kUBGQ1EG7_eQyKpO4Y-SM/view); [EN DIRECT] 7 février : Haïti sous tension, AyiboPost (Feb. 7, 2021), <https://ayibopost.com/en-direct-7-fevrier-haiti-sous-tension/> (creating a timeline of events and announcements of arrests on February 7); Samuel Celiné, *La longue liste des actions illégales de l'unité qui a mené « l'opération Petit Bois »*, AyiboPost (Feb. 18, 2021), <https://ayibopost.com/la-longue-liste-des-actions-illegales-de-lunite-qui-a-mene-loperation-petit-bois/> (describing how police for the presidential palace participated in the February 7 arrests despite no clear legal basis for their jurisdiction).

<sup>19</sup> See Fédération des Barreaux d'Haïti (FBH), *Resolution 2021-01 Haitian Bar Federation (english version): On the institutional crisis and the end of the presidential term* (Jan. 30, 2021), <https://bdh Haiti.org/archives/754>

<sup>20</sup> See Farah Stockman, *Did a Coup Attempt Really Happen Two Weeks Ago in Haiti?*, *New York Times* (Feb. 23, 2021), <https://www.nytimes.com/2021/02/23/opinion/haiti-coup-jovenel-moise.html>.

<sup>21</sup> See *supra* note 2.

<sup>22</sup> See Monique Clesca, *Haiti's Critical Weeks Ahead*, *Americas Quarterly* (May 20, 2021), <https://www.americasquarterly.org/article/haitis-critical-weeks-ahead/>; see also *supra* notes 14-20.

<sup>23</sup> *Id.*; see also Jacqueline Charles, *Haiti civic leaders and former US diplomat to House Foreign Affairs: 'Haiti is a mess'*, *Miami Herald* (Mar. 12, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article249877598.html>; The Miami Herald Editorial Board, *Stop pushing for elections in Haiti, President Biden. They will only make things worse | Editorial*, *Miami Herald* (May 29, 2021), <https://www.miamiherald.com/opinion/editorials/article251751853.html>; *Poukisa Jovenel Moïse vle chanje konstitisyon an, epi fè eleksyon?*, AyiboPost (May 29, 2021), <https://www.youtube.com/watch?v=EJur-B27hdY> (describing how the lack of three functioning branches of government, controversies over the national identification

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card, and widespread insecurity make it impossible to organize free, fair, and credible elections under the current administration).

<sup>24</sup> See *supra* note 7 and associated text.

<sup>25</sup> *Blessé par balle, Jimmy Barbecue menace de déclencher la guerre civile si le referendum de Jovenel Moïse échoue*, Rezo Nòdwès (May 17, 2021), <https://rezonodwes.com/2021/05/17/blesse-par-balle-jimmy-barbecue-menace-de-declencher-la-guerre-civile-si-le-referendum-de-jovenel-moise-echoue/>; see also Jean Daniel Sénat, *Le coronavirus peut hypothéquer le referendum, affirme le porte-parole du CEP*, Le Nouvelliste (May 25, 2021), <https://lenouvelliste.com/article/229260/le-coronavirus-peut-hypothequer-le-referendum-affirme-le-porte-parole-du-cep>.

<sup>26</sup> See Privert, “*La volonté manifeste du Président Moïse de changer l’actuelle constitution de 1987 et d’en adopter une nouvelle, en dehors de ses attributions, est une menace pour la démocratie*,” selon l’ex-président provisoire, Jocelmer Privert., *supra* note 3; see also Thomas Lalime, *Environ 7.3 millions de personnes en âge de voter en 2021*, Le Nouvelliste (May 10, 2021), <https://lenouvelliste.com/article/228941/environ-73-millions-de-personnes-en-age-de-voter-en-2021>; Germina Pierre Louis, *Le registre référendaire est fermé avec 4.5 millions de potentiels électeurs inscrits*, Le Nouvelliste (Apr. 27, 2021), <https://lenouvelliste.com/article/226436/le-registre-referendaire-est-ferme-avec-4-5-millions-de-potentiels-electeurs-inscrits>; Robenson Geffrard, *2.5 millions d’Haïtiens risquent de ne pas figurer sur les listes électorales, selon l’ONU*, Le Nouvelliste (Feb. 18, 2021), <https://lenouvelliste.com/article/226436/25-millions-dhaitiens-riquent-de-ne-pas-figurer-sur-les-listes-electorales-selon-lonu>.

<sup>27</sup> See *supra* note 23; see also, e.g., *Corruption : La structure citoyenne Nou p ap dòmi souhaite un contrôle administratif et juridictionnel des recettes et dépenses de l’État en Haïti*, AlterPresse (Dec. 9, 2020), <https://www.alterpresse.org/spip.php?article26473#.X9PKChNKiu4>; AFP, *Thousands of Haitians protest, alleging new dictatorship*, France24 (Feb. 15, 2021), <https://www.france24.com/en/live-news/20210215-thousands-of-haitians-protest-alleging-new-dictatorship>; James Beltis & Vélina Charlier, *Fighting for Survival, Building for Power*, NACLA Report on the Americas (Mar. 18, 2021), <https://www.tandfonline.com/doi/full/10.1080/10714839.2021.1891645>; *Mismanagement of pandemic by Haitian President Jovenel Moïse fuels latest protests demanding his resignation*, Peoples Dispatch (May 19, 2020), <https://peoplesdispatch.org/2020/05/19/mismanagement-of-pandemic-by-haitian-president-jovenel-moise-fuels-latest-protests-demanding-his-resignation/>.

<sup>28</sup> See *infra* notes 138-140 and associated text.

<sup>29</sup> See Clesca, *Haiti’s Critical Weeks Ahead*, *supra* note 22.

<sup>30</sup> See Joseph, *La problématique de l’impunité et la dépendance du pouvoir judiciaire Haïtien*, *supra* note 8; see also Pierre Esperance & Rosy Auguste Ducena, *In Haiti’s Political Crisis, US Should Support Democracy and Human Rights*, Just Security (Mar. 11, 2021), <https://www.justsecurity.org/75282/in-haitis-political-crisis-us-should-support-democracy-and-human-rights/>; FKJL, *Rapport : Les décrets portant création, organisation et fonctionnement de l’Agence Nationale d’Intelligence (ANI) et celui pour le Renforcement de la Sécurité Publique menacent-t-ils les droits et libertés fondamentaux? la FKJL fait le point.*, (Dec. 2020), <https://www.fjkl.org.ht/images/doc/FJKL%20-%206%20Rapport%20d’analyse%20du%20decret%20portant%20creation%20de%20l’ANI%206.pdf>; FBH, *Resolution 2021-01 Haitian Bar Federation (english version): On the institutional crisis and the end of the presidential term*, *supra* note 19; *Statement by Mr. Jacques Letang to the UN Security Council, Le Bureau des Droits Humains en Haïti, paras. 2-4* (June 19, 2020), <https://bdhhaïti.org/archives/495>; Centre d’Analyse et de Recherche en Droits de l’Homme (CARDH), Commission Episcopale Nationale Justice de Paix (CE-JILAP), Conseil Haïtien des Acteurs Non-Etatiques (CONHANE), Centre de Recherche et de Formation Economique et Sociale pour le Developpement (CRESFED), Ensemble Contre la Corruption (ECC), Kay Fanm, Nou Pap Dòmĭ, Plateforme des Organisations Haïtiennes de Droits Humains (POHDH), Réseau National de Défense des Droits Humains (RNDDH), Sant Karl Leveque (SKL), Solidarite Fanm Ayisyen (SOFA), Programme pour une Alternative de Justice (PAJ), *Lettre ouverte à Helen Meagher La Lime, Madame la représentant du Secrétaire Général des Nations Unies en Haïti* (Feb. 4, 2021), <https://web.rnddh.org/wp-content/uploads/2021/02/1-LO-BINUH-La-Lime-4Fev2021-FR.pdf>; see also, e.g., Clesca, *Haiti’s Critical Weeks Ahead*, *supra* note 22; AyiboPost & Phillerque Hyppolite, *Chita Pale | « Être jeune ne signifie pas être honnête »*, Etzer Emile, AyiboPost (Apr. 7, 2021), <https://ayibopost.com/etre-jeune-ne-signifie-pas-etre-honnete-etzer-emile/>; AyiboPost & Phillerque Hyppolite, *Chita pale | La vie n’a aucune valeur pour le régime PHTK. Leur unique but c’est de rester au pouvoir*, AyiboPost (Apr. 13, 2021), <https://ayibopost.com/chita-pale-la-vie-na-aucune-valeur-pour-le-regime-phtk-leur-unique-but-cest-de-rester-au-pouvoir/>.

<sup>31</sup> See Charles, *Slew of presidential decrees have some wondering if Haiti is on the road to dictatorship*, *supra* note 2.

