Human Rights and the Rule of Law in Haiti: Key Recent Developments
December 2022 through May 2023

Since IJDH’s last Update on Human Rights and Rule of Law in Haiti,1 Haiti’s acute intersecting governance, insecurity, and humanitarian crises have deepened yet further. Already catastrophic insecurity2 continued to grow in incidence, geographic reach, and brutality, and has reached levels associated with armed conflicts.3 Gangs have continued to gain territory,4 deploying increasingly inhumane measures to terrorize and control the population in order to do so, such as massacres; deliberately gruesome violence, including rape and other forms of sexual violence; kidnapping; and destruction of property.5 The ubiquitous violence has brought most normal activities to a halt,6 exacerbating a protracted economic decline marked by a lack of economic opportunity, which is in turn a driver of gang recruitment in the first place.6 This is compounded by a prolonged drought7 and soaring food prices,8 which has brought Haitians to the brink of famine, with growing numbers at “catastrophic” levels of hunger already.9 Drinkable water, healthcare, and many other critical services remain scarce, poor, or unreachable for much of the population.10

The international community has directed much attention towards Haiti in recent months, convening discussions and appointing experts with the stated goal of identifying solutions.11 But international actors continue to support the illegitimate de facto Haitian government, which is directly responsible for the corruption, impunity, and incompetence that underlies almost every component of Haiti’s crises.12 For over a decade, individuals associated with the Pati Ayisyen Tèt Kale (PHTK) have deliberately dismantled Haiti’s democratic institutions, corrupted its accountability mechanisms, and built up gangs as instruments of political violence.13 De facto Prime Minister Ariel Henry, who lacks constitutional authority to govern,14 is a longtime PHTK operative and direct heir to these policies.15 He is kept in power – like the other PHTK-affiliated regimes before him16 – by support from the international community,17 which effectively installed him in the first place.18 In December, Henry put forward the “National Consensus Document for an Inclusive Transition and Fair Elections” (December Accord).19 Haitians broadly reject the Accord as an attempt to consolidate PHTK power through unconstitutional changes to Haiti’s Constitution, unfair elections, and illegal court-packing,20 while the international community lauds it.21 The December Accord is a revised version of a failed proposal Henry put forward in September 2021,22 and has been criticized even by its signatories for failing to live up to promises of inclusive dialogue.23 The persistent international support for Henry enables him to avoid constructive engagement with political and civil society actors that is necessary for resolving Haiti’s crises, and thus further entrenches his illegitimate government.24

The deadly insecurity and humanitarian crises have continued to shrink space for civil society to mobilize and protest,25 even as the situation grows more dire and calls for Henry’s resignation continue.26 Instead, growing desperation and sense of abandonment has driven local community protection groups to take up arms against suspected gang members, resulting in extrajudicial killings, sometimes in collaboration with police.27 Human rights group and journalists report a resulting decline in kidnapping and other gang activities.28 The consequences for rule of law and community reconciliation are potentially devastating.29

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

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

Already catastrophic gang violence has grown more prevalent and increasingly brutal. Daily killings, kidnappings, and rapes impose a state of constant fear. The pervasive insecurity has exacerbated existing economic pressures, which in turn drive gang recruitment as Haitians become increasingly desperate for basic necessities. With violence in homes, on the streets, and at displacement sites, Haitians have nowhere safe to turn. The de facto government continues to collude with gang members, who are allowed to act with impunity. Its failure to protect the population has given rise to a civilian-led self-defense movement – Bwa Kale – to combat gang violence.

Gang violence and related displacement

- Gang violence intensified during the reporting period, reaching areas previously considered safe. There are over 200 gangs operating in Haiti, with seven major gang coalitions. The G9 an Fanmi (G9) and G-Pep gang alliances are responsible for the majority of the violence. Gangs control a significant amount of territory in Port-au-Prince – most public reports place the number at 80 percent or higher – and the rest of the country. The Artibonite Department is also particularly impacted.

- Gang violence, including mass killing, has resulted in the deaths of at least 1,466 people between January and April. According to the UN Integrated Office in Haiti (BINUH), 531 people were killed and 300 injured in gang-related incidents between January 1 and March 15, contributing to a 21 percent rise in the homicide rate in the first quarter of 2023. In April alone, gang members killed over 600 people in Port-au-Prince.

- Gangs are employing increasingly brutal tactics against civilians, including firing indiscriminately from rooftops, burning people alive, raping women and girls, publicizing acts of cannibalism to intimidate rivals, and leaving behind mutilated corpses as warnings to civilians, law enforcement, and other gangs. Gangs’ use of sexual violence as a weapon to terrorize and punish the population has increased further. Residents of gang-controlled neighborhoods are often entirely cut off from critical services as rival groups use roadblocks to place certain neighborhoods under siege. Gang members also routinely hijack commercial and personal vehicles along gang-controlled roads, further impeding freedom of movement and access to critical goods and services.

- As of mid-March, at least 160,000 people had been displaced due to the violence, including 127,977 in the Port-au-Prince metropolitan area alone. According to the International Organization for Migration (IOM), worsening and protracted gang violence accounts for 99 percent of internal displacement in the capital. The use of so-called “slash and burn campaigns,” during which gangs set fire to entire neighborhoods, has been particularly devastating. Flight does not guarantee safety, as gangs – and sometimes police – continue to hunt down, kill, and rape individuals in public squares and on the streets. Most internally displaced persons stay with friends or relatives, but at least one quarter are living in one of the informal displacement sites. These sites are located in open-air spaces, schools, and churches, with people often sleeping on the ground and exposed to the elements. They are overcrowded and lack adequate and gender-segregated water and sanitation infrastructure, which increases vulnerability to disease and infection and exposes women and girls to violence. Women living in these sites have reported being raped and sexually exploited, including by aid workers. There are reports that persons displaced from areas under gang control sometimes face discrimination based on their perceived affiliation with those gangs.

Continuing kidnapping epidemic

- The number of kidnappings in Haiti has increased for the fourth consecutive year. BINUH reported at least 395 kidnappings between January and March, a 12 percent increase from the

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II Translated from Haitian Creole as “peeled stick” or “club.”
previous quarter. The actual number is likely much higher due to underreporting. After a spike in kidnappings in March, incidence slowed dramatically in April and May.

- Gangs continue to kidnap Haitians from across all social sectors. Kidnapping remains a lucrative source of income for gangs, who direct extreme violence at kidnapping victims in an attempt to extract larger ransom payments. Despite disproportionate international media coverage of foreign – particularly white – kidnapping cases, Haitians make up the vast majority of victims.

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

- The de facto government remains unable and unwilling to address ever-growing insecurity. Government officials at all levels continue to collude with gangs and use them as tools to bolster their political power. Police are likewise complicit, according to a former Director General of the Haitian National Police (PNH), every major gang in Port-au-Prince has at least one PNH officer within its ranks.

- Government officials and police continue to be credibly accused of providing vehicles and firearms to gangs and intentionally sabotaging police equipment. Weapons and equipment imported from abroad are often stolen or destroyed. Gangs remain far better armed than the police, including as a result of these challenges. The continuing trafficking of U.S. guns into Haiti compounds the problem.

- Haitian police also lack adequate resources, training, and management to effectively confront the gangs. Some successful operations have been undertaken, with over 2,700 arrests of alleged gang members. But as a whole, police are heavily outnumbered and outgunned, lack adequate state support, and are often unwilling to intervene or even enter gang-controlled neighborhoods, leaving civilians without state protection. As of mid-March, the police-to-population ratio was just over 1 officer per 1,000 inhabitants. According to the latest BINUH report (from April), only 9,000 police officers – out of 13,200 active PNH personnel – are actually performing police tasks, and only 3,500 of those are on public safety duty at any given time. Gangs continue to attack and destroy police stations, further cementing their control over neighborhoods. Police are often targets of gang violence themselves, with at least 21 officers killed by gangs between January 1 and April 9. After armed gangs killed at least ten officers in one week in late January, Haiti’s police went on strike to demand better conditions.

- On April 24, after persistent government failures to confront gang violence and bring perpetrators to justice, a group of angry residents in Port-au-Prince lynched 14 suspected gang members. Since then many civilians have taken up improvised weapons to fight suspected gang members, sometimes with police complicity or encouragement, in what has come to be known as the Bwa Kale movement. By some estimates, Bwa Kale actions have killed at least 160 individuals and are responsible for a drop in kidnapping and other gang violence. There are also reports of people who may not be affiliated with gangs being targeted because of their appearance or because they are unfamiliar to certain neighborhoods. The movement is a predictable consequence of long-standing government failures, but also risks harming innocent people, further damaging trust within communities, and undermining formal judicial mechanisms and the rule of law.

- The de facto government continues to fail to protect human rights defenders, including journalists, from gang violence, resulting in the shrinking of civic space and impeding the advancement and protection of human rights in Haiti. For example, ongoing threats against the staff of feminist organization Nègès Mawon continue to impede its work on behalf of women and girls in Haiti. Human rights defenders who have been forced to flee Haiti due to threats against them remain unable to return safely.

- Haiti remains one of the most dangerous countries in the world for journalists, dropping 29 spots in the 2023 Global Press Freedom Index. At least nine journalists were killed in 2022, making it the third most dangerous country for journalists that year. Four have been killed since the beginning of 2023. The de facto government has failed to properly protect against, investigate, and prosecute attacks; perpetrators have not been arrested, charged, or tried.
II. Government misconduct, including institutionalized violence and corruption

No progress has been made toward restoring democratic government in Haiti since our previous Update. De facto Prime Minister Henry has continued efforts to consolidate power, including by unconstitutionally packing Haiti’s highest court\textsuperscript{117} and assembling an unconstitutional and otherwise illegitimate Provisional Electoral Council (CEP).\textsuperscript{118} As of January 10, no elected officials remain in Haiti.\textsuperscript{119} This is the direct product of deliberate policies by PHTK-affiliated governments, which left a constitutional vacuum that Henry, like the late President Jovenel Moïse before him,\textsuperscript{120} has used to justify antidemocratic policies.\textsuperscript{121} Corruption at the highest level remains prevalent and is both a symptom and a driver of Haiti’s long-standing governance crisis.\textsuperscript{122} Increased domestic and international attention on corruption has resulted in several steps towards accountability.\textsuperscript{123} Reports of police abuses, including involvement in extrajudicial killings and suppression of protests,\textsuperscript{124} have contributed to distrust of state institutions and further shrinking of civic space.

- On December 21, 2022, de facto Prime Minister Henry introduced the December Accord.\textsuperscript{125} Many Haitians are critical, observing that it is not the product of a national dialogue, let alone consensus, as its misleading name suggests, and – like the previous agreement put forth by Henry in September 2021\textsuperscript{126} – will further entrench the de facto government’s illegitimate power.\textsuperscript{127} The December Accord was not signed by a single major opposition party or prominent civil society organization.\textsuperscript{128} Numerous groups have reported irregularities with the signatures that were obtained.\textsuperscript{129} The Accord also fails to provide a mechanism for power-sharing, keeping the de facto Prime Minister in power for at least one more year;\textsuperscript{130} allows the de facto government to pack the Cour de Cassation (Haiti’s highest court)\textsuperscript{131} and the CEP, further cementing its power for years to come; and revives unconstitutional and unpopular efforts\textsuperscript{132} to amend the Constitution,\textsuperscript{133} which have been used in the past to consolidate power.\textsuperscript{134} Some of those who initially joined the December Accord have since turned critical,\textsuperscript{135} citing Henry betraying his promise that the agreement would serve as a platform for inclusive dialogue even for those who signed on.\textsuperscript{136}

- In April, Henry began the process of setting up the CEP,\textsuperscript{137} even as Haitian civil society insists that free, fair, and transparent elections remain impossible in the current context.\textsuperscript{138} There are strong indications that the process will entrench power with the same actors responsible for Haiti’s crises.\textsuperscript{139} For example, Henry excluded certain sectors from the process entirely.\textsuperscript{140} Other sectors denied his requests to nominate representatives on the ground that Henry is not acting in good faith and is fundamentally unaccountable to the Haitian people.\textsuperscript{141}

- Pervasive government corruption continues to undermine the legitimacy of state institutions.\textsuperscript{142} Over 90 percent of Haitian public officials are out of compliance with Haiti’s anti-corruption law, which requires them to declare their assets.\textsuperscript{143} Haiti’s Anti-Corruption Unit (ULCC) found evidence of corruption, embezzlement, fraud, money laundering, and influence peddling by high-ranking public officials in Haiti’s Customs Bureau, Social Assistance Fund, and Office of Monetization of Development Assistance Programs.\textsuperscript{144} The Haitian embassy in Washington, D.C. was embroiled in a corruption scheme to sell Haitian passports to foreign fugitives, resulting in the recall and dismissal of Haiti’s ambassador to the United States and former Haitian Minister of Foreign Affairs Bocchit Edmond.\textsuperscript{145} In January, a review of 61 judges and prosecutors also revealed widespread corruption among judicial actors.\textsuperscript{146} The ULCC has taken steps to address and prosecute corruption.\textsuperscript{147} For example, it initiated criminal proceedings against former senator Youri Latortue and Senate leader Joseph Lambert for corruption, embezzlement of public funds, and obstruction of justice.\textsuperscript{148} Nevertheless, impunity for corruption remains the norm.\textsuperscript{149}

- There has been further evidence that Haitian officials are complicit in illicit weapons trafficking, which fuels the current insecurity crisis. On April 5, judicial police called for the arrest of former Minister of Justice Berto Dorcé for his involvement in last year’s weapons trafficking scheme that implicated his cabinet member Robinson Pierre-Louis and magistrate Michelet Virgile.\textsuperscript{150} An investigation by the Central Directorate of the Judicial Police revealed a weapons trafficking scheme by employees of the PNH, the National Old Age Insurance Office, and the Office of Work Accident, Sickness, and Maternity Insurance.\textsuperscript{151} Meanwhile, a
Haitian Bureau of Economic Affairs report revealed that the Haitian Parliament had been paying one of the priests arrested last year for his involvement in the Haitian Episcopal Church gun trafficking scandal.\textsuperscript{153} US $1,900 every month for undisclosed reasons.\textsuperscript{153}

- Abuse within the police system continues to be prevalent. In January, the PNH announced it would investigate numerous complaints against officers for police brutality, misappropriation of police equipment, and abuse of power.\textsuperscript{154} Police officers were implicated in the January 27 assassination of political activist Mackendy D’Haiti.\textsuperscript{155} Advocates on the ground also report that police continue to violently and unconstitutionally suppress protests by workers, including at the SONAPI industrial park,\textsuperscript{156} who are demanding higher wages and better working conditions.\textsuperscript{157}

- Human rights groups remain concerned that Miragoâne government commissioner Jean Ernest Muscadin continues to execute people he believes to be gang members outside the law.\textsuperscript{158} Observers have also raised concerns about police complicity with extrajudicial executions carried out as part of the \textit{Bwa Kale} movement.\textsuperscript{159}

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

The systematic dismantling of Haiti’s accountability mechanisms by successive corrupt governments\textsuperscript{160} has left Haiti’s justice sector virtually non-functional and extremely vulnerable to the acute insecurity crisis.\textsuperscript{161} Chronic impunity for perpetrators of grave human rights abuses and other violent crimes is a further driver for the crisis.\textsuperscript{162} Continuing high rates of pretrial detention in inhumane prison conditions,\textsuperscript{163} including as a result of general judicial dysfunction, violate detainees’ rights to due process, health, safety, and human dignity.

