



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

### June through November 2022

Since IJDH's last Update on Human Rights and Rule of Law in Haiti,<sup>1</sup> the interconnected governance and humanitarian crises described in our past Updates have continued to deteriorate, with catastrophic consequences for the Haitian people. The de facto government and international community are failing in their human rights obligations and contributing to sharply increasing violations of Haitians' rights.

Insecurity driven by gangs has risen to unprecedented levels, and continues to prevent most normal activities.<sup>1</sup> Gangs not only continue to engage in high levels of violence against civilians, including massacres, kidnapping, and destruction of property,<sup>2</sup> but are now also increasingly using rape and other forms of sexual violence as a tool for terrorizing and controlling communities.<sup>3</sup> A federation of gangs led by a former police officer with alleged government connections<sup>4</sup> captured and held Haiti's primary fuel terminal for nearly two months, preventing the delivery of gas.<sup>5</sup> The impact – which must be viewed in combination with the de facto government's sudden removal of fuel subsidies at the behest of the international community<sup>6</sup> – included a near-total national shut-down; a precipitous collapse of critical services and access to necessities like food, water, and healthcare; and mass protests against the de facto government.<sup>7</sup> The concurrent re-emergence of cholera, exacerbated by the resulting scarcity of water, services, and transportation, is acutely alarming.<sup>8</sup>

Over a decade of misrule by the corrupt, repressive *Pati Aysisyen Tèt Kale* (PHTK), for which de facto Prime Minister Ariel Henry is a long-standing operative,<sup>9</sup> is a medium-term driver for many of these challenges.<sup>10</sup> Across several successive governments, the PHTK has actively dismantled Haiti's democratic structures and government capacity to serve its population, and has corrupted its accountability mechanisms.<sup>11</sup> Related chronic impunity, including as a result of government corruption and collusion with gangs,<sup>12</sup> enables and furthers the governance crises, and is a direct cause of the pervasive insecurity.<sup>13</sup> Haitians across the country have been risking dangerous streets and violent police crackdowns to protest the Henry regime's destructive rule and demand his resignation.<sup>14</sup>

The international community's chronic failures to respect Haitian sovereignty, combined with decades of extractive policies and interference, have also helped lay the long-term foundations for Haiti's current crises,<sup>15</sup> including PHTK's abuses. The international community – with the United States leading – has persistently backed Henry since effectively installing him as Prime Minister in July 2021 via a press release.<sup>16</sup> This support continues to enable the de facto regime's destructive rule even as it marginalizes democratic alternatives and undermines Haitian self-determination.<sup>17</sup> This reporting period saw the international community and, most notably, the United States and the Organization of American States, push for a foreign military intervention,<sup>18</sup> with the UN Security Council (UNSC) now considering the deployment of a non-UN multinational security force to Haiti.<sup>19</sup> Haitians and long-time observers have been recalling the myriad of human rights abuses committed by past foreign military deployments<sup>20</sup> and cautioning that an intervention at the behest of an illegitimate government risks entrenching undemocratic political actors.<sup>21</sup> Many Haitians have consequently taken to the streets to oppose an intervention; others have come to believe Haiti needs international assistance to stop the most acute insecurity and enable humanitarian assistance.<sup>22</sup> It is the view of IJDH that a foreign military intervention supporting an illegitimate de facto government may provide some short-term relief, but is

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<sup>1</sup> Institute for Justice and Democracy in Haiti (IJDH), Human Rights and Rule of Law in Haiti: Key Recent Developments December 2021 through May 2022 (2022), <http://www.ijdh.org/wp-content/uploads/2022/06/IJDH-Human-Rights-Update-June-2022.pdf> (hereinafter **IJDH June 2022 Update**). All IJDH Updates are available on the IJDH website at *Publications: Human Rights Updates*, INSTITUTE FOR JUSTICE AND DEMOCRACY IN HAITI, <http://www.ijdh.org/news-and-resources/publications/>.

also almost certain to exacerbate other drivers of Haiti's instability (thereby increasing insecurity in the medium and long terms) and – if history is any judge – to impose direct harms. A better immediate international action for confronting the crises is to withdraw unqualified support from the de facto government.

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

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

Since IJDH's last Update, Haiti's already catastrophic insecurity has grown significantly worse. Mass violence by gangs, initially largely contained to the capital and its surroundings, has spread throughout the country.<sup>23</sup> Civilian massacres have become more frequent.<sup>24</sup> Kidnapping remains prevalent and a lucrative source of income for gangs.<sup>25</sup> Gangs have grown even more brutal and are increasingly using rape and other forms of sexual violence – primarily, though not exclusively, directed against women and girls – as a weapon against the population.<sup>26</sup> The violence has displaced nearly 100,000 people.<sup>27</sup> It has also exacerbated difficulties with access to critical services and humanitarian assistance.<sup>28</sup> The de facto regime remains unwilling or unable to address the rising insecurity and its consequences.<sup>29</sup> Human rights groups continue to report that the government is using gangs as political tools.<sup>30</sup>

### *Gang violence and related displacement*

- According to various reporting, over 200 armed groups now control approximately 60 percent of Port-au-Prince and half of Haiti.<sup>31</sup> The primary groups responsible for the violence are the rival *G9 an fanmi (G9)*<sup>32</sup> and *G-Pèp*<sup>33</sup> gang federations and the rival *400 Mawozo*<sup>34</sup> and *Chen Mechan*<sup>35</sup> gangs.<sup>36</sup>
- The UN Integrated Office in Haiti (**BINUH**) documented 1,377 deaths, injuries and disappearances perpetrated by gangs between June 1 and September 30.<sup>37</sup> The UN reported a further 195 killings in October.<sup>38</sup> Inter-gang warfare accounts for much of the violence. For example, a war for territory in Cité Soleil broke out after the G9 gang federation launched an attack on territory controlled by the *G-Pèp* alliance.<sup>39</sup> The resulting clashes killed between 200 and 300 people and injured as many as 254 between July 7 and 17.<sup>40</sup> Warring gangs set fire to homes and killed at least 20 in the Artibonite region in July,<sup>41</sup> and clashes between gangs near Croix-des-Bouquets led to 71 deaths between October 10 and 21.<sup>42</sup>
- Gangs deliberately target civilians for murder and rape, burn people alive, and publicly execute those they suspect of working for a rival gang.<sup>43</sup> On November 29, armed gangs massacred at least 11 civilians and burned more than 20 houses in Source Matelas, a rural town north of Port-au-Prince, apparently in an attempt to take back territory after being chased out by police.<sup>44</sup> Haiti's National Human Rights Defense Network (**RNDDH**) reported that in the gang war between G9 and *G-Pèp* in Cité Soleil in July, gang members – primarily belonging to the G9 gang alliance – raped 52 women and girls and destroyed and burned 210 houses, in addition to the killings described above.<sup>45</sup> The report additionally found those same gang members shot at civilians indiscriminately and carried out summary executions of people trying to escape.<sup>46</sup>
- Gangs are increasingly using rape and other forms of sexual violence as a weapon of conflict.<sup>47</sup> An August UN report found that gangs were targeting women and children as young as one, killing them and burning their bodies.<sup>48</sup> Gangs' use of sexual violence is also a tool of social control, with reports of gangs targeting women and girls who travel across neighborhoods to go to work, marketplaces, or schools to dissuade people from crossing gang boundary lines<sup>49</sup> and enacting punitive rapes against women they perceive as collaborating with rival gangs.<sup>50</sup>
- The ubiquitous violence has displaced nearly 100,000 people<sup>51</sup> – at least 25,000 since July alone.<sup>52</sup> Displaced persons are often living in inhumane conditions, without adequate access to water, food, or medical care. Displaced persons, especially women and girls, are at risk of additional violence.<sup>53</sup> In contrast to previous humanitarian emergencies on this scale, formal camps with resources for the displaced have not been created; the over 21,000 Haitians fleeing violence who were unable to find places with family have largely been left to shelter in the countryside or to gather in public squares

and other informal sites with little to no humanitarian support.<sup>54</sup> A displacement camp that had been created in June 2021 at the Carrefour Sport Center<sup>55</sup> closed earlier this year, despite escalating need.<sup>56</sup> The UN reported that 36 informal displacement sites around Port-au-Prince have received almost no humanitarian assistance since September 12.<sup>57</sup> One of those sites, the Hugo Chavez square, which has been housing approximately 300 families primarily from the Cité Soleil area, had no potable water for six days.<sup>58</sup> Organizations working on the ground in Haiti have reported numerous instances of rape and sexual exploitation at displacement sites.<sup>59</sup>