<sup>32</sup> *Id.* In November 2020, the Port-au-Prince Bar Association officially and publicly stated that Moïse’s use of decrees was unconstitutional and a degradation of the rule of law. Winnie Hugot Gabriel Duvil, «*Le président commet une usurpation de pouvoirs préjudiciables aux valeurs républicaines*», estime le barreau de Port-au-Prince, Le

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Nouvelliste (Nov. 17, 2020), <https://lenouvelliste.com/article/223270/le-president-commet-une-usurpation-de-pouvoirs-prejudiciables-aux-valeurs-republicaines-estime-le-barreau-de-port-au-prince>. On December 10, 2020, during a national funeral for a renowned lawyer, the head of the Port-au-Prince Bar association, Marie Suzy Legros, publicly criticized President Moïse's excessive use of decrees as outside the rule of law. Ms. Legros also paid tribute to Monferrier Dorval, who she succeeded as head of the bar after he was assassinated in August 2020. Winnie Hugot Gabriel Duvil, *La bâtonnière demande au président Moïse d'arrêter la fabrication de décrets-lois.*, Le Nouvelliste (Dec. 10, 2020), <https://lenouvelliste.com/article/224139/la-battonniere-demande-au-president-moise-darreter-la-fabrication-de-decrets-lois>.

<sup>33</sup> For example, on November 30, 2020, the Moïse Administration issued a decree around pricing of products for consumers and enacting criminal and civil penalties for anyone in violation. Roberson Alphonse, *Affichage des prix en gourdes et marge bénéficiaire, le gouvernement décrète ses désirs*, Le Nouvelliste (Dec. 9, 2020), <https://lenouvelliste.com/article/224091/affichage-des-prix-en-gourdes-et-marge-beneficiaire-le-gouvernement-decrete-ses-desirs>.

<sup>34</sup> *Decret pour le Renforcement de la Sécurité Publique*, Le Moniteur, Special No. 40 (Nov. 26, 2020) available at <https://www.haitilibre.com/docs/decret-ani.pdf>; see also Jake Johnston & Kira Paulemon, *What's Inside Haiti's New Security Decrees: An Intelligence Agency and an Expanded Definition of Terrorism* (Dec. 17, 2020), <https://www.counterpunch.org/2020/12/17/whats-inside-haitis-new-security-decrees-an-intelligence-agency-and-an-expanded-definition-of-terrorism/>.

<sup>35</sup> *Decret Portant Création, Organisation et Fonctionnement de l'Agence Nationale d'Intelligence (ANI)*, Le Moniteur, Special No. 40 (Nov. 26, 2020) available at <https://www.haitilibre.com/docs/decret-ani.pdf>; FJKL, *Un danger réel : La FJKL présente une analyse des décrets de Jovenel (l'Agence Nationale d'Intelligence (ANI) et renforcement sécurité publique*, Tout Haiti (Dec. 16, 2020), <http://www.touthaiti.com/touthaiti-actualites/5651-un-danger-reel-la-fjkl-presente-une-analyse-des-decrets-de-jovenel-l-agence-nationale-d-intelligence-ani-et-renforcement-securite-publique>; Roberson Geffrard, *L'Agence nationale d'intelligence opérationnelle, les adversaires de Jovenel Moïse sous surveillance*, Le Nouvelliste (Jan. 19, 2021), <https://lenouvelliste.com/article/225420/lagence-nationale-dintelligence-operationnelle-les-adversaires-de-jovenel-moise-sous-surveillance>; Roberson Geffrard, *Jovenel Moïse apporte quelques modifications au décret portant création de l'Agence nationale d'intelligence*, Le Nouvelliste (Feb. 4, 2021), <https://lenouvelliste.com/article/226023/jovenel-moise-apporte-quelques-modifications-au-decret-portant-creation-de-lagence-nationale-dintelligence>.

<sup>36</sup> On February 8<sup>th</sup>, the day after arresting Judge Dabrézil, the Moïse administration used a decree to remove Judge Dabrézil, Judge Wendelle Coq Thélot and Judge Joseph Mécène Jean-Louis from the Haiti's Supreme Court. Roberson Geffrard, *Jovenel Moïse met à la retraite les trois juges de la Cour de cassation pressentis pour le remplacer*, Le Nouvelliste (Feb. 9, 2021), <https://lenouvelliste.com/article/226183/jovenel-moise-met-a-la-retraite-les-trois-juges-de-la-cour-de-cassation-presentation-pour-le-remplacer>; Winnie Hugot Gabriel, Ricardo Lambert & Caleb Lefèvre, *Que disent les textes législatifs sur le départ à la retraite des juges de la Cour de cassation ?*, Le Nouvelliste (Feb. 9, 2021), <https://lenouvelliste.com/article/226209/que-disent-les-textes-legislatifs-sur-le-depart-a-la-retraite-des-juges-de-la-cour-de-cassation>; Francklyn B Geffrard, *Jovenel Moïse brandit l'article 136 de la constitution pour justifier la mise à la retraite de 3 juges de la Cour Cassation*, RHInews (Feb. 10, 2021), <https://www.RHInews.com/politique/jovenel-moise-brandit-larticle-136-de-la-constitution-pour-justifier-la-mise-a-la-retraite-de-3-juges-de-la-cour-cassation/>.

<sup>37</sup> On March 15, 2021, after multiple police officers were killed during a failed police raid into a marginalized neighborhood, the President announced that his government had issued a decree that allowed the military and the police to operate jointly on Haiti's territory. Francklyn B. Geffrard, *Jovenel Moïse prend de nouveaux décrets consistant à réviser la loi sur l'Etat d'urgence et habilitant la PHN et les 'FAD'H' à travailler ensemble*, Le Réseau Haïtien de l'Information (RHInews) (Mar. 15, 2021), <https://www.RHInews.com/politique/jovenel-moise-prend-de-nouveaux-decrets-consistant-a-reviser-la-loi-sur-letat-durgence-et-habilitant-la-phn-et-les-fadh-a-travailler-ense/>; Roberson Geffrard, *Jovenel Moïse modifie la loi sur l'état d'urgence et se donne de nouveaux pouvoirs*, Le Nouvelliste (Mar. 17, 2021), <https://lenouvelliste.com/article/227419/jovenel-moise-modifie-la-loi-sur-letat-durgence-et-se-donne-de-nouveaux-pouvoirs>; see also Charles, *Deaths of police in failed Port-au-Prince slum operation spark FreeHaiti hashtag, outrage*, *infra* note 116.

<sup>38</sup> FBH, *Resolution 2021-01 Haitian Bar Federation (english version): On the institutional crisis and the end of the presidential term*, *supra* note 19 (articulating the constitutional basis of the February 7, 2021 interpretation of the end of Moïse's mandate in the Office of the President of Haiti and signed by the heads of over 21 bar associations across Haiti).

<sup>39</sup> Conseil Supérieur du Pouvoir Judiciaire (CSPJ), *Resolution du Conseil Supérieur du Pouvoir Judiciaire (CSPJ) sur la question de l'échéance du mandat constitutionnel du Président de la République*, Son Excellence Monsieur Jovenel

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MOÏSE (Feb. 6, 2021), available at <https://www.haitiwatch.org/home/cspj6feb2021en> (stating the opinion of Haiti's Superior Council of Judicial Power (CSPJ), the body in charge of the administration and control of the judicial powers vested in the constitution, that Moïse's mandate ends on February 7, 2021, even according to the interpretation Moïse applied to Parliament in 2020).

<sup>40</sup> Bernard Gousee & Jacky Lumarque, *Chaire Louis-Joseph-Janvier sur le Constitutionnalisme en Haïti : note sur l'expiration du mandat du président Jovenel Moïse*, Le Nouvelliste (Feb. 10, 2021), <https://lenouvelliste.com/article/226237/chaire-louis-joseph-janvier-sur-le-constitutionnalisme-en-haiti-note-sur-l-expiration-du-mandat-du-president-jovenel-moise>.

<sup>41</sup> CARDH et al., *Lettre ouverte à Madame la Représentante du Secrétaire Général*, supra note 30 (expressing the view of twelve prominent civil society organizations in Haiti that Moïse's constitutional mandate expired on Feb. 7, 2021); BAI, *Le BAI condamne les violations de droits humains par Jovenel Moïse*, Le Nouvelliste (Feb. 10, 2021), <https://lenouvelliste.com/article/226220/le-bai-condamne-les-violations-de-droits-humains-par-jovenel-moise> (confirming BAI's view that February 7, 2021 was the end of Moïse's constitutional mandate; condemning the illegal arrests and denouncing the UN and the OAS for their silence amidst Moïse overstaying his mandate); *The Protestant sector supports the opposition and calls for the transition*, HaitiLibre (Jan. 25, 2021), <https://www.haitilibre.com/en/news-32858-haiti-politic-the-protestant-sector-supports-the-opposition-and-calls-for-the-transition.html> (excerpting a note published by five, representative leaders of Haiti's Protestant community requesting Moïse to respect the February 7, 2021 constitutional end of his mandate); Francklyn B. Geffrard, *La CAMH dénonce des persécutions politiques dont est l'objet son président*, Youri Chevry, RHINews (Feb. 11, 2021), <https://www.rhinews.com/politique/la-camh-denonce-des-persecutions-politiques-dont-est-l-objet-son-president-youri-chevry/> (a coalition of Haiti's former mayors stating February 7, 2021 was the end of Moïse's mandate); Socioprofessionnel les Progressistes Haïtiens, *Les Nations Unies soutiennent une dictature qui planifie des crimes de masse en Haïti*, Mediapart (Feb. 5, 2021), <https://blogs.mediapart.fr/les-invites-de-mediapart/blog/050221/les-nations-unies-soutiennent-une-dictature-qui-planifie-des-crimes-de-masse-en-haiti> (providing the open letter of twenty-one doctors, writers, feminists, historians, and other socio-professionals in Haiti which describes to the international community the socio-political impasse and how Moïse's mandate ended on February 7, 2021).