**Justice sector dysfunction and chronic impunity**

- Chronic impunity is both a driver and a consequence of Haiti’s insecurity.\textsuperscript{164} Perpetrators of grave human rights abuses and other crimes rarely face accountability for their actions, emboldening bad actors and eroding public trust in institutions.\textsuperscript{165}

- De facto Prime Minister Henry has unconstitutionally filled all vacancies on Haiti’s \textit{Cour de Cassation}, appointing eight new judges on February 28.\textsuperscript{166} The court had become defunct and no institutional pathways to legally restore its function remained, both as a direct consequence of policies under President Moïse.\textsuperscript{167} Civil society organizations and parties across the political spectrum denounced Henry’s appointments as lacking reasonable democratic safeguards given their unconstitutional nature, thereby undermining the Court’s independence and legitimacy as a check on executive power\textsuperscript{168} and further corroding Haiti’s weak judiciary.\textsuperscript{169}

- On January 16, the Superior Council on Judicial Power (CSPJ) reviewed 61 judges and prosecutors\textsuperscript{170} and found that 30\textsuperscript{171} could not be certified for reasons of moral integrity.\textsuperscript{172} Some civil society actors welcomed the development but called for further sanctions,\textsuperscript{173} while others expressed concern that the CSPJ’s procedure lacked due process safeguards, such as an appeals mechanism.\textsuperscript{174} On February 23, the CSPJ ordered all uncertified judicial actors to halt work,\textsuperscript{175} but a number remained active, mostly prosecutors, who are nominated and removed by the Executive Branch.\textsuperscript{176} On March 13, the Ministry of Justice and Public Security announced that it was working to replace the uncertified judicial actors.\textsuperscript{177} On April 20, however, de facto Prime Minister Henry held consultations to reconsider the CSPJ’s decisions.\textsuperscript{178} Human rights organizations condemned these talks as an attempt to protect corrupt actors and further undermine judicial independence.\textsuperscript{179}

- Targeted attacks against judicial actors and generalized insecurity impede court function and access to justice.\textsuperscript{180} Gang violence forced the \textit{Tribunal de Paix} in Cité Soleil to shut down in July 2020; it remains closed.\textsuperscript{182} The Public Prosecutor’s Office for the Court of First Instance in Port-au-Prince continues to operate out of the Special Labor Court in Lalue,\textsuperscript{183} where it was relocated after it was attacked by armed gangs in June 2022.\textsuperscript{184} Unidentified individuals broke into that Office on May 24 and stole firearms.\textsuperscript{185} The Court of First Instance of Croix-des-Bouquets remains scattered across several government buildings in the neighboring city of Tabarre.\textsuperscript{186} In April, the \textit{Réseau National de Défense des Droits Humains (RNDDH)} reported
that cases are being heard in 13 out of 18 jurisdictions, but that the vast majority of courts are unable to hold criminal trials with a jury.\textsuperscript{187} Judicial actors continue to face threats of violence. For example, on March 30, an armed group set fire to CSPJ Judge Durin Duret Jr.’s property, killed his chauffeur, and kidnapped one of his bodyguards.\textsuperscript{188} On May 17, armed motorcyclists attacked Judge Jean Wilner Morin, who is currently investigating multiple corruption cases,\textsuperscript{189} in his car.\textsuperscript{190}

- Haiti’s judicial system remains perpetually underfunded, with months-long strikes by court clerks to demand better working conditions and pay further impeding judicial function.\textsuperscript{191}
- As reported in our previous Updates,\textsuperscript{192} the Haitian investigation\textsuperscript{193} into the assassination of President Jovenel Moïse has been marred by judicial delays\textsuperscript{194} and political interference and obstruction, including by de facto Prime Minister Henry.\textsuperscript{195} Almost two years after the killing, no one has been formally charged in the case in Haiti. There have been some recent developments: on March 9, the Central Directorate of the Judicial Police issued search warrants against 14 suspects,\textsuperscript{196} and the current investigating judge has begun interviewing relevant actors.\textsuperscript{197} Despite credible allegations indicating that Henry was involved in the assassination plot,\textsuperscript{198} there has been no public inquiry into his role.\textsuperscript{199}
- Impunity likewise persists for other high-profile cases. There has been no meaningful progress in the investigation into the assassination of former Port-au-Prince Bar Association President Monferrier Dorval since the previous judge’s mandate ended in June 2021,\textsuperscript{200} although a new judge was appointed to the case in April.\textsuperscript{201} There has been no progress towards accountability in Haitian courts for the embezzlement of over $2 billion from PetroCaribe development funds;\textsuperscript{202} the 2018 La Saline Massacre;\textsuperscript{203} or the assassinations of journalist Diego Charles,\textsuperscript{204} political activist Antoinette Duclaire,\textsuperscript{205} and LGBTQI+ activist Charlot Jeudy.\textsuperscript{206} The lack of progress in these high-profile cases is emblematic of a dysfunctional and corrupt judiciary that perpetuates impunity for perpetrators of grave crimes against countless other Haitians.\textsuperscript{207}

**Inhumane prison conditions**

- Haiti’s pretrial detention rate remains at over 83 percent.\textsuperscript{208} Prolonged pretrial detention disproportionately impacts the most marginalized Haitians, who lack the money or connections to secure their release.\textsuperscript{209}
- As a result, Haiti’s prisons remain severely overcrowded. BINUH reported that the prisons are operating at approximately 285 percent occupancy, with just .35 square meters per person.\textsuperscript{210} This is far below minimum international standards and has further complicated already-difficult access to food, water, and medicine.\textsuperscript{211} People are also being detained in makeshift cells in police stations, which are cramped and lack adequate sanitation and hygiene infrastructure.\textsuperscript{212} The poor conditions leave incarcerated individuals disproportionately vulnerable to illness.\textsuperscript{213}
- Over the course of the last five years, authorities have continuously and drastically reduced the amount of food available to incarcerated individuals.\textsuperscript{214} A 2022 study concluded that individuals incarcerated in Haiti’s prisons consumed an average of just 454 calories per day – a starvation-level diet – and that 98.8 percent were at risk of beriberi.\textsuperscript{215} BINUH documented twenty deaths in custody between January 17 and April 14, primarily due to malnutrition and anemia.\textsuperscript{216}
- Incarcerated individuals sometimes go days without water,\textsuperscript{217} with the same unclean water often used for bathing and drinking.\textsuperscript{218} As a result of this scarcity, clean water, which should be provided free of cost, is being sold on the underground market.\textsuperscript{219}
- There is virtually no state-provided medical care in prisons, forcing people in custody to rely on non-governmental organizations that often have limited capacity to provide urgent, lifesaving care.\textsuperscript{220} Approximately 80 to 100 detainees died as a resulted of a lack of medical care or malnutrition in 2022.\textsuperscript{221}
- The absence of sufficient dedicated facilities for women and minors puts them at heightened risk of violence. For example, 16 women and 1 girl were raped during an armed prison break at the Gonaïves civil prison on January 26.\textsuperscript{222}
On December 1, Haiti’s Minister of Justice and Public Safety instructed public prosecutors to issue at least ten indictments per month in a deliberate effort to bring down the high rate of pretrial detention.²²⁴ Although this directive resulted in a higher number of indictments nationwide,²²⁵ the number of pretrial detainees has actually increased since January 2023.²²⁶

IV. Lack of equal rights and protections for socially vulnerable individuals, especially women and girls

As Haiti’s acute crisis grows worse, individuals with marginalized identities are more vulnerable and face additional harms.²²⁷ Women and girls in particular remain at heightened risk of GBV,³³ particularly by gangs, despite increased international attention on the issue.²²⁸ Other intersecting causes of vulnerability include disability,²²⁹ sexual orientation,²³⁰ poverty,²³¹ displacement,²³² and incarceration.²³³ Vulnerable individuals experience greater difficulty accessing resources, with government protection and support effectively nonexistent.²³⁴ Underlying this dynamic are structural inequalities and their drivers, which remain unaddressed because successive corrupt, repressive governments have impeded any possibility of progress.²³⁵ These drivers include long-standing class divides²³⁶ and persistent exclusion of marginalized groups from decision-making and leadership roles.²³⁷

• The risk of GBV remains high, with the World Bank reporting that one in three Haitian women and girls experience it.²³⁸ The UN documented 2,645 incidences of sexual violence last year, an increase of 45 percent from 2021.²³⁹ A study of GBV in Cité Soleil found that 80 percent of women and girls surveyed had experienced some form of GBV and 43 percent had experienced sexual violence.²⁴⁰ Chronic under-reporting due to stigma, fear of retribution, and skepticism that they might obtain recourse or services – including because of lack of trust in the judicial system – leads advocates to believe that the real numbers are far higher.²⁴¹

• gangs continue to use rape and other forms of sexual violence as a weapon of conflict.²⁴² The UN documented at least 93 rapes involving gang members between January and April 2023.²⁴³ The Haitian Office for the Protection of the Citizen reported that 29 women and girls were victims of gang rapes over just 4 days in April.²⁴⁴ These attacks often occur in public²⁴⁵ and in the presence of families and children, leading to further trauma.²⁴⁶ A BINUH report found that gang members often force young women and girls into relationships, sexually abusing, exploiting, and even killing those who refuse.²⁴⁷

• Women and girls continue to have difficulty accessing critical services and obtaining recourse for harms.²⁴⁸ Victims of sexual violence are often unable to access medical care for physical trauma, pregnancy, and sexually transmitted infections.²⁴⁹ Impediments to accessing care include issues with physical access due to gang violence and roadblocks,²⁵⁰ high transportation costs,²⁵¹ and reduced hospital operations due to insecurity.²⁵² Intimidation by gang members, stigma against victims, and general judicial dysfunction also prevents most victims from obtaining justice.²⁵³ Nevertheless, Haitian grassroots and feminist organizations continue to fight for victims’ rights.²⁵⁴

• Pregnant women are particularly impacted by the lack of adequate reproductive care in Haiti.²⁵⁵ Gang violence often prevents women in labor from traveling to hospitals, which can turn high-risk pregnancies deadly.²⁵⁶ Abortion remains illegal under all circumstances,²⁵⁷ forcing women to seek it outside the formal healthcare system and exposing them to medical risks and legal repercussions, including life imprisonment.²⁵⁸

• Haiti’s crises impact children distinctively, with 2.6 million expected to be in need of urgent life-saving assistance in 2023 due to inadequate access to drinking water, affordable food, basic healthcare, and protection from violence.²⁵⁹ The effects of chronic hunger and malnutrition –

³³ The UN defines GBV as “harmful acts directed at an individual based on their gender,” and notes that GBV “is rooted in gender inequality, the abuse of power and harmful norms.” GBV includes, but is not limited to, “sexual, physical, mental and economic harm inflicted in public or in private” as well as “threats of violence, coercion and manipulation.” Gender-based Violence, UN REFUGEE AGENCY, https://www.unhcr.org/en-us/gender-based-violence.html (last visited Jun. 6, 2023).
which include compromised immunity and increased vulnerability to health issues – are particularly pronounced in children. UNICEF estimates that more than 115,600 children are expected to suffer from severe wasting in 2023. Nearly 36 percent of all cholera cases are now found in children under 9 years old. Widespread school closures over the past year have impeded access to education, even as they increase children’s vulnerability to gang recruitment, leading UNICEF’s regional director to warn that the situation is “creating a pipeline for the gangs.”

Gangs also direct brutal violence against children, raping girls and boys as young as ten years old. The violence and extremely difficult humanitarian situation are taking a toll on children’s mental health. In addition to these acute harms, the long-standing practice of sending children – predominantly from poor families, and predominantly girls – to work as domestic servants, or restavèks, continues with an estimated 207,000 to 250,000 children in restavèk situations. This frequently results in deprivation of family care and education, as well as heightened risk of physical and sexual abuse (especially for girls).

- Haiti’s rural farmers, “peyizan” – about 30 percent of the population remain vulnerable to attacks, large-scale evictions, and land grabs by gangs and economic and political elites. Some land grabs are the result of collusion between gangs and the government to create free zones for mining in Haiti’s rural communities.

- There is little available data on the human rights situation for many other marginalized groups in Haiti. As reported in our previous Update, chronic marginalization and stigmatization of LGBTQI+ individuals in Haiti means that they are especially exposed to violence. Gangs continue to deliberately target LGBTQI+ individuals. The acute insecurity crisis exacerbates long-standing stigma and discrimination against persons with disabilities that heightens their vulnerability to violence and harassment. Persons with disabilities in Haiti also face higher unemployment rates, making them disproportionately vulnerable to Haiti’s economic decline.

V. Collapse of economic and social rights

Haiti’s social and economic landscape remains dire and includes unprecedented hunger, lack of access to water and healthcare, closures of hospitals and schools, an ongoing fuel shortage, and a cholera outbreak that continues to infect and kill Haitians. These challenges are rooted in long-term under-development, partly a result of extractive foreign policies and practices, aggravated by corruption and mismanagement by Haitian governments. The over-centralization of services, another legacy of foreign interference, further exacerbates challenges for rural Haitians. The current governance and insecurity crises described in this Update are causing acute harms on top of these structural drivers. Haiti’s vulnerability to climate change and natural disasters, including as a result of the Haitian government’s chronic inability to respond adequately to those stressors and international aid practices that undermine resilience, compounds the crisis.

Economy in decline

- Haiti’s economy is facing its fifth consecutive year of decline. The persistent economic downturn has increasingly forced Haitians into extreme poverty. As of April, nearly 90 percent of Haitians were living below the poverty line. Nearly one third of those were living on less than US $2.15 per day – classified as “extreme poverty.”