### *Continuing kidnapping epidemic*

- Kidnapping remains overwhelmingly prevalent.<sup>60</sup> The Center for Analysis and Research in Human Rights (CARDH) reported 326 kidnappings between April and June, and 204 kidnappings between July and September.<sup>61</sup> The UN reported an additional 102 kidnappings in October.<sup>62</sup> According to advocates on the ground, the real numbers are much higher than the reported ones, as gangs threaten to execute kidnapped people if their families contact the police.<sup>63</sup> Partners on the ground report that kidnapping decreased when the fuel crisis brought most motorized movement to a halt, but that rates have skyrocketed back since gas became available once more.
- Gangs continue to kidnap civilians from all sectors of the population, including religious figures, parishioners, schoolchildren, journalists, and public officials.<sup>64</sup> Gang members are likewise known to target law enforcement officials; for example, members of the *Vitelhomme* gang kidnapped five members of a police officer's family, including his three children, on September 27 before setting his home on fire.<sup>65</sup> Men are often tortured,<sup>66</sup> and women and girls who are kidnapped are at additional risk of sexual violence.<sup>67</sup> Gang members often demand large ransoms from victims' families in exchange for their release,<sup>68</sup> making kidnapping a lucrative source of income for gangs and a driver of further violence.<sup>69</sup>
- On November 7, the United States announced a USD \$3 million reward for information leading to the arrest or conviction of three Haitian gang leaders implicated in the kidnapping of American missionaries in 2021 and charged four additional gang members with kidnapping U.S. citizens. Six out of the seven have yet to face any meaningful consequences for their actions in Haiti.<sup>70</sup> While the U.S. announcement is a positive move towards accountability, it does not consider the many hundreds of Haitian victims who remain without recourse.<sup>71</sup>

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

- The de facto government remains unwilling or unable to address the pervasive insecurity or offer meaningful protections to Haitians, including because of government and police complicity with gangs.<sup>72</sup> For example, some human rights defenders and others allege that the government is using gangs to control the population and weaken the popular protest movement,<sup>73</sup> most recently by paying them to infiltrate protests and loot businesses.<sup>74</sup> According to a recent survey, 40 to 60 percent of the Haitian National Police (PNH), including those at the highest level, have connections with gangs.<sup>75</sup>
- Government and police equipment often falls into the possession of gangs, through both trafficking and attacks on police stations.<sup>76</sup> RNDDH reported that equipment from the State-owned National Equipment Center and the Ministry of Public Works, Transportation, and Communication was given to gangs and subsequently used to destroy houses.<sup>77</sup> Some officers are selling weapons to gang members.<sup>78</sup> For example, in November, divisional police inspector Wakin Pierre was arrested for weapons trafficking and criminal association.<sup>79</sup> Haitian police officers who try to hold government officials accountable have been faced with political interference, threats and attacks.<sup>80</sup>
- Haitian police remain out-numbered, out-gunned,<sup>81</sup> and unable to confront gang violence effectively.<sup>82</sup> They are also sometime themselves the targets of gang violence.<sup>83</sup> Despite international efforts in 2021 to boost the PNH's capacity through funding for officers and technical support,<sup>84</sup> the government has not paid new police officers since they joined the force in December 2021.<sup>85</sup> Haitian police report being unable to obtain bulletproof vests, ammunition, high-powered automatic rifles, armored vehicles, or even work boots.<sup>86</sup> As a result, police are unwilling to enter gang-controlled areas, leaving civilians to fend for themselves.<sup>87</sup> Although the United States and Canada have provided equipment and technical assistance to the PNH,<sup>88</sup> observers note that this assistance is insufficient to curb the gang violence.<sup>89</sup>

- The de facto government continues to fail to protect human rights defenders and journalists from threats and violence by gangs and to properly investigate and prosecute attacks against them.<sup>90</sup> The result is the continuing shrinking of civic space in Haiti and severe impediments to advancing and protecting human rights protections. Human rights defenders Emmanuela Douyon and Pascale Solages, who, as previously reported, left Haiti for the United States in 2021, remain unable to return to Haiti due to persistent threats against them.<sup>91</sup> Solages also reported ongoing threats against her family and the staff of her feminist organization, Nègès Mawon, which have impeded its work on behalf of women and girls in Haiti. Human rights defender and environmental advocate Milostène Castin has been experiencing threats to his life and attacks on him and his family by gangs as a result of his advocacy.<sup>92</sup> The Haitian government has both failed to protect him from violence and threats and has often been complicit.<sup>93</sup> For example, government officials ordered attacks on Castin and fellow protesters and denied them police protection in 2019 and 2021.<sup>94</sup>
- Deadly attacks on journalists, including by the government (see further Section II below), continue to undermine freedom of the press.<sup>95</sup> Since September, five journalists have been killed and one injured after narrowly escaping an assassination attempt.<sup>96</sup>

## II. Government misconduct, including institutionalized violence and corruption

Institutional corruption continues to undermine democracy and the rule of law in Haiti, with high-ranking government officials implicated in fraud, embezzlement, weapons and drug trafficking, and collusion with gang members.<sup>97</sup> De facto Prime Minister Henry continues to rule Haiti without a constitutional or popular mandate,<sup>98</sup> with some accusing him of using Haiti's worsening humanitarian crisis as an excuse to consolidate power.<sup>99</sup> Henry continues to express a desire for elections<sup>100</sup> while failing to engage in meaningful negotiations with civil society necessary for progress towards fair and credible elections.<sup>101</sup> In response to the government's corruption, mismanagement, and illegitimacy, Haitians have taken to the streets *en masse* to demand Henry's resignation.<sup>102</sup> Instead of protecting them, the government is suppressing dissent and using disproportionate violence – including tear gas and bullets – against protesters.<sup>103</sup>

- Corruption and misconduct at the highest level remain centerpieces of the current administration. In August, a series of investigations by Haiti's Anti-Corruption Unit found pervasive corrupt practices – primarily embezzlement and mismanagement of public funds – in ten different state-run institutions and agencies, including various city municipalities, the PNH, the national lottery, and a public university.<sup>104</sup> Separate investigations in June and July found evidence of embezzlement in the National Office for Migration and the Social Assistance Fund<sup>105</sup> and numerous irregularities in the management of funds allocated to the Ministry of Public Health and Population to fight COVID-19,<sup>106</sup> further undermining public trust in institutions.
- The Haitian government has begun cracking down on corruption at customs offices<sup>107</sup> at the insistence of the United States and international financial institutions.<sup>108</sup> In July, Minister of Justice cabinet member Robinson Pierre-Louis and magistrate Michelet Virgile were arrested for fraud, corruption, and criminal conspiracy in connection with a weapons trafficking scheme.<sup>109</sup> According to advocates on the ground, however, there has been no progress in this case as of reporting.
- The government continues to suppress constitutionally-protected popular dissent. Police frequently use excessive force against protesters, shooting tear gas, rubber bullets, and live ammunition into crowds of civilians.<sup>110</sup> IJDH partner, Haitian human rights law firm the *Bureau des Avocats Internationaux (BAI)*, reported in September that police are using illegal, arbitrary arrests made outside the law as a deterrence tactic against activists protesting the government's misrule<sup>111</sup> – a further example of encroachments on civic space and democracy in Haiti.
- Police have also specifically targeted journalists reporting on popular protests,<sup>112</sup> prompting serious concerns from advocates about freedom of the press.<sup>113</sup> In one particularly egregious incident, police fired on a group of journalists demanding the release of a fellow reporter who had been detained while covering a protest,<sup>114</sup> killing journalist Romelo Vilsaint.<sup>115</sup> Dozens of journalists took to the streets on November 13 to protest Vilsaint's murder and more broadly denounce police brutality.<sup>116</sup>
- Adding to previously reported concerns about excessive use of government force resulting in civilian deaths,<sup>117</sup> RNDDH has also raised concerns about extrajudicial killings by government actors. In November, RNDDH reported that the government commissioner at the Miragoâne Court

of First Instance, Jean Ernest Muscadin, summarily executed two alleged gang members.<sup>118</sup> RNDDH separately expressed concerns that there is a death squad within the PNH, citing evidence that PNH officers are carrying out enforced disappearances and summary executions of civilian critics of the government.<sup>119</sup>