<sup>42</sup> See supra note 16-20 and associated text.

<sup>43</sup> See, e.g., Robenson Geffrard, *L'arrestation du juge Ivickel Dabrézil est une attaque contre la Cour de Cassation, dénonce la juge Wendelle Coq*, Le Nouvelliste (Feb. 9, 2021), <https://lenouvelliste.com/article/226157/larrestation-du-juge-ivickel-dabresil-est-une-attaque-contre-la-cour-de-cassation-denonce-la-juge-wendelle-coq>; Ricardo Lambert, RNDDH, CARDH, CE-JILAP condamnent « l'arrestation arbitraire », suivie de « tortures » du juge Ivickel Dabrézil, Le Nouvelliste (Feb. 9, 2021), <https://lenouvelliste.com/article/226169/rnddh-cardh-ce-jilap-condamnent-l-arrestation-arbitraire-suivie-de-tortures-du-juge-ivickel-dabresil>; Caleb Lefèvre, *Arrestation d'Ivickel Dabrézil : le CSPJ exhorte à libérer le juge, la Cour de cassation appelle au calme*, Le Nouvelliste (Feb. 9, 2021), <https://lenouvelliste.com/article/226171/arrestation-divickel-dabresil-le-cspj-exhorte-a-liberer-le-juge-la-cour-de-cassation-appelle-au-calme>; Germina Pierre Louis, *Plusieurs associations de magistrats réclament la libération expresse du juge Ivickel Dabrézil*, Le Nouvelliste (Feb. 9, 2021), <https://lenouvelliste.com/article/226164/plusieurs-associations-de-magistrats-reclament-la-liberation-expresse-du-juge-ivickel-dabresil>; Francklyn B. Geffrard, *Le GRADD alarmé de l'option abusive, dangereuse et rétrograde privilégiée par M. Moïse dans son interprétation de la Constitution*, RHInews (Feb. 8, 2021), <https://www.rhinews.com/politique/le-gradd-alarme-de-loption-abusive-dangereuse-et-retrograde-privilegiee-par-m-moise-dans-son-interpretation-de-la-constitution/>; Stevens Jean François, *Vague d'arrestations à Tabarre pour complot contre la sûreté intérieure de l'Etat : La FJKL s'interroge sur la véritable motivation de l'Exécutif*, Le Courrier de la Nation (Feb. 8, 2021), <https://lecourrierdelanation.com/2021/02/08/vague-d-arrestations-a-tabarre-pour-complot-contre-la-surete-interieure-de-letat-la-fjkl-s-interroge-sur-la-veritable-motivation-de-l-executif/>; RNDDH, *Raid, Unlawful Arrests and Arbitrary Detention: RNDDH Demands Immediate Release of Political Prisoners*, (Feb. 8, 2021), <https://web.rnddh.org/wp-content/uploads/2021/02/3-CP-arrestations-7fe%CC%81vrier-2021-08Fev2021-ENG.pdf>; Winnie Hugot Gabriel Duvil, *Affaire Yvickel Dabrézil: « Nous sommes dans l'arbitraire », soutient Me Samuel Madistin*, Le Nouvelliste (Feb. 11, 2021), <https://lenouvelliste.com/article/226289/affaire-yvickel-dabresil-nous-sommes-dans-l-arbitraire-soutient-me-samuel-madistin>; *Haïti-Droits humains : L'Association médicale haïtienne exige la libération immédiate de la Dre. Marie Antoinette Gauthier ainsi que des 16 autres personnes, illégalement détenues depuis le 7 février 2021*, AlterPresse (Feb. 12, 2021), <https://www.alterpresse.org/spip.php?article26692#.YCWf4GhKiM8>; « Non au despotisme ! Oui aux aspirations démocratiques du peuple haïtien », *le cri des femmes*, Le Nouvelliste (Feb. 10, 2021), <https://lenouvelliste.com/article/226221/non-au-despotisme-oui-aux-aspirations-democratiques-du-peuple-haitien-le-cri-des-femmes>.

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<sup>44</sup> See Jacqueline Charles, *Judge arrested in alleged plot to overthrow President Jovenel Moïse : It was a set-up*, Miami Herald (Feb. 18, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article249315755.html>; Jacqueline Charles, *Lawyer: Haiti judge detained in alleged coup plot remains jailed despite release order*, Miami Herald (Feb. 10, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article249170130.html>.

<sup>45</sup> After considering the habeas corpus appeal, the judge determined that the detention was unlawful – notably finding that the arrests took place without a warrant and in the middle of the night, which is expressly prohibited by Haitian law except in the case of an active crime— and ordered the immediate release of all those who had been detained. See *Justice : La Cour d’appel de Port-au-Prince ordonne la libération des 17 prisonnières et prisonniers politiques du 7 février 2021 en Haïti*, AlterPresse (Mar. 24, 2021), <https://www.alterpresse.org/spip.php?article26844#.YFvxPS1h01I>; Germina Pierre Louis, *Attaque du président Jovenel Moïse contre la cour d’appel*, Le Nouvelliste (May 6, 2021), <https://lenouvelliste.com/article/228903/attaque-du-president-jovenel-moise-contre-la-cour-dappel> (describing Moïse’s harsh criticism of the judiciary as a whole following the Court of Appeal’s decision).

<sup>46</sup> See *supra* note 12 and associated text.

<sup>47</sup> For the latest draft of the proposed constitution, see Comité Consultatif Indépendant (CCI), *Avant-Projet de Constitution: Deuxième version* (May 2021), [https://www.haitilibre.com/docs/18052021\\_2AVANTPROJET.pdf](https://www.haitilibre.com/docs/18052021_2AVANTPROJET.pdf). See Comité Consultatif Indépendant (CCI), *Avant-Projet de Constitution: Deuxième version* (May 2021), [https://www.haitilibre.com/docs/18052021\\_2AVANTPROJET.pdf](https://www.haitilibre.com/docs/18052021_2AVANTPROJET.pdf).

<sup>48</sup> See Michel, *C’est encore la même constitution dictatoriale et le même projet anti-démocratique !*, *supra* note 12.

<sup>49</sup> On April 17, 2021, journalists for AyiboPost reported that the independent advisory committee to draft the constitution for the proposed referendum was being heavily influenced by a close advisor to Moïse, Guichard Dore. Samuel Celiné, *The new Constitution Project of Haiti is closely monitored by the National Palace*, AyiboPost (Apr. 30, 2021), <https://ayibopost.com/the-new-constitution-project-of-haiti-is-closely-monitored-by-the-national-palace/>; see also *infra* note 53.

<sup>50</sup> See *supra* note 23 and associated text.

<sup>51</sup> AFP, *Des décrets du président haïtien suscitent l’inquiétude de diplomates le Droit Numérique* (Dec. 12, 2020), [https://www.ledroit.com/actualites/monde/des-decrets-du-president-haitien-suscitent-linquietude-de-diplomates-4501b423f3d8893987e109b275491e4d?utm\\_campaign=ledroit&utm\\_medium=article\\_share&utm\\_source=twitter](https://www.ledroit.com/actualites/monde/des-decrets-du-president-haitien-suscitent-linquietude-de-diplomates-4501b423f3d8893987e109b275491e4d?utm_campaign=ledroit&utm_medium=article_share&utm_source=twitter); Robenson Geffrard, *Le Core Group inquiet après la publication des décrets sur l’Agence nationale d’intelligence et le Renforcement de la sécurité publique*, Le Nouvelliste (Dec. 14, 2020), <https://lenouvelliste.com/article/224206/le-core-group-inquiet-apres-la-publication-des-decrets-sur-lagence-nationale-dintelligence-et-le-renforcement-de-la-securite-publique>; *Haiti - Diplomacy : The Core Group worried about the consequences of 2 decrees*, HaitiLibre (Dec. 13, 2020), <https://www.haitilibre.com/en/news-32516-haiti-diplomacy-the-core-group-worried-about-the-consequences-of-2-decrees.html>; Patrick Saint-Pré, *Concerned about government decree, United States urges Haitian government to hold elections soon*, Le Nouvelliste (Feb. 22, 2021), <https://lenouvelliste.com/article/226625/preoccupes-par-la-gouvernance-par-decrets-les-etats-unis-exhortent-le-gouvernement-haitien-a-organiser-incessamment-des-elections>.

<sup>52</sup> OAS Permanent Council, *Terms of Reference: Good Offices Mission Of The OAS Permanent Council To The Republic Of Haiti Pursuant To Resolution*, OAS Doc. CP/RES. 1168 (2315/21) (May 26, 2021), available at [http://www.oas.org/en/council/CP/documentation/var\\_documents/cpdoc/](http://www.oas.org/en/council/CP/documentation/var_documents/cpdoc/); see also Jacqueline Charles, *Can the OAS help break the political impasse in Haiti? A mission will soon visit*, Miami Herald (May 26, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article251701138.html>.