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IV The World Health Organization defines wasting as “low weight-for-height” that “usually occurs when a person has not had food of adequate quality and quantity and/or they have had frequent or prolonged illnesses.” Malnutrition, WORLD HEALTH ORGANIZATION, https://www.who.int/health-topics/malnutrition#tab=tab_1 (last visited Jun. 6, 2023). Severe wasting is the most lethal form of undernutrition and turns common ailments into deadly diseases as children’s bodies lack virtually any protections against infections and are unable to absorb nutrients. Child alert: Severe wasting, UNICEF, https://www.unicef.org/child-alert/severe-wasting (last visited Jun. 6, 2023).
• Inflation reached an all-time high of 49.3 percent in January, making essential goods and services unaffordable for many. For example, the price of basic food items such as rice, meat, milk powder, cooking oil, peas, and sugar has gone up by as much as 87 percent in the last year, forcing poor households to spend at least 75 percent of their income on food.

• Insecurity and resulting impediments to economic activities and travel have exacerbated the long-term structural causes of Haiti’s economic decline. Constant gang attacks on commercial ports and roadblocks along key routes have impeded the flow of goods through Haiti, pushing costs up and further destabilizing the economy. External disruptions in international trade, primarily due to concerns about rampant insecurity, have dealt another blow to Haiti’s economy and devastated workers who are already struggling to make ends meet.

• The chronic lack of economic opportunity is a further driver of gang recruitment as many Haitians who are unable to meet their basic needs see joining a gang—which can provide money and protection—as their only means of survival. In some neighborhoods, gangs have filled the vacuum created by the government by providing or coopting certain social and humanitarian services, sometimes leveraging these acts to further pressure members of the community to join their ranks.

Access to water

• A report published in March by the UN Office for the Coordination of Humanitarian Affairs found that 3.3 million Haitians—over one quarter of the population—lack adequate access to water, hygiene, and sanitation systems.

• The acute water crisis is the consequence of long-term problems with access to water, rooted in persistent failures by the Haitian government to build and maintain water infrastructure. Ongoing catastrophic insecurity and fuel shortages that prevent water treatment and distribution have exacerbated these problems. The UN promised to address chronic issues with access to water, sanitation, and hygiene infrastructure in 2016 as part of its plan to eliminate UN-introduced cholera, but has failed to do so. Haitians thus remain vulnerable to water-borne diseases, including cholera.

• Climate change and environmental degradation are further drivers of the water crisis. Ongoing drought in the Artibonite valley impedes agricultural activity, exacerbating existing food insecurity. Extreme flooding in other areas in early June left 42 people dead, displaced over 13,000, and compounded problems with access to drinking water as well as other humanitarian issues.

Access to food

• Nearly half the population—4.9 million Haitians—are acutely food insecure, in what the UN is calling “a hunger emergency.” Of those, over 4.7 million are currently facing crisis-level food insecurity and nearly 1.8 million are experiencing emergency-level food insecurity. The 2023 Global Report on Food Crises projected that this number, already the highest in the last seven years, is likely to increase further. Eight out of ten Haitians are currently reducing the size and number of their meals. Approximately 22 percent of children—who are especially vulnerable to the long-term effects of food insecurity—are chronically malnourished. People living in areas of Port-au-Prince under gang control are particularly vulnerable, with one in twenty people in the capital currently living in famine-like conditions. As of May, 19,000 people in Cité Soleil were facing “catastrophic” hunger.

• Pervasive insecurity, alongside increasingly inflated food prices, is an immediate driver of the acute food crisis. Gang violence and roadblocks in Port-au-Prince have disrupted food supply chains across the country and prevented both food distribution and access to markets. Gang activity also prevents workers in the Artibonite region—Haiti’s main agricultural hub—from reaching their fields and maintaining irrigation systems, exacerbating the already devastating impact of a drought on food scarcity nationwide and prompting concerns about...
a famine in the country. Fertilizer merchants have been forced to close their stores due to gang violence, further affecting the production of key crops. Longer-term drivers of the hunger crisis include inadequate humanitarian support, environmental challenges, and persistent foreign interference in Haiti’s food sovereignty.

Access to healthcare

- Gangs continue to target healthcare workers and patients for kidnappings and attacks. As a result, multiple long-functioning medical centers, including two Médecins Sans Frontières (MSF) facilities, have been forced to close or suspended operations. The violence also increases urgent healthcare needs, with hospital closures catastrophic for the many victims of gunshot wounds and sexual violence in those areas. Healthcare workers have resorted to extreme measures to continue providing urgent care to patients, often at great risk to their personal safety and well-being.
- Chronic under-resourcing has brought Haiti’s healthcare system to the verge of collapse. Healthcare workers across the country have been protesting the government’s failure to ensure adequate working conditions and sufficient salaries, further disrupting the provision of healthcare. Medical professionals at the State University Hospital of Haiti were on strike from December 2022 until late April to protest inadequate pay and poor working conditions, restricting services for over four months. Medical residents at the Justinian University Hospital in Cap-Haïtien – the largest hospital in the North Department, serving over 800,000 people – have been on strike since the end of March to demand better working conditions, safety, and improved electrical service.
- Women and girls – who already face significant structural barriers to accessing healthcare – are particularly impacted by hospital closures. For example, Fontaine Hospital Center is currently the only medical facility performing Cesarean Sections and other high-risk operations in Cité Soleil; all the others have closed due to gang violence.
- Gang violence and roadblocks make travel to hospitals extremely risky or even impossible for both healthcare workers and patients. They also complicate the transport of fuel and basic medical supplies, leading to shortages that impede the provision of adequate healthcare. High fuel costs, persistent electricity outages, and a continuing shortage of petroleum products have further exacerbated these challenges.
- Cholera continues to spread throughout Haiti, despite enormous efforts by healthcare professionals to keep the epidemic under control and the implementation of a vaccination campaign. As of June 1, the Haitian Ministry of Health reported 2,988 confirmed cases, 47,002 suspected cases, and 717 deaths. The breakdown of monitoring systems and pervasive insecurity that impedes access to medical care and testing mean that the real numbers are likely much higher. The disease reemerged in October 2022, almost exactly twelve years after the same strain was first recklessly introduced to Haiti by UN peacekeepers in 2010. Its rapid spread then and now is largely due to chronic problems with Haiti’s water, sanitation, and hygiene infrastructure and healthcare system. Malnutrition, which also increases the severity of symptoms and chance of death, is a further vulnerability.

Access to education

- According to UNICEF, over 25 percent of schools in Haiti have remained closed since October 2022 due to the ongoing insecurity and humanitarian crises. The situation is particularly dire in the North and North-East Departments, where only 17 percent and 27 percent of schools were open as of January 2023, respectively. As a result of these prolonged closures, most children in Haiti have lost an entire academic year of schooling since September 2019. UNICEF predicts that students will lose nearly two months of school in the first half of 2023 alone unless urgent action is taken to protect schools from violence. School closures also leave children more vulnerable to forcible gang recruitment.
• Targeted attacks by gang members on schools increased nine-fold in the last year, from just 8
  in the first quarter of 2022 to 72 in the first quarter of 2023.369 Gang members continue to
  shoot370 and kidnap371 educators and students, loot equipment and food used to provide school
  meals,372 and occupy schools.373 An April police report revealed that gangs were hiding
  trafficked weapons in schools in Port-au-Prince.374 The deliberate attacks and general proximity
  to ubiquitous violence375 have forced families to keep their children home,376 prevented teachers
  from commuting to schools,377 and blocked distribution of school kits in rural areas.378 Children
  who do attend school report not being able to concentrate because of constant fear.379 Some
  schools have tried to move studies online, further marginalizing children living in poverty
  without access to internet.380
• These acute challenges are exacerbated by long-standing under-resourcing and massive
dysfunction within Haiti’s school system.381 In 2023, the government reduced funding for the
education sector by 34 percent.382 It continually fails to pay teachers adequately or on time,383
even withholding payments from teachers who are unable to go into work due to pervasive gang
violence.384 In April, teachers protested the poor working conditions and inadequate pay, calling
on the government to increase salaries to meet inflation.385 Many teachers have quit because
they cannot afford to work for free without any support from the state.386

VI. Emigration pressures

The above-described challenges continue to exert immense emigration pressures on Haitians.387 Despite
repeatedly acknowledging the severity of the crisis and its impacts on Haitians,388 foreign states have
adopted increasingly draconian measures grounded in anti-Black racism to expel Haitians seeking
refuge at their borders.389 The United States’ new humanitarian parole program for Haitians is an
explicit recognition of the desperate situation in Haiti and the imperative to offer protection to those
fleeing, even as overall U.S. immigration policy has the effect of excluding the most vulnerable Haitians
from safety.390 Haitians who are repatriated to Haiti continue to face extreme risk from gangs and the
worsening economic and social landscape.391

• Haitians continue trying to flee the rapidly deteriorating security and humanitarian situation in
the country, making dangerous and often deadly392 crossings over land and sea in search of
safety.393 According to IOM, Haitians represented the largest proportion of the 321 migrants –
a record high number – who went missing or died in the Caribbean in 2022.394 Most died from
drowning, as makeshift vessel unequipped to make the dangerous crossing capsized before
reaching their destination.395 Haitian migrants also remain extremely vulnerable to
kidnapping,396 trafficking,397 extortion,398 physical assault,399 and GBV,400 particularly in
Mexico and the Darien Gap between Columbia and Panama.401

• Foreign states continue to remove the majority of Haitian migrants who arrive at their
borders,402 despite persistent criticism by UN agencies,403 U.S. lawmakers,404 and humanitarian
organizations405 that the practice is both immoral and illegal. On May 11, the U.S. government
replaced its Covid-era policy used to expel migrants with a new program that restricts asylum
rights in a manner that experts argue violates international legal obligations.406 The Dominican
Republic continues to arrest, detain, and expel Haitian nationals en masse.407 Dominican
authorities expelled at least 154,333 Haitian migrants – including pregnant women and
children408 – in 2022,409 and at least 51,000 between January and April 2023.410 These removals
are fueled by anti-Haitian and anti-Black racism, with reports that Haitians and those that look
like Haitians are targeted without regard to their immigration status.411 Haitian migrants in the
Dominican Republic are often subject to theft, physical abuse, and sexual exploitation and
abuse.412 Other countries, including Mexico, the Bahamas, and the Turks and Caicos, have
likewise implemented increasingly draconian and anti-Black immigration policies that impact
Haitian migrants.413

• In January, the Biden administration created a new humanitarian parole program that permits
entry for Haitians with a passport, access to a smartphone, and a U.S.-based legal sponsor,414
even as it continues to deport Haitians arriving at the border to unsafe conditions and cut off
legal pathways to asylum for the most vulnerable.415 While the program’s creation explicitly
recognizes that Haiti’s conditions continue to compel desperate emigration attempts, its design excludes the majority of Haitians, who lack passports and connections to potential U.S. sponsors.\textsuperscript{416} This enforces the perception that the United States is only open to migrants it deems desirable.\textsuperscript{417} The program’s impacts include a sudden surge in passport applications, which has overwhelmed under-resourced passport offices, and reports of price gouging and demands for sex in exchange for the critical documents.\textsuperscript{418} It is also raising concern about “brain drain.”\textsuperscript{419}

- As reported in our previous Updates,\textsuperscript{420} Haitian migrants who are deported or removed back to Haiti, some of whom have never set foot in the country previously,\textsuperscript{421} largely lack the resources and social safety networks needed to survive.\textsuperscript{422}

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

Haiti’s human rights challenges are rooted in centuries of harmful conduct by foreign actors, from enslavement and colonialism to ongoing political and economic interference.\textsuperscript{423} These policies and their impact on Haiti’s social and political structures engendered a cycle of entrenched debt and aid dependence that have left Haiti impoverished and fostered the ongoing corrupt cooptation of Haiti’s institutions by foreign interests and domestic elites.\textsuperscript{424} For the most part, the international community has not acknowledged – let alone repaired – these harms.\textsuperscript{425} In other words, unaddressed historical wrongs left Haitians with a gutted economy and deliberately weakened government structures for vindicating their human rights, even as ongoing foreign interference\textsuperscript{426} and harmful aid practices\textsuperscript{427} continue to impede its development. As the security and humanitarian situation for Haitians has grown more dire over the past two years, international Haiti-focused activity has increased.\textsuperscript{428} During this latest reporting period, the Organization of American States created a Haiti-focused working group,\textsuperscript{429} the UN High Commissioner for Human Rights visited Haiti and his Office appointed an independent expert shortly after,\textsuperscript{430} many national governments issued additional sanctions against individuals they accuse of corruption or collusion with gang members,\textsuperscript{431} and the United States published its Global Fragility Act strategy for Haiti as a pilot country.\textsuperscript{432} There is frequent reference to advancing Haitian solutions and leadership.\textsuperscript{433} But it is far from clear that these activities are empowering Haitians or indicating any departure from policies that have historically harmed Haiti, even where they purport to help.\textsuperscript{434} Despite the increased attention, critically-needed humanitarian aid remains inadequate to meet the growing need.\textsuperscript{435} Further, international actors have continued the policies that amount to propping up an illegitimate, corrupt, and incompetent de facto government in a manner that removes its incentives to move towards a necessary democratic transition.\textsuperscript{436}

- Despite clear evidence that Henry’s December Accord was not the product of a national dialogue and primarily serves to consolidate illegitimate power,\textsuperscript{437} the United States and the UN have touted the accord as the “most promising” consensus effort toward a democratic transition.\textsuperscript{438} Continued international support for Henry,\textsuperscript{439} even as Haitians and allies demand that the international community stop propping him up,\textsuperscript{440} disincentivizes Henry from meaningfully engaging in the type of inclusive dialogue the international community itself identifies as imperative.\textsuperscript{441}

- The international community has continued pushing for a foreign armed intervention to combat insecurity,\textsuperscript{442} first requested by de facto Prime Minister Henry in October 2022.\textsuperscript{443} Most civil society organizations not affiliated with the de facto government have come out against intervention under Henry.\textsuperscript{444} Their assessment is that a foreign military intervention requested by an illegitimate de facto government with no constitutional authority to do so will not achieve the hoped-for results and will instead further entrench undemocratic actors.\textsuperscript{445} They also cite Haiti’s history with foreign interventions,\textsuperscript{446} which not only failed to restore lasting stability, but resulted in civilian massacres, widespread sexual exploitation and abuse, and a deadly cholera epidemic.\textsuperscript{447} The increasingly catastrophic insecurity has nevertheless driven many Haitians to view armed intervention as necessary to address the worst of the violence, in spite of deep skepticism borne of harms caused by past foreign actions.\textsuperscript{448}

- That same violence continues to be fueled in part by ongoing arms trafficking from the United States, whose lax gun laws make it easy to smuggle weapons and ammunitions into Haiti.\textsuperscript{449} The weapons trafficking scandal surrounding the Haitian Episcopal Church – which has served
as a front for gangs to traffic arms into Haiti for years with virtually no accountability appears even worse than previously reported. 451 Haitian government officials have also been implicated in illicit weapons trafficking. 452 Haitians and U.S. lawmakers continue to call for more robust control to stem the flow of weapons. 453

- Foreign states and organizations have continued to sanction Haitian individuals in an effort to crack down on corruption and human rights abuses. 454 Although these include a number of political and business elites with close ties to the de facto administration, 455 the United States, in particular, has refrained from sanctioning many of the key actors ultimately responsible for Haiti’s current crises. 456 There is also concern that sanctions may be used inappropriately or to influence elections because the process for designation lacks transparency; 457 that the sanctions themselves are ineffective, including because of issues around implementation; 458 and that sanctions may even be actively exacerbating the insecurity crisis as gangs become more reliant on kidnapping as their primary source of income. 459

- On April 12, the Office of the UN High Commissioner for Human Rights (OHCHR) appointed an expert on human rights in Haiti with an expansive mandate to monitor the human rights situation in the country with a gender-based perspective and provide advice and technical assistance to the Haitian government and civil society. 460 The UN Human Rights Council Resolution authorizing the appointment also contemplates the establishment of a country office for the OHCHR in Haiti. 461 Whether these are measures that might advance human rights in Haiti will depend significantly on whether the expert and any eventual OHCHR office in Haiti are enabled to work independently and consider the full scope of human rights challenges in Haiti. There are indications, including in the authorizing Resolution itself, that the expert’s work will be subject to collaboration with BINUH and the OHCHR. 462 BINUH in particular has a mixed human rights record in Haiti and is perceived with great skepticism by Haiti’s civil society, including for its political support for PHTK-affiliated governments without due regard to human rights considerations. 463

- On March 1, María Isabel Salvador took over as UN Special Representative for Haiti and Head of BINUH from Helen La Lime. 464 BINUH’s current mandate expires July 15, 2023 465 but is expected to be renewed.