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

Haiti's justice sector remains grossly under-resourced, corrupt, and vulnerable to generalized insecurity,<sup>120</sup> largely because of over a decade of PHTK rule that undermined access to justice and accountability mechanisms.<sup>121</sup> As a result, perpetrators of grave human rights abuses and other violent crimes operate with virtual impunity – a failure of accountability that is itself a driver of insecurity and institutional corruption.<sup>122</sup> Continuing high rates of pretrial detention are a further consequence of the dysfunctional justice sector<sup>123</sup> and a separate gross human rights violation that further exacerbates already inhumane prison conditions that violate detainees' rights to health, safety, and human dignity.<sup>124</sup>

#### *Justice sector dysfunction and chronic impunity*

- Haiti's judicial system remains essentially non-functional. The Supreme Court still lacks a quorum to function.<sup>125</sup> Many appointments of new magistrates remain on hold, which is slowing down case processing and further undermining the already weak justice sector.<sup>126</sup> Meanwhile, advocates and judicial actors remain concerned that appointments are being made improperly and based on political affiliations, further eroding the autonomy and independence of the judiciary.<sup>127</sup>
- Courts continue to struggle to operate amid deepening insecurity and chronic under-resourcing.<sup>128</sup> On June 10, the 5 *Segonn* gang attacked the Court of First Instance in Port-au-Prince in an apparent coordinated attempt to free defendants being held there. They vandalized courtrooms, shot at employees, and stole court files, weapons, and other potential evidence.<sup>129</sup> Advocates condemned the government's inaction, which they say allowed the bandits to maintain such lengthy control of the courthouse,<sup>130</sup> the courthouse remains under gang control at the time of writing according to partners on the ground. The incident has led to additional judicial delays<sup>131</sup> and prompted magistrates and advocates to call for the relocation of the courthouse.<sup>132</sup> Maintenance problems and lack of adequate facilities, regular electricity, and internet connection are preventing files from being digitized, which results in additional judicial delays and lost files.<sup>133</sup>
- Judicial actors continue to experience threats to their lives and safety. A November RNDDH report revealed that at least ten lawyers and two magistrates have been kidnapped, murdered, or injured in the past year.<sup>134</sup> Generalized insecurity in Port-au-Prince and attacks on courts and prosecutorial offices in Jérémie,<sup>135</sup> Croix-des-Bouquets,<sup>136</sup> and Petit-Goâve<sup>137</sup> in June, July, and September, respectively, resulted in the relocation of several judicial offices.<sup>138</sup>
- Chronic impunity is both a symptom and a driver of Haiti's pervasive insecurity and dysfunctional justice system,<sup>139</sup> with perpetrators of human rights abuses and other crimes – including gangs and police – rarely held accountable.<sup>140</sup> There has been no known progress in the Haitian investigation into the assassination of former President Jovenel Moïse.<sup>141</sup> Five different investigative judges have been assigned to the investigation since it began, two of whom withdrew because of threats against them and the government's failure to guarantee their personal safety.<sup>142</sup> Top officials, including de facto Prime Minister Henry, have been accused of obstructing the investigation by multiple law enforcement officials.<sup>143</sup> Despite persistent credible allegations of de facto Prime Minister Henry's involvement in Moïse's assassination,<sup>144</sup> no steps have been taken to investigate him or hold him accountable. A U.S. Congressionally-mandated report on the Moïse investigation was delivered nearly five months late, consisted of only three pages, and included almost no information that was not already publicly reported.<sup>145</sup> It did acknowledge the lack of progress and documented interference with the investigation.<sup>146</sup>
- Other prominent investigations have seen no progress. Two years after the assassination of Port-au-Prince Bar Association President Monferrier Dorval, the investigation into his murder had not meaningfully progressed.<sup>147</sup> There is currently no investigative judge assigned to his case.<sup>148</sup> There has likewise been no progress in the investigation into the 2021 murders of activist and journalist Antoinette Duclair and journalist Diego Charles.<sup>149</sup> The investigations into the 2018 La Saline massacre and numerous subsequent massacres and armed attacks perpetrated against civilians are at a standstill.<sup>150</sup> Impunity also persists for Haitian government officials involved in the PetroCaribe

corruption scandal,<sup>151</sup> who embezzled over \$2 billion – originally intended for social spending – from Venezuela’s PetroCaribe project from 2008 to 2016.<sup>152</sup> The lack of progress in these high-profile cases is symptomatic of a crumbling and corrupt judiciary that allows perpetrators of grave crimes against countless other Haitians to operate with impunity.<sup>153</sup>

#### *Inhumane prison conditions*

- Haiti’s prisons are dilapidated and over-crowded, with cells made for ten people holding forty.<sup>154</sup> Recent statistics show Haiti’s prisons at 454.4 percent occupancy.<sup>155</sup> The overcrowding is a symptom of Haiti’s high rates of extended pretrial detention:<sup>156</sup> over 83 percent of Haiti’s prison population is being detained without due process.<sup>157</sup> The average duration of pre-trial detention is three years,<sup>158</sup> but some have been waiting for trial for upwards of ten years.<sup>159</sup>
- Prisons have become breeding grounds for cholera, with overcrowded conditions and lack of clean water and sanitation allowing the disease to spread.<sup>160</sup> Of the over 172 individuals<sup>161</sup> who have died in prison since January 2022, RNDDH reported that 24 died from cholera, all in Port-au-Prince’s Civil Prison.<sup>162</sup> Others reported at least 20 cholera deaths in the National Penitentiary.<sup>163</sup> According to credible reports from advocates on the ground, Haitian health officials are understating the number of cholera cases and deaths, so the real number is almost certainly higher.<sup>164</sup>
- Access to state-provided medical care in prisons remains extremely limited,<sup>165</sup> although some non-governmental organizations provide supplemental services. There is only one physician for every 1,016 incarcerated individuals<sup>166</sup> and little access to medical supplies.<sup>167</sup> There is no state-provided access to HIV testing and treatment.<sup>168</sup> This is in part a result of chronic under-resourcing – according to an August BINUH report, just four gourdes (approximately three cents) were spent per incarcerated individual per day between November 2021 and May 2022.<sup>169</sup> The official budget is – a still grossly inadequate – 106 gourdes.<sup>170</sup>
- Prisoners are not provided adequate food and clean water. According to partners on the ground, many incarcerated individuals go without food for days at a time or are provided with only one meal daily, and must rely on their families or non-governmental organizations to provide additional sustenance and clean drinking water.<sup>171</sup> But advocates report that with gangs controlling much of Port-au-Prince and the acute fuel shortage, many families are no longer able to reach the prisons. The Civil Prison in Cap-Haïtien reported that, due to the lack of fuel, clean water is unavailable and food is supplied irregularly.<sup>172</sup> Severe malnutrition is common<sup>173</sup> and often leads to death: four people died within two days in Jacmel prison from a combination of starvation, malnutrition, and respiratory difficulties, and at least eight more died after Les Cayes National Penitentiary ran out of food.<sup>174</sup> The lack of adequate nutrition and healthcare combined has killed at last 53 incarcerated individuals since July.<sup>175</sup>
- Incarcerated individuals are forced to live in as little as 0.24 square meters of space without a bed or mattress, often taking turns sleeping on the floor, tying hammocks to cell windows, or simply standing for extended periods of time.<sup>176</sup> Most prisons lack adequate sanitation facilities, electricity, and ventilation.<sup>177</sup> Frequent rodent problems expose incarcerated individuals to additional health risks.<sup>178</sup> They are often only allowed out of their cells to use the toilet once a day for a maximum of thirty minutes,<sup>179</sup> and advocates report that some go weeks at a time without being allowed out of their cells at all. Individuals incarcerated in the National Penitentiary also reported the existence of a separate “seclusion zone,” where detainees are forced to sleep on the floor in their own feces.<sup>180</sup>
- Incarcerated individuals are at risk of violence and torture from prison authorities, who also fail to protect them from other detainees.<sup>181</sup> A UN report showed that guards employ “cruel and inhumane treatment” to discipline detainees, including in youth correctional facilities.<sup>182</sup> Boys are often housed together with men, leaving them vulnerable and violating international standards respecting the rights of children in detention.<sup>183</sup> Corruption among prison staff also remains a serious problem,<sup>184</sup> making it easier for armed gangs to launch attacks<sup>185</sup> and detainees to coordinate escapes.<sup>186</sup> It also makes smuggling firearms and illicit substances into the prison easier,<sup>187</sup> exposing detainees to additional violence and health risks.