<sup>53</sup> BINUH, *Statement on Twitter* (Apr. 13, 2021), [https://twitter.com/BINUH\\_UN/status/1381981878866096132](https://twitter.com/BINUH_UN/status/1381981878866096132) (explaining how the constitutional referendum process is not transparent nor inclusive enough for BINUH’s support); Press Release, BINUH, *Communiqué Du Core Group* (Apr. 26, 2021), <https://binuh.unmissions.org/fr/communiqu%C3%A9-du-core-group-2> (identifying insecurity and the ongoing socio-political impasse as impediments to “the implementation of an electoral calendar in a favorable climate.”); Julie J. Chung, Acting Assistant Secretary for U.S. Department of State, *Working Toward a Democratic and Prosperous Haiti: U.S. Views* (May 18, 2021), <https://www.state.gov/working-toward-a-democratic-and-prosperous-haiti-u-s-views/> (remarking that the Moïse Administration has pursued the constitutional referendum “without an inclusive and credible consultative process that fully incorporates civil society.”); United States Mission to the UN, *Readout of a Meeting Between Ambassador Linda Thomas-Greenfield and Haiti’s President Jovenel Moïse* (May 24, 2021), <https://usun.usmission.gov/readout-of-a-meeting-between-ambassador-linda-thomas-greenfield-and-haitis-president-jovenel-moise/> (publishing the US Ambassador’s statement to Moïse that “preparations for the constitutional referendum scheduled for June 27 have not been sufficiently transparent or inclusive.”); Jacqueline Charles, *Biden*

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administration weighs in on Haiti's constitutional referendum: 'We oppose', Miami Herald (June 9, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article251992213.html>.

<sup>54</sup> The letter also calls on the UD Secretary of State to appoint a Special Representative to lead a “top-to-bottom review of U.S. foreign assistance to Haiti.” See Gregory W. Meeks, Hakeem Jeffries, et al., *Letter of 68 US House Representatives to Secretary of State Antony Blinken* (Apr. 26, 2021), <https://foreignaffairs.house.gov/cache/files/8/b/8be30910-b40b-47f7-8eb3-e9d880f7531c/9C6BBC5E33F5B8527436051D2CDEE815.meeks-jeffries-letter-to-secretary-blinken-on-haiti-4.26.21.pdf>; Jacqueline Charles, *Congress: U.S. insistence on 'elections at all costs' in Haiti risks deeper crisis*, Miami Herald (Apr. 26, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article250958209.html>. On May 18, 2021, four members of US Congress formed the Haiti Caucus to create “a turning point in the relationship between the United States and Haiti.” See Press Release, *Demings, Levin, Clarke, and Pressley Announce Formation of House Haiti Caucus* (May 18, 2021), <https://demings.house.gov/media/press-releases/demings-levin-clarke-and-pressley-announce-formation-house-haiti-caucus>.

<sup>55</sup> See Roberson Geffrard, *Attaque contre le véhicule du juge qui enquête sur l'assassinat de Me Dorval*, Le Nouvelliste (Nov. 16, 2020), <https://lenouvelliste.com/article/223189/attaque-contre-le-vehicule-du-juge-qui-enquete-sur-lassassinat-de-me-dorval>; Roberson Geffrard, *L'insécurité au Bicentenaire entrave l'avancement de l'enquête sur l'assassinat de Me Monferrier Dorval* (Dec. 21, 2021), <https://lenouvelliste.com/article/224487/linsecurite-au-bicentenaire-entrave-lavancement-de-lenquete-sur-lassassinat-de-me-monferrier-dorval>; *Affaire Dorval: le conseil de l'ordre des avocats de Port-au-Prince n'en démord pas*, *Transparans* (May 6, 2021), <https://www.transparans.net/actualites/affaire-dorval-le-conseil-de-lordre-des-avocats-de-port-au-prince-nen-demord-pas/>.

<sup>56</sup> *Justice : L'Anamah dénonce des menaces de mort à l'encontre du juge Renord Régis, chargé du dossier d'assassinat, le 28 août 2020, de Me. Monferrier Dorval en Haïti*, *AlterPresse* (Jan. 21, 2021), <https://www.alterpresse.org/spip.php?article26607#.YArs2ehKiM8>.

<sup>57</sup> Roberson Alphonse, *Assassinat de Me Dorval : la première dame Martine Moïse invitée par le juge d'instruction*, *Le Nouvelliste* (May 26, 2021), <https://lenouvelliste.com/article/229291/assassinat-de-me-dorval-la-premiere-dame-martine-moise-invitee-par-le-juge-dinstruction>.

<sup>58</sup> See Winnie Hugot Gabriel Duval, *L'exécutif ne renouvelle pas le mandat de trois juges travaillant sur des dossiers impliquant des proches du pouvoir*, *Le Nouvelliste* (Jan. 28, 2021), <https://lenouvelliste.com/article/225766/lexecutif-ne-renouvelle-pas-le-mandat-de-trois-juges-travaillant-sur-des-dossiers-impliquant-des-proches-du-pouvoir>; Samuel Celiné, *La Justice n'est pas indépendante, malgré l'existence du CSPJ*, *AyiboPost* (Jan. 29, 2021), <https://ayibopost.com/la-justice-nest-pas-independante-malgre-lexistence-du-cspj/>.

<sup>59</sup> See *Haïti-Justice: L'Association professionnelle des Magistrats déplore le non renouvellement des mandats de certains juges*, *Vant Bèf Info* (Jan. 27, 2021), <https://vantbefinfo.com/haiti-justice-lassociation-professionnelle-des-magistrats-deploire-le-non-renouvellement-des-mandats-de-certains-juges/>.

<sup>60</sup> See Samuel Celiné, *Jovenel Moïse écarte 3 juges. Depuis, les dossiers impliquant ses proches sont à l'arrêt.*, *AyiboPost* (May 11, 2021), <https://ayibopost.com/jovenel-moise-ecarte-3-juges-depuis-les-dossiers-impliquant-ses-proches-sont-a-larret/>.

<sup>61</sup> See *supra* note 12.

<sup>62</sup> See Human Rights Watch, *Haiti: Attacks on Judicial Independence: UN Security Council Should Call for Restoring Supreme Court at Upcoming Meeting* (Feb. 22, 2021), <https://www.hrw.org/news/2021/02/22/haiti-attacks-judicial-independence>; NYU School of Law Global Justice Clinic et. al, *Joint Statement from U.S. Human Rights Clinics on the Constitutional and Human Rights Crisis in Haiti* (Feb. 13, 2021), [https://chrgj.org/wp-content/uploads/2021/02/2.13.21\\_Statement\\_by\\_US\\_HR\\_Clinics\\_re\\_Haiti.pdf](https://chrgj.org/wp-content/uploads/2021/02/2.13.21_Statement_by_US_HR_Clinics_re_Haiti.pdf); Roberson Geffrard, *Jovenel Moïse explique la mise à la retraite des trois juges de la Cour de cassation*, *Le Nouvelliste* (Feb. 10, 2021), <https://lenouvelliste.com/article/226251/jovenel-moise-explique-la-mise-a-la-retraite-des-trois-juges-de-la-cour-de-cassation>.

<sup>63</sup> OHCHR, *Press briefing notes on Haiti* (Feb. 21, 2021), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26763&LangID=E>.

<sup>64</sup> *Id.*; see also *Politique : Le Haut-Commissariat aux droits humains des Nations unies condamne les nouvelles attaques du régime de facto contre l'indépendance de la justice en Haïti*, *AlterPresse* (Feb. 19, 2021), <https://www.alterpresse.org/spip.php?article26718#.YDO1us9ueEs>.

<sup>65</sup> See, e.g., Francklyn B. Geffrard, *L'ANAMAH offre sa médiation pour résoudre la crise ayant provoqué le dysfonctionnement de l'appareil judiciaire haïtien*, *RHInews* (Jan. 5, 2021), <https://www.rhinews.com/lanamah-offre-sa-mediation-pour-resoudre-la-crise-ayant-provoque-le-dysfonctionnement-de-lappareil-judiciaire-haitien/>;

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Robenson Geffrard, *Les juges entrent en grève illimitée pour forcer le président Moïse à respecter la Constitution*, Le Nouvelliste (Feb. 13, 2021), <https://lenouvelliste.com/article/226371/les-juges-entrent-en-greve-illimitee-pour-forcer-le-president-moise-a-respecter-la-constitution>; *Petit-Goâve : Total Paralysis of judicial activities*, iciHaiti (Feb. 23, 2021), <https://www.ichaiti.com/en/news-33088-ichaiti-petit-goave-total-paralysis-of-judicial-activities.html>; Francklyn B. Geffrard, *Les tribunaux haïtiens toujours paralysés par la grève des magistrats pour le respect de l'indépendance judiciaire*, RHInews (Mar. 1, 2021), <https://www.rhinews.com/justice/les-tribunaux-haitiens-toujours-paralyses-par-la-greve-des-magistrats-pour-le-respect-de-lindependance-judiciaire/>; Caleb Lefèvre, *Le palais de justice paralysé tant par l'insécurité que par la grève*, Le Nouvelliste (Mar. 17, 2021), <https://lenouvelliste.com/article/227237/le-palais-de-justice-paralyse-tant-par-linsecurite-que-par-la-greve>; Francklyn B. Geffrard, *Paralysie de l'appareil judiciaire : Les magistrats appellent à l'intervention de la Cour de Cassation et sollicitent les bons offices de l'OPC*, Rhinews (Mar. 25, 2021), <https://www.rhinews.com/justice/paralysie-de-lappareil-judiciaire-les-magistrats-appellent-a-lintervention-de-la-cour-de-cassation-et-sollicitent-les-bons-offices-de-lopc/>.