1 See IJDH November 2022 Update.
4 See Pooja Bhattia, Haiti’s descent into hell, NEW STATESMAN (May 10, 2023), https://www.newstatesman.com/world/americas/2023/05/haiti-descent-into-hell.
political chaos is putting the country at risk of famine,” with World Food Programme country director Jean-Martin Bauer noting that this “is the first time that people in the Americas have been characterized as being at risk of famine.”


16 See HFAC Members Briefing with Ambassador Daniel L. Foote (Foote testified that the PHTK would not be able to maintain power without U.S. support).

17 See HFAC Members Briefing with Ambassador Daniel L. Foote: Wilentz, Haiti, April 2023: Soon There Will Be No One Left to Kidnap.


35 le violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH.


30 2023), https://rezonodwes.com/?p=305061

28 H https://www.theguardian.com/global-development/2023/mar/03/gang-violence-aid-groups-consider-abandoning-haiti (according to a representative of Italian non-governmental organization Avsi Foundation, “the violence is making operations almost impossible for civil society groups”).


25 Accorodng to a Haitian human rights defender and feminist activist, Haitians are scared of the ubiquitous violence and exhaustion after having seen no change for years. The activist also noted that the de facto government uses gangs to suppress protests, particularly in Port-au-Prince, and that the exodus of activists and youth from the capital and the country as a whole means there are less people willing to brave the danger to organize and attend demonstrations. See also Luke Taylor, ‘Warfare is encroaching’: aid groups may have to cut back services in Haiti as violence grows, THE GUARDIAN (Mar. 3, 2023), https://www.theguardian.com/global-development/2023/mar/03/gang-violence-aid-groups-consider-abandoning-haiti.


20 See @opchaiti, TWITTER (Apr. 23, 2023, 10:57 AM), https://twitter.com/opchaiti/status/1650151799460974601/photo/1 (hereinafter OPC Statement on Massacre in Source Matelas) (statement from the Office for the Protection of the Citizen (OPC), the government’s own human rights ombudsman, describing massacres, rapes, and other violent crimes being committed by “bandits

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

**40** [UNSG April BINUH Report](https://binu.unmissions.org/sites/default/files/sg_report_on_binu_14_april_2023.pdf) (hereinafter UNSG April BINUH Report); Felibah-Brown, **Haiti in 2023: Political abyss and vicious gangs**; **Haiti’s Last Resort: Gangs and the Prospect of Foreign Intervention**, CRISIS GROUP (Dec. 14, 2022), [https://www.crisisgroup.org/latin-america-caribbean/haiti/4048-haitis-last-resort-gangs-and-prospect-foreign-intervention](https://www.crisisgroup.org/latin-america-caribbean/haiti/4048-haitis-last-resort-gangs-and-prospect-foreign-intervention). Other sources put the number as high as 300. Michele Kelemen, *The UN says an outside force is needed in Haiti, but countries are reluctant to intervene*, NPR (May 21, 2023), [https://www.npr.org/2023/05/21/1177391853/the-un-says-an-outside-force-is-needed-in-haiti-but-countries-are-reluctant-to-i](https://www.npr.org/2023/05/21/1177391853/the-un-says-an-outside-force-is-needed-in-haiti-but-countries-are-reluctant-to-i); UNSG April BINUH Report at ¶ 27; see also UNSGC, **Haiti’s criminal markets: mapping trends in firearms and drug trafficking** at 4 (listing the major gangs and gang coalitions as “the G9, G-Pep, 400 Mawozo, Baz Galil, Vilaj de Dye, Vitelehomme, and Ti Makak”).

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


“most on the streets of Port-au-Prince say that the number is closer to 100 percent”); Haiti activists urge U.S. to stop arms trafficking to gangs, REUTERS (Mar. 8, 2023), https://www.reuters.com/world/americas/haiti-activists-urge-us-stop-arms-trafficking-gangs-2023-03-09/ (RNDDH’s Rosy Auguste Ducéna estimates that the Ouest Department, where Port-au-Prince is located, is 100 percent under gang control). Estimates of territorial control by gangs are inherently difficult, made more so by shifting dynamics and the violence itself, and the methodology for available estimates are not made public. These numbers are thus uncertain.

45 Press Release, UN, As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council (Apr. 26, 2023), https://press.un.org/en/2023/sc15266.doc.htm (according to Haití’s Minister of Foreign Affairs and Worship, 80 percent of Haitian cities are under gang control); Haiti activists urge U.S. to stop armed gang trafficking to gangs (Ducéna estimates that gangs control 40 percent of the territory outside the Ouest Department).


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


52 BINUH, Human Rights Situation: Main trends, Quarterly report: January – March 2023 at 3.


areas of La Saline, Cité Soleil, Saint Martin, and Bel Air between May 2022 and March 2023; RNDDH, The reign of Prime Minister Ariel Henry Or The fury of the armed gangs at ¶ 2 (reporting on individual and collective rapes carried out against women and girls during massacres in the artistic village of Noailles, Savane Pistache, Source Matelas, and Bel Air in 2022 and 2023); Jacqueline Charles, ‘Intolerable risks’: Haiti’s escalating violence, including sexual attacks, shuts hospital, MIAMI HERALD (Mar. 8, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article27289650.html (reporting 149 documented cases of rape in Grand’Anse, including rapes of 131 girls between the ages of 3 and 17); see also Dorothy Derat, Forgotten Victims: The Plight of Women in Cité Soleil, AYIBO POST (Jan. 26, 2023), https://ayibopost.com/forgotten-victims-women-cite-soleil/ (published in January, an account of the July 2022 massacre in Cité Soleil that describes brutal rapes by gang members and resulting displacement and trauma); see infra notes 242-48.


57 UNSG April BINUH Report at ¶ 16; see infra Section IV.

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


60 For example, in May, gangs hijacked over 15 fuel trucks around Haiti’s main fuel terminal, exacerbating an already-devastating fuel shortage that has impacted public transportation, water purification and distribution, and hospital operations. See Haiti – News : Zapping..., HAITI LIBRE (May 14, 2023), https://www.haitilibre.com/en-news-39535-haiti-news-zapping.html; see infra note 284.

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


63 IOM, Haiti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 12.

64 Wilentz, Haiti, April 2023: Soon There Will Be No One Left to Kidnap; see also Les guerres urbaines allongent la liste des personnes déplacées en Haïti, ENQUET ACTION (Mar. 17, 2023), https://www.enquetaction.com/articles/les-guerres-urbaines-allongent-la-liste-des-personnes-deplacees-en-haïti (reporting that some civilians are displaced by the fires while others are burnt alive inside their homes).

65 See Press Release, OHCHR, Haiti: UN experts say Government must act to end gang violence against women and girls; Geffrard, Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...; Derat, Forgotten Victims: The Plight of Women in Cité Soleil.

66 IOM, Haiti – Emergency Tracking Tool 16 – Summary of displacement that occurred in April 2023; IOM, Haiti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 1 (reporting that 38 percent of displaced persons in the Port-au-Prince Metropolitan Area live in 51 makeshift displacement sites).

67 IOM, Haiti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 19; La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023, LE QUOTIDIEN (May 13, 2023), https://lequotidiennews.org/la-phin-a-pied-doeuvre-alors-que-plus-de-100-000-personnes-ont-ete-forcees-de-quitter-leur-maison-entre-janvier-2022-a-avril-2023/.

68 IOM, Haiti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 28; La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023.

69 See IOM, Haiti – Dashboard on Displacement in the Port-au-Prince Metropolitan Area – Round 3 (14 February – 16 March 2023) at 20, 25 (IOM reports that 52 percent of sites do not have washroom facilities,
forcing residents to defecate outside at least 44 percent of the sites; of those that do have washrooms, 63 percent do not offer separate washrooms for women and 29 percent cannot be locked from the inside.

70 *La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023.*

71 Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January; see also Charles, *Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says* (reporting in January that kidnappings increased 104.7 percent between 2021 and 2022).

72 BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 4; see also Centre d’analyse et recherche en droits de l’homme (CARDH), *Kidnapping: Bulletin (#11) Janvier, Février Et Mars 2023* ¶ 1 (Apr. 4, 2023), https://cardh.org/archives/4363 (reporting at least 389 kidnappings in the first three months of 2023, marking a 72 percent and 173 percent increase from the first three months of 2022 and 2021 respectively; note that advocates have reported CARDH’s numbers may be low).

73 See Fabiola Fanfan, *Le calvaire sans fin des femmes kidnappées en Haïti,* ENQUET ACTION (Apr. 21, 2023), https://www.enquetaction.com/articles/le-calvaire-sans-fin-des-femmes-kidnappées-en-haiti (reporting that the “overwhelming majority” of those affected do not report the kidnapping in order to avoid reprisals); Fondasyon Je Klere, *Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d’Ariel Henry* at ¶ 96 (reporting that it is “practically impossible” to know how many kidnappings have occurred); *Kidnapping en Haïti: la parole aux victimes,* LE NOUVELLISTE (Dec. 21, 2023), https://lenouvelliste.com/article/233286/kidnapping-en-haiti-la-parole-aux-victimes (reporting that those who survive kidnappings are often unable to speak up for psychological reasons and out of fear).


75 Compare BINUH, *Human Rights Situation: Main trends, Quarterly report: January – March 2023* at 4 (reporting 395 kidnappings in the first three months of 2023) and CARDH, *Kidnapping: Bulletin (#11) Janvier, Février Et Mars 2023* at ¶ 1 (reporting 389 kidnappings in the first three months of 2023) with Fondasyon Je Klere, *Rapport: Situation de terreur en Haïti, les chiffres noirs du gouvernement d’Ariel Henry* at ¶ 97 (reporting 401 kidnappings in the first four months of 2023) and CARDH, *Impact Of The « Bwa Kale » Movement Over Insecurity And Kidnapping In Haiti / Impacts Du « Bwa Kale » Sur L’insécurité Et Le Kidnapping En Haïti* (May 28, 2023), https://cardh.org/archives/4380 (reporting that there were “almost no” kidnappings between April 24 and May 24); but see Jean Junior Celestin, *Plusieurs cas d’enlèvements signalés en Plaine du Cul-de-Sac,* LE NOUVELLISTE (May 29, 2023), https://lenouvelliste.com/article/242566/plusieurs-cas-denlevements-signales-en-plaine-du-cul-de-sac (reporting that gangs kidnapped nearly a dozen people in Plaine du Cul-de-Sac between May 22 and May 28). CARDH suggests this decline may be due to the emergence of the *Bwa Kale* movement of civilian neighborhood defense groups that have been physically confronting suspected gang members, sometimes in cooperation with police, in the face of government failures to control the insecurity. CARDH, *Impact Of The « Bwa Kale » Movement Over Insecurity And Kidnapping In Haiti / Impacts Du « Bwa Kale » Sur L’insécurité Et Le Kidnapping En Haïti* at ¶¶ 3, 11, 99; see infra note 106.

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

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


79 See, e.g., Megan Janetsky & Pierre Richard Luxama, *In Haiti, gangs take control as democracy withers,* AP NEWS (Jan. 31, 2023), https://apnews.com/article/haiti-gangs-democracy-at-risk-7ddee955f6364e2b574e28da71d03 (reporting that ransoms, such as the US $1 million ransom placed on a kidnapped ambulance driver, are commonplace); Lise Denis, *Haïti «au bord d’une catastrophe humanitaire irréparable»,* LE DEVOIR (Apr. 26, 2023), https://www.ledevoir.com/monde/ameriques/789878/haiti-au-bord-d-une-catastrophe-humanitaire-irreparable (according to Montana Accord president-elect, former Prime Minister, and former governor of the *Banque de la République d’Haïti*, Fritz Jean, Haitians must turn to family members abroad to help pay the ransoms, which can reach up to $200,000); Hjelmgaard & Beard, *Haiti spinning out of control on every metric from gangs to kidnappings, migration to murder* (quoting one Haitian interviewee who said, “[t]hey catch you and demand $200,000”); *Kidnapping en Haïti: la parole aux victimes* (reporting that
kidnappers often demand ransoms that far exceed the prices of the victims’ families, such as USD $500,000; CARDH, Kidnapping : Bulletin (#11) Janvier, Février Et Mars 2023 (CARDH reports that gangs sometimes double and triple the original amount of ransom generally demanded).