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

Conditions for vulnerable individuals, including women and girls, have continued to worsen.<sup>188</sup> Women and girls remain at heightened risk of gender-based violence (GBV)<sup>2</sup> and especially sexual violence by gangs.<sup>189</sup> Structural inequalities, exacerbated by the acute insecurity and humanitarian crises, impede marginalized groups' enjoyment of their fundamental rights and limit access to critical services and humanitarian aid. Poverty heightens these vulnerabilities,<sup>190</sup> with women and girls living in poverty at greater risk of harm and sometimes forced to engage in transactional sex or early marriage to survive.<sup>191</sup> Although the perspectives of vulnerable individuals are critical in creating inclusive solutions to Haiti's intersecting crises,<sup>192</sup> women and other marginalized groups are systematically excluded from decision-making.<sup>193</sup> Women's political representation in Haiti remains one of the lowest in the world – far below even the 30 percent quota mandated by the Haitian Constitution.<sup>194</sup> Nevertheless, grassroots women's groups in particular play a key role in responding to the current crisis by mobilizing efforts to distribute humanitarian relief, advocating for policy reform, and providing critical services.<sup>195</sup>

- The deteriorating conditions in Haiti have put women and girls at increased risk of GBV.<sup>196</sup> There is no systematic data collection on GBV in Haiti, especially in situations of displacement, making vulnerability difficult to quantify.<sup>197</sup> However, in November 2022, *Médecins Sans Frontières* (MSF) reported seeing an average of 130 GBV victims per month, approximately 100 of whom are rape victims.<sup>198</sup> The actual incidence of GBV is likely to be significantly higher as gang violence and insecurity have exacerbated existing reporting challenges.<sup>199</sup> Survivors of GBV fear reprisals from gang members,<sup>200</sup> and many reporting sites such as hospitals, women's centers, and police stations have been forced to close or are no longer accessible because of the violence.<sup>201</sup>
- Armed gangs are increasingly using sexual violence, including rape, as a “weapon to disrupt the social fabric” to instill fear in, intimidate, punish, subjugate and control local populations.<sup>202</sup> Between July 7 and August 5, 2022, BINUH reported that at least 57 women were victims of sexual violence.<sup>203</sup> RNDDH further reported that gang members raped at least 52 women and girls between July 7 and 17 – including in public squares, some of which were being used as informal displacement sites.<sup>204</sup> RNDDH documented numerous instances of collective rape, including of pregnant women; many were raped in front of their children, siblings, and partners.<sup>205</sup> Gang members forced some women to witness the execution of their male partners, whose bodies they then had to leave behind.<sup>206</sup> The intensity of the violence is forcing many women to make the impossible choice to send their children away for safety.<sup>207</sup>
- Women and girls make up the majority of those living in informal displacement camps.<sup>208</sup> These camps lack adequate security measures and humanitarian services and support, making displaced women and girls particularly vulnerable to GBV.<sup>209</sup> The BAI reported that dozens of women and girls had been raped in displacement camps, including by humanitarian and government workers.<sup>210</sup> One woman reported that a young girl living in her camp was raped by a gang member who walked into the camp freely due to the lack of security.<sup>211</sup> Despite getting caught, the alleged perpetrator walked away with impunity because the girl's family was scared of reprisals.<sup>212</sup>
- Women and girls continue to lack access to adequate protection from and recourse to the police and justice system.<sup>213</sup> A report prepared jointly by UN Office of the High Commissioner for Human Rights (OHCHR) and BINUH found that mounting gang violence has forced police officers and other government representatives out of marginalized neighborhoods, effectively precluding victims of GBV in these neighborhoods from seeking protection and accountability.<sup>214</sup> Court closures due to insecurity have compounded the problem.<sup>215</sup>
- Chronic difficulties for women and girls in accessing critical services, including with respect to healthcare, education, and employment, have been exacerbated by ongoing gang violence, road blocks and fuel shortages.<sup>216</sup> Survivors of sexual violence – who require prophylactic treatment for sexually transmitted infections and unwanted pregnancies within a window of 72 hours<sup>217</sup> – and the 29,000 women currently pregnant in Haiti are particularly impacted.<sup>218</sup> Women have also seen their access to livelihoods become even more precarious.<sup>219</sup> The *Madan Sara*, Haiti's female market

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<sup>2</sup> The UN defines GBV as “harmful acts directed at an individual based on their gender,” and notes that GBV “is rooted in gender inequality, the abuse of power and harmful norms.” GBV includes “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>.

sellers who bring produce from rural areas to urban buyers, exemplify the additional pressures on women in the current crises.<sup>220</sup> The fuel crisis has complicated transportation, affecting their earnings (with extended bus delays leaving produce to rot, for example),<sup>221</sup> and gang violence exposes them to more risks on the road.<sup>222</sup>

- Children face distinct harms and vulnerabilities. A UN report states that social unrest, gang violence, and a resurgence of cholera will likely impact essential services for 22,100 children under five and 28,000 newborns.<sup>223</sup> Children suffering from malnutrition are particularly at risk due to the resurgence of cholera, as the dehydration caused by the disease can lead to organ failure within a day.<sup>224</sup> As of November 23, children accounted for 40 percent of all cholera cases.<sup>225</sup> This risk is compounded by the lack of access to medical care, especially within such a short period of time.<sup>226</sup> The ongoing crisis has also impacted access to education, with over 2.4 million children out of classrooms this academic year.<sup>227</sup> Meanwhile, gangs continue to target children for recruitment.<sup>228</sup> The practice of sending children to work as *restaveks*<sup>229</sup> (essentially domestic worker for wealthy families who promise an education in return) remains common. It is now sometimes called “foster care,”<sup>230</sup> which could serve to further mask related harms, as the practice is in reality closer to indentured servitude.<sup>231</sup> Girls in these situations are especially vulnerable to GBV, although boys are affected as well.<sup>232</sup> Most *restavek* children are denied education and under-nourished.<sup>233</sup>
- Persons with disabilities continue to face barriers to the enjoyment of basic rights due to stigma, poor infrastructure limiting mobility, and lack of adequate support.<sup>234</sup> Haiti’s current crisis exacerbates these challenges,<sup>235</sup> particularly as humanitarian responses often fail to address the needs of persons with disabilities.<sup>236</sup> Women and girls with disabilities are disproportionately at risk of GBV due to beliefs that dehumanize them or characterize them as hypersexual.<sup>237</sup> They are also sometimes less able to protect themselves due to their disability, particularly in displacement camps.<sup>238</sup> Almost no reliable data exists on persons with disabilities living in Haiti.<sup>239</sup>
- LGBTQI+ individuals continue to face widespread discrimination on account of their gender identity and sexual orientation and lack any political representation.<sup>240</sup> The UN reported that gang members deliberately target LGBTQI+ individuals with sexual violence,<sup>241</sup> including “corrective” rape.<sup>242</sup> LGBTQI+ persons also face unique barriers in accessing medical care and post-rape care, with medical providers sometimes displaying discriminatory attitudes and questioning whether the sexual assault had been consensual.<sup>243</sup>