<sup>66</sup> Evens Sanon & Dánica Coto, *Strikes, violence overwhelm Haiti's crumbling judiciary*, AP News (Jan. 28, 2021), <https://apnews.com/article/port-au-prince-prisons-judiciary-latin-america-united-nations-86043172b27e2fa42cd105a097ae3380>; Caleb Lefèvre, *La justice observe une pause*, Le Nouvelliste (May 27, 2021), <https://lenouvelliste.com/article/229308/la-justice-observe-une-pause>.

<sup>67</sup> Judicial actors in the area had already been accused of sexism and failing to apply the law to gender-based crimes and violence. Samuel Celiné, *Le commissaire du gouvernement tout puissant de Jérémie*, AyiboPost (May 1, 2021), <https://ayibopost.com/le-commissaire-du-gouvernement-tout-puissant-de-jeremie/>. A judge's son is accused of rape in at least twelve of the cases. Hervia Dorsinville, *74 adolescentes enceintes dans huit écoles à Beaumont*, AyiboPost (Nov. 8, 2020), <https://ayibopost.com/74-adolescentes-enceintes-dans-huit-ecoles-a-beaumont/>.

<sup>68</sup> Worlgenson Noël, *Panique à l'avenue Christophe, un étudiant de la FASCH grièvement blessé par balle*, Le Nouvelliste (Jan. 27, 2021), <https://lenouvelliste.com/article/225753/panique-a-lavenue-christophe-un-etudiant-de-la-fasch-grievement-blesse-par-balle>.

<sup>69</sup> *Id.*; see also Edrid St Juste, *Nouvelle journée de manifestation pour exiger justice pour Evelyne Sincère*, Le Nouvelliste (Nov. 5, 2021), <https://lenouvelliste.com/article/222854/nouvelle-journee-de-manifestation-pour-exiger-justice-pour-evelyne-sincere>; *Insécurité : Des milliers de citoyennes et citoyens ont défilé à Port-au-Prince contre les actes de criminalité en Haïti*, AlterPresse (Dec. 10, 2020), <https://www.alterpresse.org/spip.php?article26476#.X9O3axNKhN0>; Worlgenson Noël, *Panique à l'avenue Christophe, un étudiant de la FASCH grièvement blessé par balle*, Le Nouvelliste (Jan. 27, 2021), <https://lenouvelliste.com/article/225753/panique-a-lavenue-christophe-un-etudiant-de-la-fasch-grievement-blesse-par-balle>; Hervé Noël, *La police disperse brutalement une manifestation de l'opposition mardi dans la ville des Cayes*, Rezo Nodwes (Feb. 3, 2021), <https://reznodwes.com/2021/02/03/la-police-disperse-brutalement-une-manifestation-de-lopposition-mardi-dans-la-ville-des-cayes/>; *Une manifestation contre la « dictature » dispersée par la PNH*, Le Nouvelliste (Feb. 10, 2021), <https://lenouvelliste.com/article/226235/une-manifestation-contre-la-dictature-dispersee-par-la-pnh>; Jacques Kolo, *La police haïtienne, bras armé du régime de facto, réprime avec violence une manifestation politique*, RHInews (Feb. 11, 2021), <https://www.rhinews.com/politique/la-police-haitienne-bras-arme-du-regime-de-facto-reprime-avec-violence-une-manifestation-politique/>; Amélie Baron, *Haïti: la police réprime une manifestation d'opposants au président*, rfi (Feb. 11, 2021), <https://www.rfi.fr/fr/am%C3%A9riques/20210211-ha%C3%Afti-la-police-r%C3%A9prime-une-manifestation-d-opposants-au-pr%C3%A9sident?ref=tw>; Jacqueline Charles, *Thousands march in Haiti to say 'No to dictatorship' as peaceful protest turned violent*, Miami Herald (Feb. 14, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article249251975.html>; *Droits humains : Un regroupement d'étudiants, dans l'enseignement public et privé, condamne l'usage systématique de balles réelles, par la police, lors de mouvements de protestations en Haïti*, AlterPresse (Feb. 24, 2021), <http://www.alterpresse.org/spip.php?article26739#.YDe0mxNKg1I>; Francklyn B. Geffrard, *Des agents de l'UDMO répriment brutalement un mouvement de protestation contre le kidnapping à Mariani*, RHInews (Mar. 3, 2021), <https://www.rhinews.com/actualites/des-agents-de-ludmo-repriment-brutalement-un-mouvement-de-protestation-contre-le-kidnapping-a-mariani/>; *Droits humains et Politique : Poursuite des mobilisations en Haïti et à l'étranger, pour exiger le respect de la Constitution*, AlterPresse (Mar. 29, 2021), <https://www.alterpresse.org/spip.php?article26863#.YGPcTkhKiRt>; Jacqueline Charles, *A 'Mass for the freedom of Haiti' turned violent, chaotic, with police firing tear gas*, Miami Herald (Apr. 15, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article250704494.html>; *Haiti - FLASH : The Police of Miragoâne behaves like bandits*, HaitiLibre (May 8, 2021), <https://www.haitilibre.com/en/news-33668-haiti-flash-the-police-of-miragoane-behaves-like-bandits.html>. For an in-depth description on harms caused by tear gas, see Amnesty International, *Tear Gas : An Investigation*, <https://teargas.amnesty.org/>.



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<sup>72</sup> Jake Johnston & Kira Paulemon, *Protests, Repression Mark Police Chief's First Week*, CEPR (Nov. 20, 2020) <https://cepr.net/protests-repression-mark-police-chiefs-first-week/>; see also *infra* note 116 and associated text.

<sup>73</sup> Alanah Lockwood, *UN rights office warns of violent uprisings, government crackdowns in Haiti*, Jurist (Jan. 21, 2021), <https://www.jurist.org/news/2021/01/un-rights-office-warns-of-violent-uprisings-government-crackdowns-in-haiti/>. The January report verified at least 60 deaths attributable to violence by state agents during peoples' exercise of the right to free assembly from 2018-2019. OHCHR & BINUH, *Manifestations en Haïti : Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, (2021), [https://binuh.unmissions.org/sites/default/files/2021.01.15\\_rapport\\_manifestations\\_2018-2019.pdf](https://binuh.unmissions.org/sites/default/files/2021.01.15_rapport_manifestations_2018-2019.pdf).

<sup>74</sup> UN Security Council, *Statement by the President of the Security Council*, UN Doc. S/PRST/2021/7, ¶ 8 (Mar. 24, 2021), [https://binuh.unmissions.org/sites/default/files/s-prst-2021-7\\_-\\_statement\\_of\\_the\\_president\\_of\\_the\\_security\\_council\\_on\\_haiti.pdf](https://binuh.unmissions.org/sites/default/files/s-prst-2021-7_-_statement_of_the_president_of_the_security_council_on_haiti.pdf).

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<sup>76</sup> See Jacqueline Charles, *Haitian journalists injured as nation plunges deeper into turmoil amid constitutional crisis*, Miami Herald (Feb. 10, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article249163765.html>.

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<sup>79</sup> *Même dans les médias établis, les bandits influencent l'information en Haïti*, AyiboPost (Feb. 16, 2021), <https://ayibopost.com/meme-dans-les-medias-etablis-les-bandits-influencent-linformation-en-haiti/> also available in English at <https://ayibopost.com/insecurity-coupled-with-impunity-forces-haitian-journalists-to-hide-sensitive>

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<sup>80</sup> *La Fédération Internationale des Journalistes alerte contre la brutalité policière*, Le Nouvelliste (Feb. 11, 2021), <https://lenouvelliste.com/article/226267/la-federation-internationale-des-journalistes-alerte-contre-la-brutalite-policiere>; CPJ, *Journalists Alvarez Destiné and Méus Jeanril shot as police and armed forces disperse protest in Haiti* (Feb. 9, 2021), <https://cpj.org/2021/02/journalists-alvarez-destine-and-meus-jeanril-shot-as-police-and-armed-forces-disperse-protest-in-haiti/>; Press Release, IACHR, *IACHR Concerned About the Political and Institutional Situation in Haiti*, Calls for Dialogue and Respect for Human Rights and the Rule of Law (Feb. 23, 2021), [http://www.oea.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2021/038.asp](http://www.oea.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/038.asp).

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<sup>83</sup> Pedro Vaca Villareal, OAS Special Rapporteur for Freedom of Expression Annual Report of the InterAmerican Commission on Human Rights, p. 249 (2020), <http://www.oas.org/en/iachr/expression/reports/ENGIA2020.pdf>.

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<sup>85</sup> Jacqueline Charles, *Gang attack in Haiti neighborhood leaves bodies, homes charred*, Miami Herald (Apr. 2, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article250400641.html>; Onz Chery, *Battle for Bel Air Turns Fatal as Residents Resist Gang Takeover*, The Haitian Times (Apr. 4, 2021), <https://haitiantimes.com/2021/04/02/battle-for-bel-air-turns-fatal-as-residents-resist-gang-takeover/>; *Violent armed clashes, burned houses, of wounded and dead in Bel-Air*, HaitiLibre (Apr. 3, 2021), <https://www.haitilibre.com/en/news-33394-haiti-flash-violent-armed-clashes-burned-houses-of-wounded-and-dead-in-bel-air.html>; *Troisième massacre perpétré par des gangs à Belair*, AlterPresse (Apr. 2, 2021), [https://www.alterpresse.org/spip.php?article26875#\\_YGsHo2Rue3J](https://www.alterpresse.org/spip.php?article26875#_YGsHo2Rue3J); see also UN Secretary General, *Report of the Secretary-General on the United Nations Mission for Justice Support in Haiti*, *supra* note 9; Press Release, RNDDH, *Position du RNDDH sur les nouvelles attaques meurtrières enregistrées à Bel-Air* (Apr. 7, 2021), <https://web.rnddh.org/wp-content/uploads/2021/04/6-CP-Bel-Air-7Avr2021-1.pdf>.