See, e.g., Dustin J. Seibert, Haiti, Sudan And Our Selective Sympathy Over Black And Brown Atrocities, YAHOO NEWS (May 9, 2023), https://news.yahoo.com/haiti-sudan-selective-sympathy-over-094503472.html?guccounter=1&guce_referrer=aHR0cHM6Ly9yYWhsLmdvby8zS5b20v&guce_referrer_sig=AQAADxSxf1QGhN6NMpwZiaoxQ2qb2zd6GKvFvRsdnSuGvViD1OmmWlpwfKDVFpspbGffbwtaJFlFyBAv3d0XsPdxeHE2yGoB3gsW4BHvV8g4qCQOxk-5oaBXMbldHwD-NvKjDbqby4q65H-bPwxIC6X5qXPAGc2KMfF2SS0 (noting that coverage on Ukraine drastically outweighs coverage on the current situation in Haiti, including the kidnapping of a Haitian-American family in March). For further reading on the disproportionate attention paid to white victims of crime generally, see Zach Sommers, Missing White Woman Syndrome: An Empirical Analysis of Race and Gender Disparities in Online News Coverage of Missing Persons, 106 J. CRIM. L. & CRIMINOLOGY 275 (Spring 2016), https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7586&context=jclc.

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

See OPC Statement on Massacre in Source Matelas; Press Release, Senate Foreign Relations Committee, SFRC Chairman Menendez, Colleagues Applaud SFRC Approval of Haiti Collusion Transparency Act; Haiti : Plusieurs organisations dénoncent le comportement irresponsable du gouvernement de facto face au grand banditisme, ALTERPRESSE (Mar. 9, 2023), https://www.alterpresse.org/spip.php?article29114; Criminalité : L’organisme Sant Karl Lévêque déplore une absence de volonté politique pour combattre les gangs en Haïti (according to human rights organization Sant Karl Lévêque, the de facto government is indifferent to the situation); see also Francklyn B Geffrard, L’UNNOH alarmée par l’indifférence des autorités face à la dégradation du climat sécuritaire du pays..., ALTERPRESSE (Mar. 14, 2023), https://www.rhnews.com/actualites/unnoh-alarme-pardifference-des-autorites-face-la-degradation-du-climat-securitaire-du-pays/ (according to the National Union of Haitian Normaliens, the de facto government is at the service of foreign interests and has remained indifferent amidst student kidnappings and school closures).


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

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

Divisional Inspector for the PNH was arrested in the United States on May 9 for his alleged involvement in a gang attack on the Leclerc police station on October 12, 2022, during which gangs stole weapons and an armored vehicle.

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


90 UNODC, Haiti’s criminal markets: mapping trends in firearms and drug trafficking (at 18 according to the UN, most firearms and munitions in Haiti come from the United States, Florida in particular); see infra notes 449-54.


93 Jacqueline Charles & Johnny Fils-Aimé, Armed with machetes, stones, Haitians fight back against gangs – but there’s a deadly price, MIAMI HERALD (May 2, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article274777746.html; see also Paultre & Cameron, As Haiti’s Police Retreat, Gangs Take Over Much of the Capital (according to PIH union spokesperson Gesnel Morlant, “[i]f nothing is done, the police force could collapse in the weeks to come”); see infra note 419.

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

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

96 See, e.g., OHCHR, The Population of Cité Soleil in the Grip of Gang Violence at ¶ 83 (reporting that police did not intervene at all in Cité Soleil from July 9 to the end of December 2022); HAITI-Criminalité : Les bandits armés continuent d’opérer en toute impunité à Port-au-Prince, ALTERPRESSE (Mar. 3, 2023), https://www.alterpresse.org/spip.php?article29096 (reporting that police did not intervene for five days after heavily armed gangs took several downtown Port-au-Prince neighborhoods hostage on February 27, setting fire to a number of homes); @Radio_Metronome, TWITTER (Apr. 19, 2023, 2:30 PM), https://twitter.com/Radio_Metronome/status/164875596855187702 (reporting that armed police were on site yet did not respond as gangs attacked the population of Source-Matelas in Canaan on April 19).

97 Jacqueline Charles, U.N. details Haiti’s serious challenges with gangs, guns and drugs – and issues a warning, MIAMI HERALD (Mar. 5, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272742520.html (this figure falls “well below the 2.2 per 1,000 recommended by the UN”); see also Paultre & Cameron, As Haiti’s Police Retreat, Gangs Take Over Much of the Capital (reporting that many officers have quit or left the country amidst increasing insecurity and low wages); see infra note 419.

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

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

Six police officers in l’Estère left their posts on February 22 following unsuccessful requests for reinforcements and a gang attack against them (reporting that six police officers were killed in January alone).

In Haiti, “Bwa Kale” vigilantes turn tables against suspected gang members

According to the UN, civilians killed at least 164 suspected gang members in April. Civilians have targeted suspected gang members using machetes, sticks, and axes, stoned or beat them to death, and burned them alive. See Blaise, In Haiti, “Bwa Kale” vigilantes turn tables against suspected gang members; Haïti, Hattia’s descent into hell.

Robles & Paultré, Vigilante Justice Rises in Haiti and Crime Plummets (also noting that many Haitians support the movement, which they say is all that is keeping them safe from the gangs); Kestler-D’Amours, Haïti vigilante push ‘symptomatic’ of state’s failures; Advocates

For example, as reported in our previous Updates, activists Emmanuela Douyon and Pascale Solages remain

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

In Haiti, “Bwa Kale” vigilantes turn tables against suspected gang members. Civilian vigilantes are taking the law into their own hands, according to the UN, civilians killed at least 164 suspected gang members in April. Civilians have targeted suspected gang members using machetes, sticks, and axes, stoned or beat them to death, and burned them alive. See Blaise, In Haiti, “Bwa Kale” vigilantes turn tables against suspected gang members; Haïti, Hattia’s descent into hell.

Bhatia, Haïti’s ‘bwa kale’ a new window for international help | Opinion.

See also

Bhatia, Haïti’s ‘bwa kale’ a new window for international help | Opinion.


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


Haiti, REPORTERS WITHOUT BORDERS, https://rsf.org/en/country/ha%C3%A7ti (last visited Jun. 7, 2023) (ranking Haiti 99th on its World Press Freedom Index while noting that at least six journalists were killed in connection with their work in 2022).

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

Prevue par le Hct

https://haiti.loop

Haïti: les acteurs divisés sur l'accord du 21 décembre d'Ariel Henry

Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4)

plusieurs secteurs

Crise : La signature d'un document dit de consensus national, un de démarche démagogique et partisane, selon (according to journalist Roberson Alphonse, there have been hardly any trials to hold journalists' assassins accountable); Haïti-Médias : L’Anmh continue de réclamer une enquête sérieuse sur le double assassinat de Jean Léopold Dominique et Jean-Claude Louisissant, ALTERPRESSE (Apr. 3, 2023), https://www.alterpresse.org/spip.php?article29192 (reporting that the government has not opened a formal investigation into the double-assassination of journalists Jean Léopold Dominique and Jean-Claude Louisissant on April 3 in 2000); Les défis restent colossaux, notamment le besoin de justice pour les journalistes assassins, constate l'ambassadeur Dominique Dupuy, LE NOUVELLISTE (May 3, 2023), https://lenouvelliste.com/article/242102/les-defis-restent-colossaux-notamment-le-besoin-de-justice-pour-les-journalistes-assassines-constate-lambassadeur-dominique-dupuy (according to Haiti’s ambassador and permanent delegate to UNESCO, Dominique Dupuy, justice for assassinated journalists remains a “colossal challenge”); see infra note 204 (there has been no progress in the investigation into journalist Diego Charles’ murder).  

See infra notes 166-69.  


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


See Clescra, Haïti’s Rule of Lawlessness: Tanya Wadhwa, Haiti’s de facto government installs transition council to guarantee general elections, PEOPLES DISPATCH (Feb. 10, 2023), https://peoplesdispatch.org/2023/02/10/haits-de-facto-governments-installs-transition-council-to-guarantee-general-elections/; Concannon, Biden must stop propping up the old guard in Haiti.


In addition to efforts by Haiti’s Anti-Corruption Unit (ULCC), foreign countries have implemented sanctions against 39 political and economic elites in an effort to combat systemic corruption. See infra notes 454-60.


See infra notes 166-69.

Consensus National pour une Transition Inclusive et des Élections Transparentes.

See Charlemagne, From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4); From the Musseau Agreement to the Karibe Agreement, Ariel Henry consolidates his power (part 4); Haïti-Crise : La signature d’un document dit de consensus national, un de démarche démagoétique et partisane, selon plusieurs secteurs; Jérôme, Le faire-semblant d’Ariel Henry.

Sénat,

Constitution du 29 mars 1987

131

See Remarks of Special Representative Helen La Lime, Security Council Open Briefing on Haiti – 24 January; Press Release, UN, Key Political Developments, Sanctions Offer Hope to Haiti’s Recovery if Supported by International Community, Special Representative Tells Security Council.

128 Consensus National pour une Transition Inclusive et des Élections Transparentes; see also Sénat,

129 D importants partis politiques n’ont pas signé l’accord du 21 décembre; Cesla, Haiti’s Rule of Lawlessness.


134 See infra notes 166-69.

135 See IDJD May 2021 Update at n. 46-49.

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

143 Activist and author Monique Clesca, describing a scheme to sell Haitian passports to bolster their power and influence.

Dozens of elected government officials have been implicated in corruption, money laundering, arms smuggling, and other illegal activities. Some sectors further reported not being able to participate because the regulations for urging a foreign armed intervention in Haiti – Crisis: The Caricom delegation met the PM, Haiti Libre (Feb. 28, 2023), haitiliberte.com/article/242477/force-specialisee-armee-pour-aider-la-pnh-accompagnement-avec-ou-sans-deploiement/?; The NEUVOLLISTE (May 24, 2023), https://www.lenouvelliste.com/article/242477/force-specialisee-armee-pour-aider-la-pnh-accompagnement-avec-ou-sans-deploiement/; see infra notes 442-49.

138 Criminalité: Plusieurs secteurs jugent inopportune l’organisation d’éventuelles élections en Haïti; Alphonse, Aggravation de l’insécurité, le PM Ariel Henry en mode élections « rapido presto »; see also Juhakenson Blaise, Critics: Election efforts fueling Haiti’s mass killings, HAITIAN TIMES (May 3, 2023), https://haitiantimes.com/2023/05/03/critics-election-efforts-fueling-haitis-mass-killings/ (reporting that political activists are concerned that the push for elections is actually fueling violence in the country, with the de facto government using elections as a distraction while it allows the security situation to deteriorate to the point where foreign military intervention is the only possible solution). Henry himself has acknowledged the urgency and importance of restoring a secure environment as an essential condition for organizing elections in February, which his administration had previously used as justification for urging a foreign armed intervention.


135 Alphonse, Aggravation de l’insécurité, le PM Ariel Henry en mode élections « rapido presto ».

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

133 See Duvalier to Avril, 1957 (last visited Jun. 12, 2023) (in 1985, Haitian President François Duvalier illegally changed the Haitian Constitution through a referendum in order to consolidate his power); From Duvalier to Avril, 1957-89, U.S. LIBRARY OF CONGRESS, https://countrystudies.us/haiti/65.htm (last visited Jun. 12, 2023) (in 1985, Haitian President François Duvalier illegally changed the Haitian Constitution through a referendum to make himself “President for life”).


See UN Development Programme, Justice Programme UNDP: Fact Sheet (February 2023), https://www.undp.org/sites/g/files/zkgke326/files/2023-04/undp-ht-ProgrammeJustice-Factsheet-042023-En.pdf; see infra Section III.


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


See supra note 105.


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

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

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

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

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

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


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

cassation-en-violation-de-la-regle-sacro-sainte-de-la%EF%82%8B competent-et-de-l'integrite-fjl;


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

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

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


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

175 UNSG April BINUH Report at ¶ 31.


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


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

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

182 Information provided by BAI.

183 Information provided by BAI.


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

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

190 See supra note 144.
193 *IJDH November 2022 Update* at 5; *IJDH June 2022 Update* at 7-8.
195 High turnover among judges has, in part, contributed to delays, with five judges having presided over the investigation since its initiation. Two resigned in response to the government’s failure to guarantee their safety amidst threats of violence and one was removed as the result of a corruption scandal. The two most recent investigative judges received the case docket only after significant delays, and the current judge’s mandate expired in August 2022. Juhakenson Blaise, *Disorder in Haiti’s courts,* HAITIAN TIMES (Jul. 7, 2022), https://haitiantimes.com/2022/07/07/disorder-in-haitis-courts/; *IJDH November 2022 Update* at 5; Franclyn B Geffrard, *Le CARDH appelle à nouveau à la nomination d’un nouveau juge d'instruction sur le dossier de l’assassinat de Jovenel Moïse…,* RHINES (Mar. 8, 2023), https://www.rhineews.com/actualites/le-cardh-appelle-a-nouveau-a-la-nomination-dun-nouveau-juge-d-instruction-sur-le-dossier-de-lassassinat-de-jovenel-moise/.
Haitians are dying of thirst and starvation in severely overcrowded prisons. The United States has not pursued Henry as a suspect in its investigation either. Jacqueline Charles, More Colombian suspects in Moïse assassination questioned by FBI during Haiti visit, MIAMI HERALD (Apr. 10, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article274102660.html (“FBI agents did not question Haitian Prime Minister Ariel Henry, who has been supportive of the U.S. investigation.”).

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


Charles, Amnesty urges protection, action in murder probe of Haitian journalist, political activist.

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


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


UNSG April BINUH Report at ¶ 35; see also Haiti – Justice : Sur 11 718 détenus en Haïti seulement 1 935 ont été jugés et condamnés (reporting that prisons are operating at over four times their capacity); Dânicia Coto, Haitians are dying of thirst and starvation in severely overcrowded prisons, WASHINGTON POST (Jun. 8, 2023), https://www.washingtonpost.com/world/2023/06/08/haiti-prisons-mistreatment-starvation-caribbean/3061f1de-05b2-11ee-b74a-5bddd335d4fa2_story.html (reporting that incarcerated individuals are forced to sleep standing up).
UNSG April BINUH Report


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


Mentor, *Haiti : Voici pourquoi les prisonniers meurent de faim dans les centres carcéraux.*

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


Ronel Paul, *Haiti : le lourd bilan de la mutinerie à la prison civile des Gonaïves,* RFI (Jan. 30, 2023), [https://www.rfi.fr/tr/ameriques/20230129-haiti-le-lourd-bilan-de-la-mutinerie-a-la-prison-civile-des-gonaives](https://www.rfi.fr/tr/ameriques/20230129-haiti-le-lourd-bilan-de-la-mutinerie-a-la-prison-civile-des-gonaives); see also Ronel Paul, *Mutinerie à la prison civile des Gonaïves: une vingtaine de prisonniers tués, plusieurs autres évadés,* ZOOM HAÏTI NEWS (Jan. 28, 2023), [https://zoomhaitinews.com/mutinerie-a-la-prison-civile-des-gonaives-une-vingtaine-de-prisonniers-tues-plusieurs-autres-evades](https://zoomhaitinews.com/mutinerie-a-la-prison-civile-des-gonaives-une-vingtaine-de-prisonniers-tues-plusieurs-autres-evades) (reporting that at least 14 detainees were killed during the violence, which occurred while prison guards were protesting the de facto government’s failure to address rising violence against police, leaving those in custody without protection). Note that more than a dozen women and minors were raped in their cells in the same prison during a prison mutiny in 2019. Women’s organizations have demanded that the government move the women in Gonaïves to another facility. *Mutinerie à prison civile des Gonaïves: 16 femmes et une mineure violées,* VANT BEF INFO (Jan. 30, 2023), [https://vantbefinfo.com/mutinerie-a-prison-civile-des-gonaives-16-femmes-et-une-mineure-violees](https://vantbefinfo.com/mutinerie-a-prison-civile-des-gonaives-16-femmes-et-une-mineure-violees).