## V. Collapse of economic and social rights

Haiti’s social and economic landscape has deteriorated significantly since IJDH’s last Update.<sup>244</sup> Unprecedented inflation and a paralyzing fuel crisis have increased the cost of living, already prohibitively high, even further,<sup>245</sup> made access to food, clean water, and healthcare incredibly difficult; and forced hospitals and schools to close down.<sup>246</sup> The resurgence and rapid spread of cholera is both a consequence of these challenges and an aggravating factor.<sup>247</sup> Compounding the crisis, Haiti remains particularly vulnerable to the climate crisis and natural disasters, including because of the Haitian government’s inability to respond adequately and chronic problems with international aid.<sup>248</sup>

### *Economy in decline*

- Haiti’s economy is in its fourth consecutive year of decline<sup>249</sup> and is facing a deficit of 34 billion gourdes (nearly USD \$238 million).<sup>250</sup> More than 70 percent of Haitians live below the poverty line.<sup>251</sup>
- Inflation reached 38.7 percent in September,<sup>252</sup> the highest it has been in a decade.<sup>253</sup> The Haitian government injected 18.5 million gourdes into the market in August,<sup>254</sup> intended to limit a downward spiraling of the gourde against the U.S. dollar<sup>255</sup> and, in turn, help curb the rise in prices. Nevertheless, the gourde has depreciated over 20 percent since our last Update in June.<sup>256</sup> As a result, the cost of living and necessities has increased dramatically,<sup>257</sup> with basic food products doubling in cost over the past year.<sup>258</sup>
- Haiti’s economic decline has been further exacerbated by external disruptions in international trade that have far-reaching consequences for Haitians’ financial stability and food sovereignty.<sup>259</sup> For example, factories owned by or supplying foreign companies have announced mass layoffs and up to 50 percent salary cuts due to insecurity and lack of fuel,<sup>260</sup> putting tens of thousands of jobs at risk and impacting Haitians’ ability to feed themselves and their families.



- The lack of economic opportunities, including as a consequence of the protracted insecurity crisis, is a further driver of gang recruitment, as some young men and boys – and, to a lesser extent, women<sup>261</sup> – who are in need of money or protection often see joining a gang as a means to survive.<sup>262</sup>

#### *Fuel crisis*

- In response to pressure from the International Monetary Fund (IMF),<sup>263</sup> de facto Prime Minister Henry removed subsidies for diesel, kerosene, and gasoline on September 11.<sup>264</sup> Overnight, the price of one gallon of gasoline rose by 128 percent, kerosene by 89 percent, and diesel by 90 percent.<sup>265</sup> This has had a profound impact on Haitians' lives, who use fuel for transportation, cooking, telecommunications, and electricity.<sup>266</sup>
- The immediate increase in fuel prices set off country-wide protests<sup>267</sup> and plunged Haiti into what regional leaders are calling a “low-intensity civil war.”<sup>268</sup> Protesters who viewed the elimination of fuel subsidies as the latest injustice from a government that has failed to protect its people and provide even minimum services called for the reversal of the price increase and for de facto Prime Minister Henry's resignation.<sup>269</sup> Civil society advocates condemned the government's decision to raise fuel prices at a time when Haiti is experiencing some of the worst generalized insecurity it has ever seen<sup>270</sup> as evidence of “the level of contempt the power in place has vis-à-vis the population.”<sup>271</sup>
- On September 12, the G9 gang took control of the Varreux fuel terminal, blocking access to 70 percent of Haiti's fuel<sup>272</sup> and exacerbating the acute fuel shortage and price spikes.<sup>273</sup> This further paralyzed the country, as hospitals, water distributors, and other critical service providers that rely on fuel were unable to operate.<sup>274</sup> Gasoline prices on the black market rose to over USD \$21 per gallon.<sup>275</sup> This compounds the negative social impact, as such sales are a lucrative source of income for gangs, who seize gas from pumps or tankers and resell it for the much higher price.<sup>276</sup> Haitian police regained control of the Varreux terminal on November 3,<sup>277</sup> allegedly after weeks of negotiations with G9 gang leader Jimmy “Barbeque” Chérizier.<sup>278</sup> However, both the government and Chérizier deny that any negotiations took place.<sup>279</sup> Fuel did not reach gas stations until November 12<sup>280</sup> and is still too expensive for most, including because the de facto government went through with removing subsidies in spite of the popular condemnation.<sup>281</sup>
- As a result of the fuel crisis, businesses and services that rely on generators to function – including schools, hospitals, and telecommunications providers – have been forced to close or reduce operations.<sup>282</sup> Promises from the Haitian government and the IMF that government money saved by the removal of fuel subsidies will be redirected to social programs benefit the poor<sup>283</sup> have not been kept. The combination of increased fuel prices and inflation has disproportionately and profoundly impacted poor and working-class Haitians. Public transportation has become more expensive and less available, impeding freedom of movement.<sup>284</sup> This forces workers to spend more of their paycheck – which has not increased to adjust for inflation<sup>285</sup> – just getting to and from work and limits access to critical services like medical care.<sup>286</sup> As wages stagnate and jobs are cut because companies cannot operate without fuel,<sup>287</sup> everyday consumer products – including staples like rice, maize, green beans, and cooking oil – have become unaffordable for most.<sup>288</sup> Haitians working in the informal sector, who tend to earn least, are even more vulnerable to the combined effects of inflation and fuel price increases.<sup>289</sup>
- Densely populated areas of Port-au-Prince no longer have a way to dispose of trash due to the fuel crisis and gang violence that blocks access to dumps, compounding public health concerns.<sup>290</sup> Residents in Cité Soleil and Delmas neighborhoods have reported mountains of trash blocking traffic and creating an unsanitary and dangerous environment for residents.<sup>291</sup> Others report that overflowing sewage has contaminated their only water source.<sup>292</sup>

#### *Access to water*

- The fuel crisis disrupted water distribution: the National Directorate of Drinking Water and Sanitation's water treatment services, and Haiti's main private distributor of potable water temporarily suspended water delivery in October.<sup>293</sup> Gangs continue to block key roads, ports, and other infrastructure, preventing water distribution trucks from reaching certain neighborhoods – many of which have no other access to potable water.<sup>294</sup> The lack of access to clean water and sanitation has increased exposure to waterborne diseases, including cholera.<sup>295</sup>

- The water shortages present an acute crisis on top of a chronic lack of access to safe drinking water, which directly impacts health.<sup>296</sup> One in three Haitians does not have access to safe drinking water.<sup>297</sup> This is a long-standing problem and one that the UN committed to addressing in 2016 as part of its plan to eliminate UN-introduced cholera.<sup>298</sup> It has failed to act. Climate change and environmental degradation further reduce the availability of clean drinking water.<sup>299</sup>

#### *Access to food*

- Nearly half of Haiti's population – 4.7 million Haitians – is now experiencing acute hunger, with 1.8 million facing acute malnutrition and associated risks, including death.<sup>300</sup> Residents of Cité Soleil, one of the Port-au-Prince neighborhoods most affected by gang,<sup>301</sup> are particularly impacted: the UN reported that 20 percent of children under five in Cité Soleil are suffering from acute malnutrition,<sup>302</sup> which exacerbates their vulnerability to illnesses like cholera.<sup>303</sup> An additional 19,000 residents are on the brink of starvation.<sup>304</sup> There is no evidence that the government has taken any meaningful measures to address this deepening food crisis.
- Insecurity has had a profound effect on food access, as gangs control and block key routes connecting agricultural regions to central markets, which in turn increases food prices and prevents the delivery of food and critical humanitarian aid.<sup>305</sup> A complete blockage of the main road connecting Port-au-Prince to the southern peninsula for a year has largely cut off 3.8 million people living in the country's south.<sup>306</sup> There are reports of gangs withholding food and water from certain neighborhoods, including Cité Soleil.<sup>307</sup> Poor rainfall and a resurgence of African swine flu have impacted agricultural productivity, further reducing the availability of food in the market.<sup>308</sup> As the cost of food rises, families are forced to spend more and more just to survive. Most working Haitians now spend over 60 percent of their salaries on food for themselves and their families.<sup>309</sup> Approximately four million Haitians survive on less than two meals per day.<sup>310</sup>
- The World Food Program called Haiti's current food crisis the most severe, unprecedented situation of food insecurity that the Americas have ever seen.<sup>311</sup> Its food insecurity is also the entirely predictable consequence of decades of policies by foreign states and international financial institutions that severely limited Haiti's self-sufficiency by forcing reliance on foreign food imports.<sup>312</sup> Haiti's ongoing vulnerability to fluctuations in the global market, which have a disproportionate impact on the cost and availability of basic goods,<sup>313</sup> is a direct result of these policies.