<sup>86</sup> See Djems Olivier, *The Political Anatomy of Haiti's Armed Gangs*, NACLA Report on the Americas (Mar. 18, 2021), <https://www.tandfonline.com/doi/full/10.1080/10714839.2021.1891648> (estimating that 177 territorial gangs operate in Haiti, with 95 in Port-au-Prince, and “maintain patronage relationships with organized crime and with political and economic sectors.”); Sam Bojarski & Onz Chery, *Experts: Failures of Haiti institutions laid bare amid rising violence*, The Haitian Times (May 18, 2021), <https://haitiantimes.com/2021/05/18/experts-failures-of-haiti-institutions-laid-bare-amid-rising-violence/>; Evens Sanon, *Catholic officials halt activity in Haiti for 9 kidnapped* (Apr. 21, 2021), <https://apnews.com/article/latin-america-haiti-kidnapping-port-au-prince-europe-9cd7e6f7077009e30830f277ece721db>; *À Haïti, un chef de gang mystique, très violent et perturbé*, Le Télégramme (Apr. 15, 2021), <https://www.letelegramme.fr/monde/un-chef-de-gang-mystique-tres-violent-et-perturbe-14-04-2021-12735491.php>.

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<sup>88</sup> See RNDDH, Massacres à Bel-Air et à Cité Soleil sous le regard indifférent des autorités étatiques, *supra* note 7; Roberson Alphonse, *Nouveau carnage à Cité Soleil, une femme enceinte parmi les victimes*, Le Nouvelliste (Apr. 26, 2021), <https://lenouvelliste.com/article/228682/nouveau-carnage-a-cite-soleil-une-femme-enceinte-parmi-les-victimes>; *Criminalité : L'Association des pharmaciens d'Haïti exige la libération de la professeure Marie Josette Malvoisin, kidnappée le samedi 24 avril 2021*, AlterPresse (Apr. 26, 2021), <https://www.alterpresse.org/spip.php?article26955#.YId6ZBNKi3I>.

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<sup>90</sup> *Haiti - Armed clashes : More than 1,500 displaced people, humanitarian assistance is organized*, HaitiLibre (June 11, 2021), <https://www.haitilibre.com/en/news-33947-haiti-armed-clashes-more-than-1-500-displaced-people-humanitarian-assistance-is-organized.html>.

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<sup>101</sup> See RNDDH, 26ème anniversaire de la PNH : Le RNDDH recommande une évaluation en profondeur de l'institution, para. 6 (June 11, 2021), <https://web.rnddh.org/wp-content/uploads/2021/06/3-MiniRap-Anniversaire-PNH-11Juin2021-FR.pdf>; see also Jacqueline Charles, *Haiti police have become targets of gang violence as OAS mission heads to country*, *Miami Herald* (June 8, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article251949298.html>; Roberson Alphonse, *Les gangs mettent Port-au-Prince à genoux*, *Le Nouvelliste* (June 6, 2021), <https://lenouvelliste.com/article/229578/les-gangs-mettent-port-au-prince-a-genoux>.

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<sup>103</sup> See Caleb Lefèvre, *Procès La Saline : où en sommes-nous ?*, *Le Nouvelliste* (Nov. 14, 2019), <https://lenouvelliste.com/article/209107/proces-la-saline-ou-en-sommes-nous>; Mission des Nations unies pour l'appui à la justice en Haïti (MINUJUSTH) & le Haut-Commissariat des Nations unies aux droits de l'homme (HCHD/OHCHR), *La Saline : Justice Pour Les Victimes. L'Etat a L'obligation de Protéger Tous Les Citoyens* (June 2019), [https://minujsth.unmissions.org/sites/default/files/minujsth\\_hcdh\\_rapport\\_la\\_saline\\_1.pdf](https://minujsth.unmissions.org/sites/default/files/minujsth_hcdh_rapport_la_saline_1.pdf); Press Release, IACHR, *A Year After La Saline Massacre, the IACHR Remains Concerned about the Ongoing Political and Institutional Crisis in Haiti*, OAS P.R. No. 305/19 (Nov. 22, 2019), <https://www.oas.org/fr/cidh/prensa/comunicados/2019/305.asp>.

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

<sup>106</sup> See *supra* 84-101 and associated text.

<sup>107</sup> UN Secretary General, *Report of the Secretary-General on the United Nations Mission for Justice Support in Haiti*, *supra* note 9 .

<sup>108</sup> *Id.*

<sup>109</sup> See *supra* note 74 at ¶ 9.

<sup>110</sup> See, e.g., *Massacre de La Saline : deux ans après les lignes n'ont pas bougé*, *Haïti Info Pro* (Nov. 14, 2020), [https://haitiinfospro.com/massacre-de-la-saline-deux-ans-apres-les-lignes-nont-pasbouge/?fbclid=IwAR32AS1S9PM5lh7vVilp--NuJZpnVuImItQuRGF-YJulpJzmNRJGOdyo\\_4](https://haitiinfospro.com/massacre-de-la-saline-deux-ans-apres-les-lignes-nont-pasbouge/?fbclid=IwAR32AS1S9PM5lh7vVilp--NuJZpnVuImItQuRGF-YJulpJzmNRJGOdyo_4); Robenson Geffrard, *Massacre de La Saline deux ans après : toujours pas de justice pour les victimes*, *le Nouvelliste* (Nov. 13, 2020), <https://lenouvelliste.com/article/223181/massacre-de-la-saline-deux-ans-apres-toujours-pas-de-justice-pour-les-victimes>; *Haïti-Droits humains : La plateforme Garr souhaite réparation pour les familles victimes dans les violences au Bel-Air et dans les zones avoisinantes*, *AlterPresse* (Dec. 18, 2021), <https://www.alterpresse.org/spip.php?article26504#.X-DC7dhKg2w>; Francklyn B. Geffrard, *Rony Timothe dénonce*

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<sup>112</sup> See *Temwanyaj viktim Masak nan katye Bèlè*, AyiboPost (Jan. 16, 2021), <https://www.youtube.com/embed/NhRErT7wVx8>.

<sup>113</sup> See Robenson Geffrard, *L'Observatoire de crimes contre l'humanité en Haïti voit le jour...*, Le Nouvelliste (Oct. 21, 2020), <https://lenouvelliste.com/article/222335/observatoire-de-crimes-contre-lhumanite-en-haiti-voit-le-jour>; *Des organismes de défense de droits de l'homme et d'autres personnalités lancent l'Observatoire Haïtien des Crimes contre l'Humanité (OHCCH)*, GazetteHaïti (Oct. 24, 2020), <https://gazettehaiti.com/node/2150>.

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<sup>118</sup> See Patrick Saint-Pré, *Lutte contre la corruption: Haïti continue de perdre des places*, Le Nouvelliste (Feb. 3, 2021), <https://lenouvelliste.com/article/225911/lutte-contre-la-corruption-haiti-continue-de-perdre-des-places>.

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<sup>120</sup> See Human Rights Watch, *Haiti: Move Ahead with Ex-Dictator Case, Don't Let Political Instability Interfere With Justice* (Feb. 19, 2016), <https://www.hrw.org/news/2016/02/19/haiti-move-ahead-ex-dictator-case>; Human Rights Watch, *Haiti's Rendezvous with History: The Case of Jean-Claude Duvalier, III. The Proceedings against Duvalier* (Apr. 14, 2011), <https://www.hrw.org/report/2011/04/14/haitis-rendezvous-history/case-jean-claude-duvalier>; FIDH, RNDDH & CEDH, *Affaire Jean-Claude Duvalier et consorts : « En Haïti, on poursuit l'enquête, pas les criminels »*, p. 28 (Mar. 2018), <https://www.fidh.org/fr/regions/ameriques/haiti/les-complices-de-jean-claude-duvalier-doivent-enfin-repondre-de-leurs>; see also IACHR, *Statement on the Duty of the Haitian State to Investigate the Gross Violations of Human rights Committed during the Regime of Jean-Claude Duvalier*, para. 6 (May 17, 2011), <http://www.oas.org/en/iachr/docs/other/Haiti2011.asp>.

<sup>121</sup> See Kevin McCauley, *Haiti Hires Latin America Advisory Group*, O'Dwyer's (Dec. 23, 2020), <https://www.odwyerpr.com/story/public/15397/2020-12-23/haiti-hires-latin-america-advisory-group.html>; Jacqueline Charles, *Cash-strapped Haiti has an image problem. The government is spending thousands to fix it*, Miami Herald (Apr. 20, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article250769074.html>; Fracklyn B. Geffrard, *ECC scandalisé par les sommes dépensées par Jovenel Moïse pour soigner son image à l'étranger*, RHInews (Apr. 28, 2021), <https://www.rhinews.com/actualites/ecc-scandalise-par-les-sommes-depensees-par-jovenel-moise-pour-soigner-son-image-au-niveau-international/>.

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<sup>125</sup> Olivier De Schutter, *Une décennie gâchée - La responsabilité des Nations unies dans l'épidémie de choléra en Haïti*, *Le Nouvelliste* (Nov. 12, 2020), <https://lenouvelliste.com/article/223119/une-decennie-gachee-la-responsabilite-des-nations-unies-dans-lepidemie-de-cholera-en-haiti>.