**UNSG January BINUH Report** at ¶ 32.

*Haiti - Justice : Détention préventive, 3e mois consécutif positif (février 2023),* HAÏTI LIBRE (Mar. 12, 2023), [https://www.haitilibre.com/article-39042-haiti-justic-detention-preventive-3e-mois-consecutif-positif-fevrier-2023.html](https://www.haitilibre.com/article-39042-haiti-justic-detention-preventive-3e-mois-consecutif-positif-fevrier-2023.html) (reporting a progressive increase in indictments during the first quarter of 2023); see also RNDDH, *Remarques sur la réalisation des audiences criminelles dans certaines juridictions de première instance du pays* at ¶ 38 (despite the nation-wide increase in indictments, certain jurisdictions have not been able to meet the Ministry of Justice’s directive; in Jérémie, for example, where 458 persons await trial, the court only has enough judges to hear ten criminal cases throughout the course of the entire judicial year).

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


See HRW, Haiti: Events of 2022.
See Criminalité/Genre : Les femmes de plus en plus victimes de violences sexuelles en Haïti, ALTERPRESSE (Mar. 9, 2023), https://www.alterpresse.org/spip.php?article29112 (the loss of personal income makes women even more dependent on male family members, heightening already severe vulnerability to domestic violence); Global Initiative Against Transnational Organized Crime, Gang control and security vacuums: assessing gender-based violence in Cité Soleil 14 (May 2023), https://drive.google.com/file/d/1izbFijuwMFeKtkd44CnbB2ZcTH9b5x7/view (finding that unemployed women were three times as likely to experience GBV); BAI et al., Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti (Oct. 31, 2022), http://www.ijdh.org/wp-content/uploads/2022/11/Joint-Submission-to-WGDAWG-on-GenderPoverty-FINAL.pdf.

La PNH à pied d’œuvre alors que plus de « 100 000 personnes » ont été forcées de quitter leur maison entre janvier 2022 à avril 2023; see supra notes 68-70.

See Geffrard, Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...; L’État haïtien a une part de responsabilité dans les viols collectifs perpétés à la prison civile des Gonâves; see supra notes 222-24.

See, e.g., La Sofa : 37 ans de lutte féministe en Haïti, ALTERPRESSE (Feb. 23, 2023), https://www.alterpresse.org/spip.php?article29074 (according to Solidarité Fann Ayisyen dr, Dr. Lise-Marie Déjean, the Ministry for the Status of Women and Women’s Rights has not been “playing its role”); Geffrard, Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH...

See Wilentz, Haiti, April 2023: Soon There Will Be No One Left to Kidnap.
See, e.g., BAI et al., Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haïti at 11, 16; BAI et al., Joint Submission to Working Group on discrimination against women and girls on Gender and Poverty in Haiti.

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


See Megan Janetsky & Fernanda Pesce, War for control of Haiti’s capital targets women’s bodies, AP NEWS (Feb. 13, 2023), https://apnews.com/article/crime-violence-kidnapping-caribbean-haiti-89757f336975cb28283025e65446a4ff; see also Kestler-D’Amours, Haïti’s sexual violence survivors demand justice (reporting a six-fold increase in reported rapes in Port-au-Prince between January and December 2022);


Charles, Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says; Janetsky & Pesce, War for control of Haiti’s capital targets women’s bodies; Amnesty International, Amnesty International Report 2022/23: The state of the world’s human rights 184 (Mar. 27, 2023), https://www.amnesty.org/en/documents/po110/5670/2023/en/; Murdith Joseph, Activities call attention to assaults on Haitian women and girls, HAITIAN TIMES (Mar. 13, 2023), https://haitiantimes.com/2023/03/13/activities-call-attention-to-assaults-on-haitian-women-and-girls/ (reporting on the infringement of women’s freedom of movement and ability to participate in jobs, school, and events due to the high risk of being sexually assaulted by gangs); OHCHR, The Population of Cité Soleil in the Grip of Gang Violence at ¶ 50 (several victims of sexual violence had reported to the Human Rights Service of BINUH that members of the G9 gang had sworn “to rape and punish all the women of ‘Ti-Gabriel,’” the leader of rival gang G-Pep). Although women and girls make up a small percentage of all kidnappings, they are uniquely vulnerable to kidnappings as gang members often use sexual violence to pressure families to pay the ransom. See Press Release, OHCHR, Haiti – gang violence; CARDH, Kidnapping : Bulletin (#11) Janvier, Février Et Mars 2023 at ¶ 25; BINUH, Human Rights Situation: Main trends, Quarterly report: January – March 2023 at 4; Bhatia, Haiti’s descent into hell.

OHCHR, Haiti : Humanitarian Note at 2.


See Press Release, OHCHR, Haiti: UN experts say Government must act to end gang violence against women and girls; Geffrard, Au moins sept femmes victimes de la violence basée sur le genre par jour en Haïti, dénonce Rosy Ducéna de RNDDH, devant la CIDH… (according to RNDDH’s Rosy Ducéna, “when women have to move because of these armed conflicts, they are pursued in the public squares where they take refuge, to be raped again and again… raped on the national roads, on the asphalt, in full view of everyone”).

OHCHR, The Population of Cité Soleil in the Grip of Gang Violence at ¶ 49; BAI et al., Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti at 7 (reporting that family members who have witnessed rapes suffer from guilt for not intervening); Video before the Inter-American Commission on Human Rights, March 8 (describing a case in which a mother was forced to watch the rape of her nine-year-old daughter).

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

See Kestler-D’Amours, Haiti’s sexual violence survivors demand justice.

See Kestler-D’Amours, Haiti’s sexual violence survivors demand justice; Charles, ‘Intolerable risks’; Haiti’s escalating violence, including sexual attacks, shunts hospital.

See OHCHR, The Population of Cité Soleil in the Grip of Gang Violence at ¶¶ 76-79 (reporting that clashes between gangs blocked medical supplies, ambulances, movement of health professionals, prevented injured people from physically accessing health institutions, and scared individuals from visiting); Charles, Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says; Megan Janetsky & Fernanda Pesce, In heart of Haiti’s gang war, one hospital stands its ground, AP NEWS (Feb. 26, 2023).
World/Americas/Haiti/article272315123.html (reporting that the extent of violence in the streets has resulted in patients being too scared to seek even the most basic care).


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

254 See, e.g., @Neges_Mawon, TWITTER (Jun. 2, 2023, 4:40 PM), https://twitter.com/Neges_Mawon/status/1664733796291475073 (feminist organization Nègès Mawon joined a march to raise awareness about the transmission of HIV from women to their fetuses); BAI panel discussion: “Women’s Participation in a Clean-Break Transition,” IDJH, http://www.jiudh.org/jiudh_events/bai-panel-discussion-womens-participation-in-a-clean-break-transition/ (last visited Jun. 12, 2023) (on March 3, BAI held a panel during which speakers “addressed the importance of women playing meaningful roles in any effort to get Haiti back on the democratic path”).


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

257 Prévost-Manuel, Reclaiming Safe Abortion Access in Haiti (explaining that over 50 percent of abortions are performed outside the formal healthcare system).


269 UN Economic and Social Council, Country programme document: Haiti at ¶ 8.

270 See UNICEF, *Children Affected by Internal Migration and Displacement in Latin America and the Caribbean 2020*, https://www.unicef.org/lac/media/40981/file/children-affected-by-internal-migration.pdf (citing a 2015 study that found restaveks had a significantly lower school attendance rate compared to non-restavek children – 79 percent compared to 93 percent of all children).


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

275 IJDH November 2023 Update at 8.


278 HRW, *Haiti: Events of 2022*.

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

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


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


292 UNSG January BINUH Report at ¶ 51; Peyvand Khorsandi, ‘Haiti can’t wait’: People on the brink as hunger levels rise, warns food security report, WORLD FOOD PROGRAMME (Mar 24, 2023), https://www.wfp.org/stories/haiti-cant-wait-people-brink-hunger-levels-rise-warns-food-security-report. Experts are concerned that the economy will continue to contract in 2023, and Haiti’s per capita gross domestic product remains the lowest in the Latin American and Caribbean region. The *World Bank in Haiti,* WORLD BANK, https://www.worldbank.org/en/country/haiti/overview (last visited Jun. 13, 2023). The first quarter of 2023 saw improved fiscal performance, explained by the de facto government’s efforts to increase revenue by cutting fuel subsidies. This has not translated into an improved economic and social landscape for Haitians; the effects of the fuel subsidies instead brought the country to a virtual stand-still last fall and were felt most acutely by the poor. Roberson Alphonse, *Jean Baden Dubois optimiste quant à un renforcement futur de la gourde,* LE NOUVELISTE (Apr. 17, 2023), https://lenouvelliste.com/article241816/jean-baden-dubois-optimiste-quant-a-un-renforcement-futur-de-la-gourde; IJDH November 2022 Update at 9.
See Banque de la République d’Haïti, Note Sur La Politique Monétaire: 1er trimestre de l’exercice fiscal 2022-2023 (Octobre – Décembre 2022) 2, https://www.haitilibre.com/docs/Politique_monetaire_decembre2022.pdf (last visited Jun. 14, 2023) (reporting that deteriorating security circumstances have particularly disrupted the production of goods and services by local businesses and their distribution); Haïti: Situation désastreuse – Aucune condition favorable aux activités économiques, pointe l’économiste Enomy Germain, ALTERPRESSE (May 5, 2023), https://www.alterpresse.org/spip.php?article29281 (reporting that addressing insecurity is a condition precedent to restoring the economy); Haïti-Criminalité : A Fort Jacques, « nous sommes devenus néant », ALTERPRESSE (May 10, 2023), https://www.alterpresse.org/spip.php?article29293 (reporting that commercial activities have been shut down in Fort Jacques since February). Port-au-Prince and the Artibonite region – Haïti’s main industrial and agricultural hubs, respectively – are particularly impacted. Charles, Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says; see, e.g., Haïti/Insécurité: Une 2e succursale de banque commerciale fermée au Centre-ville de Port-au-Prince, VANT BÊF INFO (Mar. 27, 2023), https://vantbefinfo.com/haiti-insecure-un-2e-succursale-de-banque-commerciale-fermee-au-centre-ville-de-port-au-prince// (two major commercial banks closed branches in downtown Port-Au-Prince this year due to insecurity); Haïti-Criminalité : Risques de famine dans l’Artibonite, avec les pertes de récoltes dues aux manoeuvres des gangs, ALTERPRESSE (Feb. 28, 2023), https://www.alterpresse.org/spip.php?article29085 (reporting that gangs prevent female produce sellers in the Artibonite from bringing their goods to market).

Charles, Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says; UNSC, Meetings Coverage, Security Council Highlights Sanctions in Tackling Haitian Gangs, but Undersees Need for Dialogue, Effective Police, in Resolving Country’s Crisis (Dec. 21, 2022), https://press.un.org/en/2022/sc15161.doc.htm (according to a BINUH report, as of 21 December, gangs controlled all main roads in and out of the capital, disrupting the flow of people and resources in the area); Haïti: political instability, gang violence and disease, INTERNATIONAL RESCUE COMMITTEE (Apr. 7, 2023),
In 2020, only 43% of households have access to basic drinking water services and only 49 percent have access to improved sanitation.\(^{305}\) In 2022, a worrisome trend of epidemics continues, with cholera outbreaks causing thousands of deaths and hospitalizations.\(^{306}\) The Liam-1 and Cholera epidemic in Cité Soleil and other gang-controlled areas has limited much of the country’s ability to function.\(^{307}\) The misery and politics of Haiti’s cholera epidemic have been exacerbated by gang-based insecurity and union repression by multinational firms and working conditions which have been exacerbated by gang activity.\(^{308}\)

For example, in January, the United States stopped importing mangos from Haiti due to concerns about the rampant insecurity. Emmauel Moïse Yves, Coup dur pour les producteurs de la mangue Francisque d’Haïti, AYIBO POST (Dec. 14, 2023), https://ayibopost.com/exportation-mangues-franciscques-vers-usa/\(^{302}\). Garment factories in Haiti have laid off hundreds of employees amid concerns about instability in the country, with thousands more at risk of losing their jobs by June. \(^{309}\) See Jacqueline Charles, Once the promise of hope in Haiti, textile park is now laying off thousands of workers, MIAMI HERALD (Feb. 2, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haïti/article271963327.html\(^{303}\). The textile sector is now laying off thousands of workers and thousands more at risk of losing their jobs by June.\(^{310}\) See also Emmaunel Moïse Yves, Mangue Francisque d’Haïti vers le gouvernement, RISIS (May 5, 2023), https://ayibopost.com/exportation-mangue-Francisque-dHaïti-vers-le-gouvernement\(^{311}\) (reporting that gang activity has left the entire northwest region in “complete isolation” from the rest of the country, preventing its 800,000 inhabitants from accessing goods and services).

For instance, in January, the United States stopped importing mangos from Haiti due to concerns about the rampant insecurity. Emmauel Moïse Yves, Coup dur pour les producteurs de la mangue Francisque d’Haïti, AYIBO POST (Dec. 14, 2023), https://ayibopost.com/exportation-mangues-franciscques-vers-usa/\(^{302}\). Garment factories in Haiti have laid off hundreds of employees amid concerns about instability in the country, with thousands more at risk of losing their jobs by June. See Jacqueline Charles, Once the promise of hope in Haiti, textile park is now laying off thousands of workers, MIAMI HERALD (Feb. 2, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haïti/article271963327.html\(^{303}\) (describing the trend of losses in textile jobs in Haiti since 2021); Haiti – Economy : Thousands of additional jobs could be lost by June in the textile sector, HAITI LIBRE (Feb. 9, 2023), https://www.haitilibre.com/en-news-38811-haiti-economy-thousands-of-additional-jobs-could-be-lost-by-june-in-the-textile-sector.html\(^{304}\) (also noting that other employers are considering moving factories out of Haiti as customers prefer to order textiles from more reliable suppliers).