#### *Access to healthcare*

- On October 1, Haitian health authorities reported a resurgence of cholera.<sup>314</sup> Cholera had not been reported in Haiti until introduced through reckless disposal of infected human waste by UN peacekeepers in 2010.<sup>315</sup> The resurgence has been exacerbated by chronic problems with water, sanitation, and hygiene (**WASH**) systems: as of 2020, at least one-third of Haitians lacked access to WASH infrastructure.<sup>316</sup> Haiti's dysfunctional healthcare system, in combination with insecurity and the fuel shortage that exacerbated pre-existing WASH challenges, has allowed the disease to spread virtually unchecked.<sup>317</sup> The situation is particularly dire in Haiti's prisons, where the lack of sanitary conditions and access to food and clean water has fueled an especially acute outbreak.<sup>318</sup> Despite tremendous efforts from healthcare professionals,<sup>319</sup> numbers keep rising. As of November 29, Haitian authorities have confirmed over 1,000 cases, nearly 13,000 suspected cases, and 244 deaths.<sup>320</sup> With gang violence preventing access to certain areas and limited testing, partners on the ground report that real numbers are much higher.<sup>321</sup> Malnutrition increases vulnerability to exposure and death, with nine out of ten cases reported in areas with severe hunger.<sup>322</sup>
- On November 20, MSF reported that if cholera continues to spread at current rates, health centers will soon be at maximum capacity, leaving the sick and injured with nowhere to turn.<sup>323</sup> In light of the resurgence, advocates have renewed their calls on the UN to accept its legal responsibility for the outbreak, compensate victims, and keep its 2016 promise to improve Haiti's WASH infrastructure.<sup>324</sup>
- More generally, the health sector remains perpetually under-resourced and under-staffed, largely due to government failures and corruption.<sup>325</sup> In August, doctors at the *Hôpital Universitaire de La Paix* went on strike after not being paid for eleven months.<sup>326</sup> The Ministry of Public Health and Population, which was found to have mismanaged public funds allocated to COVID-19 spending,<sup>327</sup>

has failed to pay health workers who were contracted to provide care for COVID-19 patients since June 2021.<sup>328</sup>

- Gang violence and the fuel shortage have forced many hospitals to close or reduce operations,<sup>329</sup> further exacerbating the humanitarian crisis.<sup>330</sup> In October, hospitals that rely on diesel-powered generators, including MSF, were saying they will no longer be able to operate if fuel is not made available soon.<sup>331</sup> Even as many health centers have stayed open, they do so at immense risk to their staff out of commitment to ensuring that patients have somewhere to go.<sup>332</sup> Mobile health centers have increased operations in an effort to fill gaps in services.<sup>333</sup>
- Gang blockades and the lack of fuel have also had serious impacts on hospitals' ability to restock medicine and medical supplies, including oxygen.<sup>334</sup> The cost of transportation, food, and security has increased dramatically for healthcare providers, resulting in higher rates of malnutrition among patients and reduced capacity for staff.<sup>335</sup>
- Violence continues to impact physical access to healthcare centers. The national ambulance service now has only three ambulances in Port-au-Prince and has reduced or entirely suspended its services elsewhere across Haiti due to the fuel shortage.<sup>336</sup> Even where ambulances are operational, they are often unwilling or unable to go into areas under gang control, like Cité Soleil, leaving victims of gang violence unable to seek treatment.<sup>337</sup> Meanwhile, some healthcare workers have resorted to sleeping at their work to avoid gang violence on their commutes.<sup>338</sup>

#### *Access to education*

- Increased insecurity, lack of fuel, and the resurgence of cholera have made access to education extremely difficult.<sup>339</sup> Over 200 schools in Port-au-Prince have been forced to partially or completely close.<sup>340</sup> The government officially pushed the start of the school year back one month, to October 3, due to concerns about violence and the fuel shortage,<sup>341</sup> but many openings were delayed as late as the end of November.<sup>342</sup> Higher education institutions have likewise been forced to suspend academic activities as a result of insecurity.<sup>343</sup> Over the summer, cultural centers and libraries across the country were forced to reduce their operations or close entirely, leaving children without critical learning resources.<sup>344</sup> Compounding these problems, over 250,000 children – more than half of those impacted by last year's 7.2 magnitude earthquake – still lack access to adequate schools because lack of funding and insecurity have delayed reconstruction.<sup>345</sup>
- Even when schools do open, they remain unaffordable for most. Government programs that partially subsidize expensive school fees and supplies have not been operating, leaving families unable to send their children to school<sup>346</sup> and deepening the cycle of poverty.<sup>347</sup>

#### **VI. Emigration pressures**

As a result of the challenges described in this Update, Haitians are fleeing their country in search of protection or are unable to safely return from abroad.<sup>348</sup> States continue to expel Haitian migrants pursuant to racist policies, sometimes in violation of their own human rights obligations, including with respect to treaties governing refugees.<sup>349</sup> For the first time since the 1990s and despite the significant rights violations that occurred there, the United States is reportedly considering expanding the use of Guantánamo Bay as a detention facility for Haitian migrants.<sup>350</sup> Meanwhile, the Dominican Republic is employing increasingly brutal and inhumane tactics to expel Haitians.<sup>351</sup>

- The number of Haitians taking to the sea as a means of escaping the crises, boarding overloaded and ill-equipped boats that often capsize before reaching their destination,<sup>352</sup> increased dramatically in the last year.<sup>353</sup> As a result, many have drowned after being forced to attempt to swim to shore or when boat operators make them jump into the ocean to evade detection by law enforcement officials.<sup>354</sup> These boats are sometimes captained by individuals with prior convictions for human smuggling and drug trafficking, exposing migrants to additional risks.<sup>355</sup>
- Countries have continued expelling Haitian migrants, despite calls from the Haitian government, various UN agencies, U.S. lawmakers, and humanitarian organizations to stop sending vulnerable Haitians back to a severe crisis.<sup>356</sup> Expulsions by air of Haitians pursuant to the racist Title 42 policy, which the UN Refugee Agency and other humanitarian actors have repeatedly determined violates international law,<sup>357</sup> seem to have ended in June. Deportations of Haitians based on underlying criminal convictions continued, at least until early September.<sup>358</sup> On December 5, the U.S.

government announced its intention to redesignate Haiti for Temporary Protected Status, which will enable Haitians who arrived in the United States by November 6 (although it is possible that this date will change) to apply for protection from deportation.<sup>359</sup> Although this is a positive step – and indicates that the Biden administration recognizes the dangers of returning Haitians to a country in crisis – it will offer no protection for Haitians arriving after the cut-off date.