<sup>126</sup> BINUH, *Communiqué De Presse* (Dec. 30, 2020), <https://binuh.unmissions.org/fr/communiqu%C3%A9-de-presse>.

<sup>127</sup> UN Office of Internal Oversight Services, *Evaluation of the prevention, response and victim support efforts against sexual exploitation and abuse by United Nations Secretariat staff and related personnel* (Mar. 22, 2021), <https://oios.un.org/inspection-evaluation-reports>.

<sup>128</sup> Paisley Dodds, *Haitian court orders UN peacekeeper to pay child support in landmark case*, *The New Humanitarian* (Mar. 12, 2021), <https://www.thenewhumanitarian.org/news/2021/3/12/UN-peacekeeper-ordered-to-pay-child-support-to-Haitian-mother>; Lillian Perlmutter, *UN Peacekeeper Ordered to Pay Child Support for Baby He Abandoned*, *Vice World News* (Mar. 26, 2021), <https://www.vice.com/en/article/88azpk/un-peacekeeper-ordered-to-pay-child-support-for-haiti-baby-he-abandoned>; Onize Ohikere, *Haiti mandates UN peacekeeper to pay child support*, *World* (Mar. 19, 2021), <https://wng.org/roundups/haiti-mandates-un-peacekeeper-to-pay-child-support-1617222610>; *Jacmel : un soldat de la MINUSTAH condamné à verser une pension alimentaire*, *Rezo Nödwes* (Mar. 9, 2021), <https://reznodwes.com/2021/03/09/jacmel-un-soldat-de-la-minustah-condamne-a-verser-une-pension-alimentaire/>; *Why the UN Has a Sexual Abuse Problem*, *Vice News* (Apr. 26, 2021), <https://www.youtube.com/watch?v=BxVUpGCeyu0>. A copy of the judgment is available at <http://www.ijdh.org/wp-content/uploads/2021/03/Judgement-.pdf>.

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<sup>129</sup> See IJDH & BAI, Open Letter to Assistant-Secretary General Jane Connors (May 29, 2020), <http://www.ijdh.org/2020/05/projects/on-international-day-of-un-peacekeepers-bai-ijdh-demand-answers-to-the-unsapplication-of-functional-immunity-for-victims-of-sea/>; Agreement between the United Nations and the Government of Haiti concerning the Status of Forces of the United Nations Operation in Haiti (“SOFA”), Art. 55 (July 9, 2004), <http://www.ijdh.org/wp-content/uploads/2014/03/MINUSTAH-SOFA-English.pdf>. The UN has yet to establish a clear mechanism for enforcement of the judgment in Uruguay, where the soldier has since returned.

<sup>130</sup> See Jose Flecher, *Situation économique d’Haïti en 2020: Seuls le secteur bancaire et les Assurances ont cru positivement*, Le Nouvelliste (May 12, 2021), <https://lenouvelliste.com/article/228991/situation-economique-dhaiti-en-2020-seuls-le-secteur-bancaire-et-les-assurances-ont-cru-positivement>.

<sup>131</sup> *Id.*; L. Gary Cyprien, *Chute du PIB (-3,3%) en 2020, selon l’IHSI*, Le Nouvelliste (May 2, 2021), <https://lenouvelliste.com/article/228911/chute-du-pib-33-en-2020-selon-lihsi>; *Haiti - FLASH : Deficit of 33.1 billion for the first 6 months of the fiscal year*, HaitiLibre (May 10, 2021), <https://www.haitilibre.com/en/news-33687-haiti-flash-deficit-of-331-billion-for-the-first-6-months-of-the-fiscal-year.html>.

<sup>132</sup> For example, the prices of food and construction materials increased in November, with a bag of rice rising from 1,500 gourdes to 1,800 gourdes, about \$220 to \$270, respectively. Onz Chery, *Residents decry jump in price for food and building materials*, The Haitian Times (Nov. 25, 2020), <https://haitiantimes.com/2020/11/25/residents-decry-jump-in-price-for-food-and-building-materials/>; see also Luc D. Alexis, *L’appréciation de la gourde : une bénédiction ou une malédiction pour le pays?*, Le Nouvelliste (Nov. 11, 2020), <https://lenouvelliste.com/article/222937/lappréciation-de-la-gourde-une-benediction-ou-une-malediction-pour-le-pays>; Joram Moncher, *La population dénonce la hausse spectaculaire des prix.*, Le Nouvelliste (Nov. 24, 2020), <https://lenouvelliste.com/article/223479/la-population-denonce-la-hausse-spectaculaire-des-prix>; Daniel Dorsainvil, Ph.D, *À qui profite l’appréciation de la gourde ?*, Le Nouvelliste (Jan. 18, 2021), <https://lenouvelliste.com/article/225368/a-qui-profite-lappréciation-de-la-gourde>; Thomas Lalime, *Il y a eu «liquidation des dollars américains» sur le marché local des changes, selon Pierre-Marie Boisson*, Le Nouvelliste (Jan. 25, 2021), <https://lenouvelliste.com/article/225606/il-y-a-eu-liquidation-des-dollars-americains-sur-le-marche-local-des-changes-selon-pierre-marie-boisson>; *Haiti - Economy : Inflation 19.2%, prices go up... (December 2020)*, HaitiLibre (Jan. 26, 2021), <https://www.haitilibre.com/en/news-32866-haiti-economy-inflation-192-prices-go-up-december-2020.html>; Ricardo Lambert, *Nouveau passeport, passeport plus cher*, Le Nouvelliste (Jan. 28, 2021), <https://lenouvelliste.com/article/225743/nouveau-passeport-passeport-plus-cher>; *Social : The price of basic products is on the rise*, iciHaiti (Feb. 1, 2021), <https://www.icihaiti.com/en/news-32915-icihaiti-social-the-price-of-basic-products-is-on-the-rise.html>; *AyiboLab: Men poukisa labank refize vann ou plis ke 50 dola ameriken*, AyiboPost (Feb. 1, 2021), <https://ayibopost.com/ayibolab-men-poukisa-labank-refize-vann-ou-plis-ke-50-dola-ameriken/>.

<sup>133</sup> Emmanuel Moïse Yves, *200 000 Haïtiens ont perdu 17 milliards de gourdes. Les propriétaires de coopératives restent impunis*, Ayibopost (Nov. 23, 2021), <https://ayibopost.com/200-000-haitiens-ont-perdu-17-milliards-de-gourdes-les-proprietaires-de-cooperatives-restent-impunis/>.

<sup>134</sup> Diery Marcelin, *L’impact de la Covid-19 sur les entreprises haïtiennes*, Le Nouvelliste (Mar. 1, 2021), <https://lenouvelliste.com/article/226853/limpact-de-la-covid-19-sur-les-entreprises-haitiennes>.

<sup>135</sup> Sam Bojarski, *Remittances to Haiti surged in 2020 as kidnappings, other crises rose*, The Haitian Times (May 14, 2021), <https://haitiantimes.com/2021/05/14/remittances-to-haiti-surged-in-2020-as-kidnappings-other-crises-rose/>.

<sup>136</sup> Worlgenon Noël, *«4.4 millions d’Haïtiens» pataugent dans l’insécurité alimentaire, selon le directeur du CNSA*, Le Nouvelliste (May 7, 2021), <https://lenouvelliste.com/article/228886/44-millions-dhaitiens-pataugent-dans-linsecurite-alimentaire-selon-le-directeur-du-cnsa>. In March, the UN Office for the Coordination of Humanitarian Affairs (OCHA) had stated that “more than 4.4 million Haitians, or about 40% of the population, will require humanitarian assistance in 2021.” UN Office for the Coordination of Humanitarian Affairs, *Haiti: Humanitarian Needs Overview at a Glance - Humanitarian Programme Cycle 2021* (March 2021), available at <https://reliefweb.int/report/haiti/haiti-humanitarian-needs-overview-glance-humanitarian-programme-cycle-2021-march-2021>. See also Jacqueline Charles, *Haiti already had a child hunger problem. Now COVID and gang clashes are making it worse.*, Miami Herald (June 14, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article252052773.html>.

<sup>137</sup> See, e.g., Edrid St Juste, *S.O.S de l’hôpital Saint-François de Sales*, Le Nouvelliste (Jan. 29, 2021), <https://lenouvelliste.com/article/225807/sos-de-lhopital-saint-francois-de-sales>; Médecins Sans Frontières/Doctors Without Borders, *Haiti: Violent clashes block access to MSF hospital*, (Feb. 10, 2021), <https://www.doctorswithoutborders.org/what-we-do/news-stories/news/haiti-violent-clashes-block-access-msf-hospital-burn-care>; Edrid St Juste, *L’hôpital Saint-François de Sales, un patrimoine en grande difficulté*, Le Nouvelliste (Feb. 10, 2021), <https://lenouvelliste.com/article/226089/lhopital-saint-francois-de-sales-un-patrimoine-en-grande-difficulte>; Edrid St Juste, *Affrontements entre gangs à Cité Soleil, MSF contrainte de transférer ses patients*,

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Le Nouvelliste (Feb. 24, 2021), <https://lenouvelliste.com/article/226717/affrontements-entre-gangs-a-cite-soleil-msf-contrainte-de-transférer-ses-patients>; Edrid St Juste, *Affrontements : l'hôpital des grands brûlés de MSF pris au piège*, Le Nouvelliste (Feb. 11, 2021), <https://lenouvelliste.com/article/226292/affrontements-lhopital-des-grands-brules-de-msf-pris-au-piege>. Claudy Junior Pierre, *Kidnapping: arrêt de travail dans les hôpitaux publics universitaires d'Haïti*, Le Nouvelliste (Mar. 2, 2021), <https://lenouvelliste.com/article/226888/kidnapping-arret-de-travail-dans-les-hopitaux-publics-universitaires-dhaiti>; Edrid St Juste, *L'hôpital universitaire Justinien paralyse, les médecins en greve*, Le Nouvelliste (Mar. 16, 2021), <https://lenouvelliste.com/article/227329/lhopital-universitaire-justinien-paralyse-les-medecins-en-greve>.