See, e.g., Blaise, Laborers in Haiti continue striking for $18 daily wage (reporting that textile workers demand higher wages, noting that, with their current wages, they can afford to “‘neither eat nor drink’”); Renel Exentus, Haiti : pour une solidarité active avec les travailleurs haitiens, LE NATIONAL (May 17, 2023), https://www.lenational.org/post_article.php?tri=1139\(^{305}\) (reporting that workers have been denouncing dire working conditions which have been exacerbated by gang-based insecurity and union repression by multinational firms and local elites).

UNSG April BINUH Report at ¶ 38 (gangs recruit children who are then used as street informants and errand runners, in addition to committing attacks themselves); Press Release, UN, As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council (reporting that gang recruit from neighborhoods of extreme poverty); see also Brian Concannon & Mario Joseph, The last thing Haiti needs is military intervention. It didn’t work in the past, and won’t work now | Opinion, MIAMI HERALD (Sep. 19, 2023), https://www.miamiherald.com/opinion/op-ed/article266022281.html\(^{310}\) (calling Haiti’s gang violence “a symptom of the government’s inability to provide basic government services” because “[w]ithout schools and jobs for young people or an adequate police force, gangs are inevitable”); Daut, What’s the path forward for Haiti? (“One gang member who joined when he was just fourteen . . . remarked that, if given the opportunity, ‘the youth would wake up to work—not fight—because they [would be] making money.’”).

OHCHR, The Population of Cité Soleil in the Grip of Gang Violence at ¶ 8-9.\(^{306}\) OHCHR, The Population of Cité Soleil in the Grip of Gang Violence at ¶ 9.\(^{307}\) OCHA, Haiti: Humanitarian Response Plan 2023 At a Glance at 2, 4 (further reporting that only 55 percent of households have access to basic drinking water services and only 49 percent have access to improved latrines); Roberson Bertrand, Plus de 3 millions d’Haitiens dans le besoin en eau, des organisations accusent le gouvernement, HAITI 24 (Mar. 23, 2023), https://haiti24.net/plus-de-3-millions-dhaitiens-dans-le-besoin-en-eaux-des-organisations-accusent-le-gouvernement; see also Pablo Ferri, The misery and politics of Haiti’s cholera epidemic, EL PAÍS (Feb. 20, 2023), https://englishelpais.com/international/2023-02-21/the-misery-and-politics-of-haitis-cholera-epidemic.html (reporting that some Haitians make three-hour round trips to access water); In Haiti, Access to Water and Sanitation is Vital, and the World Bank Is Making This Possible, WORLD BANK (Mar. 22, 2023), https://www.worldbank.org/en/news/feature/2023/03/22/in-haiti-access-to-water-and-sanitation-is-vital-and-the-world-bank-is-making-this-possible#:~:text=In%202020%20%20%20only%2024%25%20of%20people%20in%202022%20%20%20worry%20%20trend (reporting that in remote areas of Haiti, individuals face difficulties accessing water supplies due to reservoirs being downstream from small communities in mountainous regions and poorly maintained water systems).


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


315 Haitï : La production agricole dans l’Artibonite, rué par les gangstes, rudement affectée par les actes de terreur et de criminalité des gangs.


317 Haiti: Factsheet, https://www.adaptation-undp.org/projects/strengthening-climate-resilience-drinking-water-haiti (last updated Apr. 14, 2023); Haiti: Amid rising hunger levels, world cannot wait for disaster before it acts’, WFP warns (reporting that the number of severely hungry people in Haiti has tripled since 2016); Khorsandi, ‘Haiti can’t wait’: People on the brink as hunger levels rise, warns food security report.

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

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

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

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


326 United Nations: *Haiti at risk of starvation, AP NEWS* (May 30, 2023), [https://newsroom.ap.org/editorial-photos-videos/detail?itemid=a9f50163d23d4a0d8122396c2f6d752c](https://newsroom.ap.org/editorial-photos-videos/detail?itemid=a9f50163d23d4a0d8122396c2f6d752c); see also Haiti commune cut off from capital by violent gangs, AP NEWS (Apr. 24, 2023), [https://apnews.com/video/crime-haiti-organized-violence-juvenel-moise-2f2287274a244a05b0288356c50147e](https://apnews.com/video/crime-haiti-organized-violence-juvenel-moise-2f2287274a244a05b0288356c50147e) (reporting that gang violence has effectively cut off the neighborhood Cité Soleil from Port-au-Prince, with gangs controlling the flow of goods in and out).

327 See Khorsandi, ‘*Haiti can’t wait*: People on the brink as hunger levels rise, warns food security report’; Marvens Compere & Murdith Joseph, *State of Haiti: Food vendors speak about hunger crisis*, HAITIAN TIMES (Feb. 10, 2023), [https://haitiantimes.com/2023/02/10/state-of-haiti-food-vendors-speak-about-hunger-crisis/](https://haitiantimes.com/2023/02/10/state-of-haiti-food-vendors-speak-about-hunger-crisis/) (during interviews with food vendors in Port-au-Prince on the acute hunger many Haitians are facing due to inflation, one vendor said they were all “dead people walking”); see supra notes 296-300.


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

331) Haiti : La production agricole dans l’Artibonite, rudement affectée par les actes de terreur et de criminalité des gangs.

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

333) Haiti-Criminalité : Risques de famine dans l’Artibonite, avec les pertes de récoltes dues aux manoeuvres des gangs.

334) For example, Food for the Poor, an organization that has been operating in Haiti for 34 years, has not received enough donations to meet the 30 percent increase in requests for food since 2020. Celestin, Insécurité alimentaire : les demandes d’aide ont augmenté; see also Haiti – FLASH : The hour is serious, 19,000 Haitians affected by famine, 4.7 million in food insecurity, HAITI LIBRE (Dec. 13, 2023), https://www.haitilibre.com/en/news-38357-haiti-flash-the-hour-is-serious-19-000-haitians-affected-by-famine-47-million-in-food-insecurity.html (according to an Integrated Food Security Phase Classification report, only seven percent of the population that was analyzed had received emergency food assistance through a ration or cash transfer); Khorsandi, ‘Haïti can’t wait’: People on the brink as hunger levels rise, warns food security report (according to WFP’s Country Director for Haiti, Jean-Martin Bauer, WFP needs US $125 million over the next six months to tackle food shortages in Haiti but donors were not stepping up); cf. Haiti: Acute Food Insecurity Projection Update for March – June 2023 (reporting that increases in humanitarian support in recent months have marginally alleviated food access for some of the most vulnerable populations).

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


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

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

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

See Charles, ‘Intolerable risks’: Haiti’s escalating violence, including sexual attacks, shuts hospital (reporting that, in addition to the devastating impacts that closures will have on gunshot and sexual violence victims, impacts will be felt in regards to the treatment of cholera as MSF was among the front-line responders); Violent clashes force temporary closures of MSF hospital in Cité Soleil, MSF (Mar. 9, 2023), [https://www.msf.org/haiti/news/2023/03/09/violent-clashes-force-temporary-closure-msf-hospital-ci%C3%A7e-soleil](https://www.msf.org/haiti/news/2023/03/09/violent-clashes-force-temporary-closure-msf-hospital-ci%C3%A7e-soleil) (“We realize that closing the hospital will have a serious impact on the people of Cité Soleil, but our teams cannot work until security conditions are guaranteed.”); Taylor, ‘Warfare is encroaching’: aid groups may have to cut back services in Haiti as violence grows (according to a representative of Italian non-governmental organization Avsi Foundation, should MSF limit or withdraw its operations in Haiti, the result would be “a catastrophe”).

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

See Blaise, Kidnappers target doctors in Haiti; Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care (according to regional director Dr. Ralph Blondel Charles, Zanmi Lasante staff’s “mental health is highly affected” by the heightened danger and “[w]hen they have to go an entire month or more without being able to return home to visit their families, it is hard and it takes a toll”); Janetsky &
which has forced some hospitals to limit their services to emergency
impeding service provision). See supra notes 255-59.
346 See BAI et al., Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti at 35; Janetsky & Pesce, In heart of Haiti’s gang war, one hospital stands its ground (reporting that many pregnant women fear what gangs will do to them whilst traveling and therefore delay going to a hospital and that in one case, a woman was found delivering a baby on the street because she was unable to find transportation due to gang lockdowns; she lost the baby); HOPE, Haiti Cholera and Insecurity Response – Situation Report #8 at 1 (reporting that 25 percent of Haitians take more than an hour, by regular transport to reach a health facility; that number increases to 44 percent in rural areas).
350 In heart of Haiti’s gang war, one hospital stands its ground.
351 See BAI et al., Comprehensive written submission of civil society hearing on widespread sexual violence against women and girls in Haiti at 35; Janetsky & Pesce, In heart of Haiti’s gang war, one hospital stands its ground (reporting that many pregnant women fear what gangs will do to them whilst traveling and therefore delay going to a hospital and that in one case, a woman was found delivering a baby on the street because she was unable to find transportation due to gang lockdowns; she lost the baby); HOPE, Haiti Cholera and Insecurity Response – Situation Report #8 at 1 (reporting that 25 percent of Haitians take more than an hour, by regular transport – primarily by motorbike or on foot – to reach a health facility; that number increases to 44 percent in rural areas).
352 See Chaos In Haiti Escalates as Gang Violence, Fuel Shortages Threaten Access to Health Care (reporting that with long delays for essential medicines and supplies and many transport routes inaccessible due to security concerns, some staff have been forced to purchase supplies from local sources in much smaller amounts); OCHA, Haïti: Humanitarian and cholera Situation Report #7 – as of 17 January 2023 (Jan. 21, 2023), https://reliefweb.int/report/haiti/haiti-earthquake-and-cholera-outbreak-emergency-appeal-no-mdrht018-operation-update-5 (reporting that closures to ports are a significant barrier to importing medical supplies, thus impeding service provision).
353 See OCHA, Haiti: Humanitarian and cholera Situation Report #7 – as of 17 January 2023 (Jan. 21, 2023), https://haiti.un.org/sites/default/files/2023-01/20230120%20-%20Sitrep%20%2323%20%20Cholera%20%26%20Humanitarian%20Situation.pdf (because of the high cost of fuel, some hospitals have been forced to cover transportation costs for patients, eating away at their already meager funds); OCHA, Haiti: Humanitarian note at 2 (reporting that there has been an explosion in operational costs due to higher fuel prices, which has forced some hospitals to limit their services to emergency care, ask patients to pay for fuel, and perform certain surgeries by cellphine light).
354 See Grève à l’HUEH : les médecins résidents s’opposent à l’ouverture d’une cellule d’urgence.
least three teachers were kidnapped). 

Haiti Aperçu des Besoins Humanitaires 2023 at 7 ("Fuel supply difficulties have forced [medical] facilities to ration their electricity consumption, even leading to the temporary closure of services. In December, 45% of the 22 facilities reported fuel problems."); Grève à l’HUEH: les médecins résidents s’opposent à l’ouverture d’une cellule d’urgence.

See World Health Organization, Multi-Country Outbreak of Cholera, External Situation Report # 3 at 14 (Jun. 1, 2023), https://reliefweb.int/report/malawi/multi-country-outbreak-cholera-external-situation-report-3-published-1-june-2023 (reporting that, after a decrease in new cases starting in January, since May 1 there has been a renewed upsurge); Haiti : hausse de plus de 50% des cas de cholèra en un mois, selon l’ONU (reporting an almost 60 percent increase in cholera cases between December and January and the risk of continued spread both in Haiti and to the Dominican Republic); Ferri, The misery and politics of Haiti’s cholera epidemic (observers remain concerned that the epidemic will spiral out of control due to the insecurity crisis); UNICEF, Haiti Humanitarian Situation Report No. 2: March – April 2023 2 (May 18, 2023), https://reliefweb.int/report/haiti/unicef-haiti-humanitarian-situation-report-no-2-march-april-2023 (reports that there are concerns of an uptick in infections to come during the cyclone season).

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


See Ferri, The misery and politics of Haiti’s cholera epidemic; Haiti: political instability, gang violence and disease, INTERNATIONAL RESCUE COMMITTEE (Apr. 13, 2023), https://www.rescue.org/en/article/haiti-political-instability-gang-violence-and-disease (reporting that climate shocks, damaged infrastructure, and a breakdown in public services reducing access to water and sanitation have increased the likelihood of cholera outbreaks); Haiti: Humanitarian Response Plan 2023 At a Glance at 4, 7; BINUH, The Population of Cité Soleil in the Grip of Gang Violence at ¶ 71 (reporting that gang restrictions on drinking water have exacerbated the cholera crisis); Cholera – Haiti, WORLD HEALTH ORGANIZATION (Dec. 13, 2022), https://www.who.int/emergencies/disease-outbreak-news/item/2022-DON427 (reporting that lack of access to healthcare has heightened the population’s vulnerability to the ongoing outbreak); see supra notes 307-17.

Charles, Gang-related violence in Haiti has reached levels not seen in decades, U.N. chief says (according to the UN, “[a]mid the ongoing cholera outbreak, the lack of fuel has further undermined access to health services owing to restrictions on movement and to the impact of fluctuations in the supply of water and electricity on the functioning of medical facilities”). See 5 ways UNICEF is supporting Haiti’s children ("[C]holera and malnutrition create a double burden that the national health system is unable to respond to due to critical human resource shortages and lack of supplies.").

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

UNSG January BINUH Report at ¶ 55.


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

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

See, e.g., Jonasson Odigène, *Mort de l'étudiant Tchadensky Jean Baptiste et attaques diverses contre l’Université*, LE NOUVELLELISTE (Mar. 22, 2023), https://lenouvelliste.com/article/241416/mort-par-balle-de-letudiant-tchadensky-jean-baptiste-et-attaques-diverses-contre-luniversite (reporting on numerous cases of students and staff being kidnapped and held for ransom); *Haïti-Criminalité : L’Unitech exige la libération de deux personnes kidnappées devant ses locaux*, ALTERPRESSE (Mar. 27, 2023), https://www.alterpresse.org/spip.php?article29168 (reporting that two people were kidnapped in front of the University of Technology of Haiti on March 26 during a graduation ceremony); Rachel Opota, *« Mon chemin de l’école est parsemé d’embûches », UNICEF (Feb. 10, 2023), https://www.unicef.org/ha/eq/recifs/%C2%AB-mon-chemin-de-l%27ecole-est-parseme-%C3%A8me-dem-b%C3%BBches%C2%BB (reporting on the kidnapping of several minor students).