- Furthermore, instead of granting Haitians interdicted at sea access to the asylum procedure, the U.S. Coast Guard is promptly repatriating them.<sup>360</sup> This is a denial of Haitians’ right not to be returned to a country where they will face danger.<sup>361</sup> Furthermore, possible expansion of the migrant facility at Guantánamo Bay is raising concerns among advocates, who cite the facility’s history of human rights abuses, including against Haitians held there in the 1990s; indefinite detention; and denial of due process rights.<sup>362</sup>
- The Dominican Republic has intensified expulsions of Haitians.<sup>363</sup> Between August and October 2022, Dominican authorities expelled over 60,000 Haitians and Dominicans of Haitian descent; over a one-week period in October, Dominican authorities expelled another 5,000.<sup>364</sup> In a hostile response to calls from the UN High Commissioner for Human Rights to halt expulsions of Haitians and improve anti-racist and anti-xenophobic measures,<sup>365</sup> Dominican President Luis Abinader issued a decree calling for harsher immigration enforcement and the creation of a police unit to investigate foreigners living in “illegal land occupations.”<sup>366</sup> Meanwhile, Haitians in the Dominican Republic continue to face racist violence including arbitrary arrests,<sup>367</sup> forced evictions, arson, physical attacks and killings by Dominican authorities and civilians.<sup>368</sup> Reflecting the racist nature of these Dominican policies, the United States issued a travel warning that “darker-skinned” Americans traveling to the Dominican Republic may be profiled and detained by Dominican authorities because of the color of their skin.<sup>369</sup> Dominican and other human rights defenders continue to speak out against these abuses by the Dominican government against Haitian migrants.<sup>370</sup>
- Haitians deported or expelled by the United States to Haiti – some of whom left Haiti as children<sup>371</sup> – are being returned to a country in crisis that they are particularly ill-equipped to navigate.<sup>372</sup> Returnees with prior criminal records are among the most vulnerable, as they often immediately incarcerated upon arrival in Haiti, in spite of already having served their sentences in the United States.<sup>373</sup> Once incarcerated, returnees are subject to the horrors of the Haitian prison system described above.<sup>374</sup> At least one incarcerated returnee has died in prison.<sup>375</sup> Haitian authorities also sometimes demand money from returnees’ U.S.-based families, effectively holding them hostage.<sup>376</sup>

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

The challenges described in this Update are rooted in historical injustices perpetrated by foreign actors – enslavement, colonialism, and political interference – and their modern corollaries, including structural racism and neocolonial aid policies.<sup>377</sup> The international community continues to fundamentally fail to address these harms or adopt practices that respect Haitians’ rights, including by propping up the illegal de facto regime, failing to implement policies to curb the illegal flow of weapons into Haiti, and treating Haitians seeking refuge from the crisis without dignity and in a manner violative of migrant rights.<sup>378</sup>

- De facto Prime Minister Henry officially requested a military intervention in October,<sup>379</sup> alongside a concerted push from the international community.<sup>380</sup> Haitians are wary of international intervention: they cite harms caused by previous deployments,<sup>381</sup> including UN peacekeeper-perpetrated civilian massacres in 2005 and 2006;<sup>382</sup> as well as the lack of accountability and redress for such harms, including the UN’s ongoing failure to accept legal responsibility for peacekeepers’ introduction of cholera to Haiti<sup>383</sup> and sexual exploitation and abuse of Haitian women and girls by UN peacekeepers and international humanitarian actors.<sup>384</sup> Despite escalating humanitarian need, many Haitians have therefore rejected the push for foreign military intervention, including the majority of Haitian civil society organizations that have issued related statements.<sup>385</sup> Many other Haitians see it as a necessary lifeline.<sup>386</sup>
- Haitians and allies have continued to demand that the international community stop propping up de facto Prime Minister Henry and his corrupt, repressive PHTK government.<sup>387</sup> Nevertheless, the United States persists in backing his illegitimate rule even as it claims to support “Haitian-led solutions.”<sup>388</sup> This removes any incentive for Henry to negotiate, impeding genuine Haitian solutions and disrespecting Haitians’ autonomy to decide their own future.<sup>389</sup>

- In October, the UNSC adopted a sanctions regime for gang leaders and those who finance them.<sup>390</sup> The UNSC – and subsequently the European Union – has thus far only sanctioned G9 gang leader Chérizier.<sup>391</sup> On November 4, the United States and Canada announced sanctions against Senate leader Joseph Lambert, and former Senate leader and police commissioner Youri Latortue, citing “illicit financial and operational support to armed gangs” and involvement with drug trafficking.<sup>392</sup> On December 2, the United States further sanctioned Senator Rony Celestin and former Senator Richard Lenine Hervé Fourcand, accusing them of abusing their power to facilitate drug trafficking.<sup>393</sup> Canada also issued sanctions against former President and PHTK founder Michel Martelly and former PHTK government Prime Ministers Laurent Lamothe and Jean Henry Céant.<sup>394</sup> Such sanctions indicate that international actors are beginning to recognize the role of powerful elites in empowering gangs and otherwise capturing Haiti’s institutions. However, Haitians emphasize that these sanctions barely scratch the surface of confronting state capture by such actors.<sup>395</sup> There is also concern that such measures might be applied unevenly based on foreign policy preferences and thereby continue to distort Haitians’ ability to select their leaders. For example, the United States did not join Canada in sanctioning Martelly, who reportedly owns property in the United States, despite his own admissions of embezzling public funds<sup>396</sup> and the ongoing lawsuit against him in U.S. federal court for his involvement in a separate embezzlement scheme.<sup>397</sup> Persistent U.S. support for Henry, who has been credibly accused of having ties with gang members and involvement in his predecessor’s assassination, is another example of U.S. policies seeming to favor PHTK-linked individuals.<sup>398</sup>
- Lax U.S. gun policies make it easy to smuggle weapons and ammunition into Haiti, which enables violence.<sup>399</sup> For example, several prominent members of the Haitian Episcopal Church were arrested in August on charges of weapons trafficking after weapons and ammunition were found in containers that had been shipped from the United States on behalf of the Episcopal Church.<sup>400</sup> Haitian activists have called for more robust control.<sup>401</sup>
- The UNSC voted to renew BINUH’s mandate on July 15,<sup>402</sup> amid ongoing concerns about BINUH’s effectiveness and its ability to live up to its own human rights obligations,<sup>403</sup> as well as its lack of credibility and legitimacy with Haitians.<sup>404</sup>

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<sup>1</sup> See Jess DiPierro Obert, *Surge in use of rape against women and rivals by Haiti gangs*, NEW HUMANITARIAN (Nov. 14, 2022), <https://www.thenewhumanitarian.org/investigation/2022/11/14/Haiti-gang-violence-women-gender-based-violence-war-humanitarian-needs>; see further *infra* Section I.

<sup>2</sup> See Luke Taylor, *‘They have no fear and no mercy’: gang rule engulfs Haitian capital*, GUARDIAN (Sep. 18, 2022), <https://www.theguardian.com/world/2022/sep/18/haiti-violence-gang-rule-port-au-prince>; see further *infra* Section I.

<sup>3</sup> See Taylor, *supra* note 2; see further *infra* Section I.

<sup>4</sup> See *Who is Haiti’s sanctioned gang leader Jimmy ‘Barbecue’ Cherizier?*, AL JAZEERA (Oct. 21, 2022), <https://www.aljazeera.com/news/2022/10/21/who-is-haitis-sanctioned-gang-leader-jimmy-barbecue-cherizier>.

<sup>5</sup> See Harold Isaac and Brian Ellsworth, *Gang blockade cripples Haiti fuel supplies, hospitals prepare to close*, REUTERS (Sep. 27, 2022), <https://www.reuters.com/world/americas/gang-blockade-cripples-haiti-fuel-supplies-hospitals-prepare-close-2022-09-27/>; see further *infra* Section V, *Fuel crisis*.

<sup>6</sup> See *infra* note 263; see also Michael Shellenberger, *Haiti Riots Triggered by IMF Advice to Cut Fuel Subsidies*, FORBES (Sep. 22, 2022), <https://www.forbes.com/sites/michaelsellenberger/2022/09/22/haiti-riots-triggered-by-imf-advice-to-cut-fuel-subsidies/?sh=1ff300a35169>.