<sup>138</sup> Jacqueline Charles, *Haiti seemed to have escaped the worst of COVID-19. Now a virus surge is sparking alarm.*, Miami Herald (May 14, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article251407183.html>.

<sup>139</sup> *Id.*

<sup>140</sup> See Andre Paultre & Sarah Marsh, *Coronavirus wave takes Haiti, yet to begin vaccinations, by surprise*, Reuters (June 9, 2021), <https://www.reuters.com/world/americas/coronavirus-wave-takes-haiti-yet-begin-vaccinations-by-surprise-2021-06-09/>; Onz Chéry, *Haiti tries to handle more severe COVID-19 variants, mistrusting public*, Haitian Times (May 27, 2021), <https://haitiantimes.com/2021/05/27/haiti-tries-to-handle-more-severe-covid-19-variants-mistrusting-public/>. The UN's Working Group of Experts on People of African Descent in 2020 had called on the international community, in the response to the COVID-19 pandemic, to proactively mitigate the known effects of systemic racism. The Working Group warned that, otherwise, the global response to the pandemic would "risk deprioritizing people of African descent as a matter of law and policy." See Human Rights Council, *Report of the Working Group of Experts on People of African Descent: COVID-19, systemic racism and global protests*, UN Doc. A/HRC/45/44, para. 14 (Aug. 20, 2020), <https://www.undocs.org/A/HRC/45/44>.

<sup>141</sup> See, e.g., *Haiti - Security : The Ministry of Education condemns kidnappings and attacks on schools*, HaitiLibre (Jan. 25, 2021), <https://www.haitilibre.com/en/news-32856-haiti-security-the-ministry-of-education-condemns-kidnappings-and-attacks-on-schools.html>; Patrick Saint-Pré, *Pour l'économiste Kesner Pharel, Haïti a déjà perdu la bataille de l'éducation de qualité pour tous*, Le Nouvelliste (Jan. 29, 2020), <https://lenouvelliste.com/article/225829/pour-leconomiste-kesner-pharel-haiti-a-deja-perdu-la-bataille-de-leducation-de-qualite-pour-tous>; Anicile Maître, *Des écoles privées de la capitale ferment leurs portes jusqu'au 12 février*, Le Nouvelliste (Feb. 1, 2021), <https://lenouvelliste.com/article/225891/des-ecoles-privées-de-la-capitale-ferment-leurs-portes-jusquau-12-fevrier>; Edrid St Juste, *Les activités scolaires restent paralysées*, Le Nouvelliste (Feb. 3, 2021), <https://lenouvelliste.com/article/225990/les-activites-scolaires-restent-paralysées>; Éducation : Grève d'avertissement, du lundi 19 au vendredi 23 avril 2021, contre la criminalité en Haïti, AlterPresse (Apr. 16, 2021), <http://www.alterpresse.org/spip.php?article26922#.YH13xRNKg1J>.

<sup>142</sup> Ritzamarum Zétrenne, *L'Unicef appelle l'État à garantir la sécurité des enfants sur le chemin de l'école*, Le Nouvelliste (Jan. 28, 2021), <https://lenouvelliste.com/article/225808/lunicef-appelle-letat-a-garantir-la-securite-des-enfants-sur-le-chemin-de-lecole>.

<sup>143</sup> *Haiti - Ultimatum: The education sector under threat of another strike*, Haiti Libre (Mar. 15, 2021), <https://www.haitilibre.com/en/news-33245-haiti-ultimatum-the-education-sector-under-threat-of-another-strike.html>.

<sup>144</sup> *Haïti-Éducation : Un déni total de l'État face à la journée nationale des enseignantes et enseignants, dénonce la Cneh*, AlterPresse (May 17, 2021), <https://www.alterpresse.org/spip.php?article27027#.YKMxu5NKiRs>.

<sup>145</sup> *Haiti - COVID-19 : 86.7% of Haitian children have not benefited from distance education*, HaitiLibre (May 9, 2021), <https://www.haitilibre.com/en/news-33675-haiti-covid-19-867-of-haitian-children-have-not-benefited-from-distance-education.html>.

<sup>146</sup> See *supra* note 67 and associated text; see also, e.g., Edrid St Juste, *Les manifestations en faveur d'Évelyne Sincère continuent à Port-au-Prince*, Le Nouvelliste (Nov. 6, 2020), <https://lenouvelliste.com/article/222904/les-manifestations-en-faveur-develyne-sincere-continuent-a-port-au-prince>; *Droits des femmes : 6 organisations féministes de Port-au-Prince alarmées par les féminicides en Haïti*, AlterPresse (Nov. 28, 2020), <https://www.alterpresse.org/spip.php?article26432#.YMKmQvIKiM9>; *Droits humains : Kay Fanm dénonce les assassinats commandités du pouvoir en place ainsi que les féminicides en Haïti*, AlterPresse (Dec. 10, 2020), <https://www.alterpresse.org/spip.php?article26478#.YJzuXahKiM9>; *Des centaines de femmes ont marché à Jacmel pour dénoncer les violations des droits des femmes et la criminalité en Haïti*, AlterPresse (Mar. 8, 2021), <https://www.alterpresse.org/spip.php?article26775#.YEefj5NKiRs>; Francklyn B. Geffrard, *Les femmes de l'opération Tet Ansanm s'inquiètent de la détérioration de la situation générale du pays*, RHInews (Mar. 8, 2021), <https://www.rhinews.com/politique/les-femmes-de-loperation-tet-ansanm-inquietes-de-la-deterioration-de-la-situation-generale-du-pays/>; Hervia Dorsinville, *Bilan détaillé de la lutte des femmes en Haïti pour 2020* (Jan. 30,



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2021), <https://ayibopost.com/bilan-detaille-de-la-lutte-des-femmes-en-haiti-pour-2020/>; see also *Women protest rising violence and political corruption in Haiti*, Action Aid (Mar. 2, 2021), <https://actionaid.org/news/2021/women-protest-rising-violence-and-political-corruption-haiti>. In November, the Ministry of National Education and Vocational Training announced that at least 73 girls between 14-17 in one region of Haiti became pregnant during the states' COVID-19 lockdowns and noted how this threatened their access to education. Hervia Dorsinville, *74 adolescentes enceintes dans huit écoles à Beaumont*, Ayibopost (Nov. 9, 2020), <https://ayibopost.com/74-adolescentes-enceintes-dans-huit-ecoles-a-beaumont/>.

<sup>147</sup> See *73 enfants et femmes victimes de la violence des gangs en Haïti, depuis le dernier trimestre de 2020, selon l'Unicef*, AlterPresse (Apr. 16, 2021), <http://www.alterpresse.org/spip.php?article26921#.YMKZ4PIKiM->.

<sup>148</sup> See IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments* (Nov. 2020), *supra* note 1, (recommending that the UN “make every effort to support Haiti’s civil society by (i) demanding that all perspectives, including especially those of Haiti’s poorest and most marginalized, have a meaningful seat at the political table; (ii) denouncing and refraining from external pressures for rushed elections that do not conform to Haiti’s constitution; and (iii) ensuring meaningful participation in their government by all Haitian citizens.”).

<sup>149</sup> See *supra* notes 29-54 and associated text; see also Human Rights Council, *Resolution adopted by the Human Rights Council on 1 July 2016: Civil society space*, UN Doc. A/HRC/RES/32/31, para. 10 (July 20, 2016), <https://undocs.org/A/HRC/RES/32/31> (emphasizing “the essential role of civil society in subregional, regional and international organizations, including in support of the organizations’ work, and in sharing experience and expertise through effective participation in meetings in accordance with relevant rules and modalities, and in this regard reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with subregional, regional and international bodies, and their representatives and mechanism”).

<sup>150</sup> See Nou Pap Dòmi, *Message for the nation!: The Solution to the Crisis is Rupture* (Feb. 5, 2021), <https://www.haitiwatch.org/home/npdmessagetothenation>; Forum Société Civile Haïtienne, *Notice of Launch: Commission for Haitian Solution to the Crisis* (May 12, 2021), <https://www.haitiwatch.org/home/commissionforhaitiansolution>; *Position officielle de NouPapDòmi sur le projet de référendum inconstitutionnel de Jovenel Moïse*, *Le Nouvelliste* (June 8, 2021), <https://lenouvelliste.com/article/229642/position-officielle-de-noupapdomi-sur-le-projet-de-referendum-inconstitutionnel-de-jovenel-moise>; see also *supra* note 29 and associated text.

<sup>151</sup> See Wilentz, *After a Decade of Misrule, the People of Haiti Have Had Enough*, *supra* note 5.