In parts of Haiti, schools stay shuttered, too risky for thousands (reporting that gangs have taken over Notre Dame du Rosaire, a school managed by the Sisters of Marie Reine Immaculée, forcing the nuns who live on campus to flee); Press Release, UN, As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council (reporting that gangs use schools as their operational bases); UNSG April BINUH Report at ¶ 61 (reporting that at least eleven schools in Port-au-Prince are used by gangs as bases to launch attacks from, with some schools being occupied since 2021).

Chéry, Police: Haitian Episcopal church a front for gangs, government paid priest; see infra notes 450-52.

See Press Release, OHCHR, Haiti – gang violence (reporting that students and teachers have been hit by stray bullets as gang confrontations and kidnappings of parents and students in the vicinity of schools have surged, forcing many of them to close); Haiti: UN flags violence as 531 die in gang wars in 2023 so far; Geffrard, Guerre des gangs en Haïti: plus de 530 morts et 160.000 personnes déplacées, selon l’ONU;...
lamented the insecurity and called on the government to ensure that teachers’ salaries are paid); Joseph, *Cap-Haïtien students protest against no-show teachers as exams loom* (reporting that teachers are seeking a salary increase of 80,000 gourdes, approximately US $480, to cover inflation, social benefits, and allowances for food expenses).


387 See Bhatia, *Haiti’s descent into hell*.


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


395 Missing Migrants in the Caribbean Reached a Record High in 2022; see also Syra Ortiz-Blanes, *Haitian toddler dies after migrant voyage capsizes on Puerto Rican beach*, MIAMI HERALD (Dec. 23, 2022), https://www.miamiherald.com/news/local/immigration/article270373592.html (reporting that a three-year-old died after the boat the child was on capsized near Puerto Rico); Fondasyon Je Kleere, *Rapport: Situation de terreurs en Haiti, les chiffres noirs du gouvernement d’Ariel Henry* at ¶ 80 (reporting that eight babies drowned after their family fled a massacre).

396 Under-resourced and understaffed police, border controls, and coast guards have resulted in an extremely porous border, making migrants easy targets for kidnappings. UNODC, *Haiti’s criminal markets: mapping trends in firearms and drug trafficking* at 1; Charles, *U.N. details Haiti’s serious challenges with gangs, guns and drugs – and issues a warning*. 48
Migration process


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

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

401 See Evan Dyer, Migrant numbers at jungle crossing point to a record-breaking year for irregular migration


403 See IOM, Repatriated migrants in Haiti by air and sea in 2022: Profiles and needs 3 (2023),

404 https://dtm.iom.int/reports/haiti-profiles-haitians-repatriated-haiti-2022-january-december-2022 (from January to December 2022, foreign states repatriated a total of 22,444 Haitian migrants to Haiti); IOM, Migrants’ repatriation and reception assistance in Haiti 1 (Feb. 2023),

405 https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/2023-02/Migrant%20Returns%20and%20Reception%20Assistance%20in%20Haiti%20-%20February%202023%20%20pdf.pdf (in January 2023, the United States expelled 926 migrants); UNSG January BINUH Report at ¶ 45 (in November 2022 alone, 187 migrants, including several unaccompanied children, were repatriated after the U.S. Coast Guard intercepted their boats).

406 See, e.g., Charles, Despite gang violence, kidnappings in Haiti, Dominicans continue to deport Haitians: Stop deporting Haitians: Rights experts’ appeal to countries in Americas; UN High Commissioner for Human Rights Volker Türk concludes his official visit to Haiti, OHCHR (Feb. 10, 2022),


409 See, e.g., @Jacquiecharles, TWITTER (Mar. 9, 2023, 12:53 PM),


141 See Bhatia, Haiti’s descent into hell.
142 See Césaire, Les bénéficiaires du programme Humanitarian Parole du président Biden de plus en plus nombreux à quitter Haïti; Bhatia, Haiti’s descent into hell (the author calls the program “a success for the White House,” as “[t]he price has a passport . . . quintupled and is now the equivalent of $300 – a sum that is out of reach for the most vulnerable.”); Pascal Fleuristil, Société : Un passeport en échange de relations sexuelles, IMAGE 7 HAÏTI (Mar. 10, 2023), https://image7haiti.com/societe-un-passeport-en-echange-de-relations-sexuelles; see also Jacqueline Charles, New U.S. parole program for Haitians leads to long passport lines, cops fleeing the country, MIAMI HERALD (Feb. 13, 2023), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article272389513.html (reporting that police officers seeking to apply to the program expect preferential treatment).

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

143 See JDH November 2022 Update at 11-12; JDH June 2022 Update at 12.

University of Miami School of Law Human Rights Clinic et al., Urgent Call to Stop All U.S. Deportations to Haiti (February 2023 report describing that migrants repatriated to Haiti faced illegal arrest and torture). Upon arriving in Haiti many returnees require immediate humanitarian assistance, however, support is limited. See IOM, Migrants’ repatriation and reception assistance in Haiti 2 (Apr. 2023), https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/2023-05/migrant-returns-and-reception-assistance-in-haiti-april-2023.pdf (reporting that many returnees – particularly unaccompanied and separated children, as well as pregnant and nursing mothers – arrive in highly vulnerable circumstances possessing limited, if any, resources, but that in April, only six percent of returnees were provided critical assistance by IOM); IOM, Repatriated migrants in Haiti by air and sea in 2022: Profiles and needs 3 (2023) at 3 (finding that the three primary concerns of returnees are financial support, employment, and safety and security); OCHA, Haiti: Humanitarian and cholera Situation Report # 7. Support for individuals repatriated from the Dominican Republic in particular is declining, even as those repatriated from other countries continue to receive support from IOM. Compare IOM, Migrants’ repatriation and reception assistance in Haiti at 1 (in February, 12 percent of individual repatriated by the Dominican Republic received IOM support) with IOM, Migrants’ repatriation
and reception assistance in Haiti 1 (Mar. 2023), https://haiti.iom.int/sites/g/files/unzbd11091/files/documents/2023-04/migrant-returns-and-reception-assistance-in-haiti-march-2023-3_ik.pdf (in March, 1.5 percent of returnees received support); see also OCHA, Haiti: Humanitarian and cholera Situation Report # 7 (reporting that IOM “does not have the necessary resources to assist the most vulnerable at the Dominican border given the ever-increasing frequency and number of repatriations”).

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


426 See, e.g., Haiti gathers all the elements to be intervened militarily, according to the UN, DOMINICAN TODAY (May 18, 2023), https://dominicantoday.com/dr/world/2023/05/18/haiti-gathers-all-the-elements-to-be-intervened-militarily-according-to-the-un/ (reporting that the UN has continued pushing for an armed intervention in Haiti); UNGA, Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international at ¶ 8 (the OHCHR appointed an expert on human rights in Haiti); Press Release, UNSC, Security Council Press Statement on Haiti (May 8, 2023), https://press.un.org/en/2023/sg15277.doc.htm (the UNSC reiterates its “deep concern over the deteriorating security and humanitarian situation in Haiti”).


429 See infra notes 454-60.


431 See Press Release, UN, *Key Political Developments, Sanctions Offer Hope to Haiti’s Recovery if Supported by International Community, Special Representative Tells Security Council* (numerous states – including Canada, China, and Mozambique – noted the need for a “Haitian-led” solution during a UNSC briefing in January); *OAS Addresses the Situation in Haiti, U.S. MISSION TO THE OAS* (Feb. 1, 2023), https://usos.usmission.gov/oas-addresses-the-situation-in-haiti/ (“[T]he ultimate resolution of the situation in Haiti is one that must be resolved by the people of Haiti themselves.”).
Haiti top Biden official visits country appears willing to lead the mission. Kelemen, gangs Haiti’s gang violence nears conflict, help needed stories/20230516/robust Haiti situation rights chief says, A L’Oif plaide pour l’envoi rapide d’une force internationale en soutien à la Police nationale d’Haïti ed/article275311531.html stability | Opinion international presence “(T)he international response is 50 percent short of its goal.”).

It is important to understand that Haitians are not asking the United States to remove Henry from power, just to stop propping up his illegitimate rule; the core of the ask is that well

Representative for Haiti Susan D. Page that “[p]ast efforts by the U.S. government focused on a wide range of activities that individually may have been well intentioned but ultimately failed to improve the security and welfare of Haitians, let alone prove a sound investment of U.S. taxpayer resources”).

UNICEF, Haiti 4 (2023), https://www.unicef.org/media/132191/file/2023-HAC-Haiti.pdf (“At least US $23.5 million in additional funding is urgently required to respond to the resurgence of cholera cases.”); Haiti: political instability, gang violence and disease (“[T]he international response is 50 percent short of its goal.”).

UN Special Representative for Haiti Helen L. B. Page, A Smarter U.S. Assistance Strategy for Haiti; UN High Commissioner for Human Rights Volker Türk concludes his official visit to Haiti by International Community, Specia

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

Edwidge Danticat, The Fight for Haiti’s Future, NEW YORKER (Oct. 21, 2022), https://www.newyorker.com/news/daily-comment/the-fight-for-haitis-future; Mohor, Q&A: Why Haiti’s ‘mafia state’ needs a homegrown solution; Sénat, Crise, le sommet de Jonathan Powell reporté sine die; Bhatia, Haiti’s descent into hell (despite U.S. claims to no longer be choosing winners and losers in Haiti, Haitians like author and political activist Monique Clesca say the United States – “the major power in Haiti” – continues to prop up Henry); Cesca, Haiti’s Rule of Lawlessness.

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

Jacqueline Charles, Race, discrimination and Haiti dominate discussions in Brazil as top Biden official visits, MIAMI HERALD (May 25, 2023), https://www.miamiherald.com/news/nation-world/world/america/haiti/article275759421.html (quoting Assistant Secretary of State for the Bureau of Western Hemisphere Affairs Brian Nichols: “The international community’s obligation to the Haitian people is such that we have to continue acting on security and part of that security cooperation is to require an international presence”); Eddy Acevedo, Haiti is a failed state. It needs an international force to bring security, stability | Opinion, MIAMI HERALD (May 16, 2023), https://www.miamiherald.com/opinion/op-ed/article275311531.html; Haiti gathers all the elements to be intervened militarily, according to the UN;


Jacqueline Charles, Race, discrimination and Haiti dominate discussions in Brazil as top Biden official visits, MIAMI HERALD (May 25, 2023), https://www.miamiherald.com/news/nation-world/world/america/haiti/article275759421.html (quoting Assistant Secretary of State for the Bureau of Western Hemisphere Affairs Brian Nichols: “The international community’s obligation to the Haitian people is such that we have to continue acting on security and part of that security cooperation is to require an international presence”); Eddy Acevedo, Haiti is a failed state. It needs an international force to bring security, stability | Opinion, MIAMI HERALD (May 16, 2023), https://www.miamiherald.com/opinion/op-ed/article275311531.html; Haiti gathers all the elements to be intervened militarily, according to the UN;


Jacqueline Charles, Race, discrimination and Haiti dominate discussions in Brazil as top Biden official visits, MIAMI HERALD (May 25, 2023), https://www.miamiherald.com/news/nation-world/world/america/haiti/article275759421.html (quoting Assistant Secretary of State for the Bureau of Western Hemisphere Affairs Brian Nichols: “The international community’s obligation to the Haitian people is such that we have to continue acting on security and part of that security cooperation is to require an international presence”); Eddy Acevedo, Haiti is a failed state. It needs an international force to bring security, stability | Opinion, MIAMI HERALD (May 16, 2023), https://www.miamiherald.com/opinion/op-ed/article275311531.html; Haiti gathers all the elements to be intervened militarily, according to the UN;


447 See Mohor, Q&A: Why Haiti’s ‘mafia state’ needs a homegrown solution; Dantica, The Fight for Haiti’s Future (according to AyiboPost editor-in-chief Wilodre Mérancourt, “although sending foreign troops to Haiti might hal t violence and temporarily restore basic governance, it would only be a ‘Band-Aid, not a long-term solution’” and “wouldn’t address the ‘root causes’ of a ‘social structure’ that cyclically produces gang leaders who lead mass uprisings that largely comprise Haiti’s youth, resulting in government overthrows that lead to the deployment of foreign troops”); Mars, To Carb Gang Violence in Haiti, Break with Politics as Usual (the executive director of community peacebuilding organization Lakou Lapè explains that “[c]onfronting gangs with military force will not work without also supporting Haitians seeking to break the cycle of violence and establish true democracy and stability” and that space must be given for “systemic reform by leaders who do not traffic in weapons, arm gangs, or use violence to circumvent democracy”); Cesca, Haiti’s Rule of Lawlessness; see also Bhatia, Haiti’s descent into hell (Canada explicitly acknowledged that armed intervention is unlikely to create lasting stability for Haiti); Juhakenson Blaise, CARICOM wants diplomacy over military intervention in Haiti, HAITIAN TIMES (Feb. 27, 2023), https://haitiantimes.com/2023/02/27/caricom-prefers-diplomacy-over-military-intervention-in-haiti/ (in February, CARICOM emphasized the need for a Haitian-led solution and called the push for armed intervention “premature”); Tanya Wadhwa, Haitians protest threat of foreign military intervention in the country, PEOPLES DISPATCH (Oct. 11, 2022), https://peoplesdispatch.org/2022/10/11/haitians-protest-threat-of-foreign-military-intervention-in-the-country/ (according to former senator Jean Charles Moïse, “neither Henry nor his ministers have the authority or legitimacy to request a foreign military presence in the country”); Crise : La demande d’intervention militaire en Haïti, en crime et une trahison, estiment plusieurs organisations.
456 See, e.g., Kelemen, *The UN says an outside force is needed in Haiti, but countries are reluctant to intervene*; Jan D. Walter, *Haiti is in turmoil as police riot over officer deaths*, DW (Jan. 28, 2023), https://www.dw.com/en/haiti-in-turmoil-as-police-riot-over-officer-deaths/a-64546340.

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

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


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

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


452 See supra notes 150-53.

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


456 Wilentz, *Haiti, April 2023: Soon There Will Be No One Left to Kidnap*. For a comprehensive list of foreign sanctions since 2020, see IDHI, Foreign Sanctions Against Haitian Individuals (December 2020 – Present), https://docs.google.com/document/d/1RG0k34CaID3QmxHt1XW-S_C8Aeyj9Vum1qkhtmiopdo/edit (last visited Jun. 14, 2023).

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

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


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

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

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

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