<sup>7</sup> See Jacqueline Charles, *Haiti confirms cholera deaths as fuel shortage, protests hamper access to clean water*, MIAMI HERALD (Oct. 3, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article266721746.html>; Francklyn B Geffrard, *Les haïtiens manifestent à nouveau contre le pouvoir en place dans plusieurs villes du pays. Au moins une personne a été tuée*, RHINEWS (Aug. 30, 2022), <https://www.rhinews.com/actualites/les-haitiens-manifestent-a-nouveau-contre-le-pouvoir-en-place-dans-plusieurs-villes-du-pays-au-moins-une-personne-a-ete-tuee/>; see further *infra* note 267.

<sup>8</sup> See Widlore Mérancourt, Kelly Kasulis Cho & Amanda Coletta, *Cholera resurfaces in Haiti as gangs hinder access to water, hospitals*, WASHINGTON POST (Oct. 3, 2022), <https://www.washingtonpost.com/world/2022/10/03/haiti-cholera-gang-violence-water/>; see further *infra* Section IV.

<sup>9</sup> See Kristina Fried, *New promises from Washington for Haiti as the term for its assassinated president ends Monday*, MIAMI HERALD (Feb. 6, 2022), <https://www.miamiherald.com/opinion/article258104658.html>

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(describing Henry as “a key official in previous PHTK governments”); *HFAC Members Briefing with Ambassador Daniel L. Foote*, House Foreign Affairs Committee (Oct. 7, 2021), <https://foreignaffairs.house.gov/2021/10/hfac-members-briefing-with-ambassador-daniel-l-foote> (reporting on testimony of former U.S. Special Envoy to Haiti Daniel Foote to the U.S. House Foreign Affairs Committee that Henry’s regime “is seen as an extension of the Moïse [PHTK] government”).

<sup>10</sup> See Mario Joseph & Brian Concannon, *The last thing Haiti needs is military intervention. It didn’t work in the past, and won’t work now*, MIAMI HERALD (Sep. 19, 2022), <https://www.miamiherald.com/opinion/op-ed/article266022281.html>.

<sup>11</sup> See Brian Concannon, *Biden must stop propping up the old guard in Haiti*, RESPONSIBLE STATECRAFT (Nov. 12, 2021), <https://responsiblestatecraft.org/2021/11/12/how-biden-can-support-democracy-in-haiti/>.

<sup>12</sup> See, e.g., Scott Mistler-Ferguson, *G9 vs. G-PEP - The Two Gang Alliances Tearing Haiti Apart*, INSIGHT CRIME (Jul. 21, 2022), <https://insightcrime.org/news/g9-gpep-two-gang-alliances-tearing-haiti-apart/>; Jacqueline Charles, *Reports detail how Haiti’s public administration is a cesspool of corruption*, MIAMI HERALD (Aug. 27, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article264971389.html>; see further *infra* Sections I and II.

<sup>13</sup> See, e.g., *Affaire Monferrier Dorval* : « C’est comme si tout a été mis en place pour empêcher l’avancement du dossier », *se plaint Me Rose-Berthe Augustin*, LE NOUVELLISTE (Aug. 9, 2022), <https://lenouvelliste.com/article/237494/affaire-monferrier-dorval-cest-comme-si-tout-a-ete-mis-en-place-pour-empêcher-l'avancement-du-dossier-se-plaint-me-rose-berthe-augustin>; Juhakenson Blaise, *Disorder in Haiti’s courts*, HAITIAN TIMES (Jul. 7, 2022), <https://haitiantimes.com/2022/07/07/disorder-in-haitis-courts/>; see further *infra* Section III.

<sup>14</sup> See *infra* Section II.

<sup>15</sup> See Sandra C. Wisner, *Starved for Justice: International Complicity in Systematic Violations of the Right to Food in Haiti*, HRLR ONLINE (May 10, 2022), <https://hrlr.law.columbia.edu/hrlr-online/starved-for-justice-international-complicity-in-systematic-violations-of-the-right-to-food-in-haiti/>; *Haiti ‘Ransom’ Project*, NY TIMES, <https://www.nytimes.com/spotlight/haiti>; see further *infra* Section VII.

<sup>16</sup> *Bureau Intégré des Nations Unies en Haïti (BINUH), Communiqué du Core Group* (Jul. 17, 2021), <https://binuh.unmissions.org/fr/communiqué-du-core-group-4>.

<sup>17</sup> See Letter to President Biden rejecting calls for military intervention in Haiti (Oct. 31, 2022), <https://cepr.net/wp-content/uploads/2022/10/Haiti-Military-Force-Organizational-Sign-on.pdf>; Susan D. Page, *A Smarter U.S. Assistance Strategy for Haiti*, COUNCIL ON FOREIGN RELATIONS (Sep. 8, 2022), [https://www.cfr.org/report/smarter-us-assistance-strategy-haiti?utm\\_medium=social\\_share&utm\\_source=emailfwd](https://www.cfr.org/report/smarter-us-assistance-strategy-haiti?utm_medium=social_share&utm_source=emailfwd).

<sup>18</sup> See UN’s Guterres calls for international troops to intervene in Haiti, FRANCE 24 (Oct. 10, 2022), <https://www.france24.com/en/americas/20221010-un-s-guterres-calls-for-international-troops-to-intervene-in-haiti>; US and Mexico call for international force to help Haiti tackle gangs, FRANCE 24 (Oct. 18, 2022), <https://www.france24.com/en/americas/20221018-us-and-mexico-call-for-international-force-to-help-haiti-tackle-gangs>.

<sup>19</sup> At the time of writing, the resolution has not yet been put up for a vote as the United States continues to attempt to identify troop contributors. See Michael Wilner & Jacqueline Charles, *U.S. Resolution Proposing Rapid Force for Haiti Imperiled: ‘No One is Stepping Up,’* MIAMI HERALD (Oct. 25, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article267851922.html>; Michele Kelemen, *Nations consider sending troops to Haiti, despite troubled past foreign intervention*, NPR (Oct. 21, 2022), <https://www.npr.org/2022/10/20/1129747505/haiti-un-security-council-intervention-armed-force-aid-us-mexico>; Evan Dyer, *As gang violence consumes Haiti, donor nations — Canada included — seem reluctant to get involved*, CBC NEWS (Sep. 22, 2022), <https://www.cbc.ca/news/politics/haiti-canada-gangs-ariel-henry-1.6591067>; Agence France Presse, *UN Prods Security Council To See ‘Urgency’ To Act On Haiti*, BARRON’S (Nov. 1, 2022), <https://www.barrons.com/news/un-prods-security-council-to-see-urgency-to-act-on-haiti-01667332207?tesla=y>.

<sup>20</sup> These include civilian massacres under the guise of anti-gang operations, widespread sexual exploitation and abuse, and a deadly cholera epidemic. See *infra* Section VII.

<sup>21</sup> See 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>; Letter to President Biden, *supra* note 17 (In an open letter to U.S. President Biden, a group of civil society organizations expressed concern “that the deployment of a military force now will only perpetuate and strengthen Henry’s grasp on power, while doing little to ameliorate the root causes of today’s crisis” and reminded President Biden of his 2022 commitment to “not use our military to change regimes or remake societies.”); Allan Woods, *Haiti asks for Canadian soldiers to tackle gangs ‘taking the country hostage,’* PETERBOROUGH EXAMINER (Oct. 13, 2022), [https://www.thepeterboroughexaminer.com/ts/news/canada/2022/10/13/haiti-asks-for-canadian-soldiers-to-tackle-gangs-taking-the-country-hostage.html?li\\_source=LI&li\\_medium=thepeterboroughexaminer\\_canada](https://www.thepeterboroughexaminer.com/ts/news/canada/2022/10/13/haiti-asks-for-canadian-soldiers-to-tackle-gangs-taking-the-country-hostage.html?li_source=LI&li_medium=thepeterboroughexaminer_canada) 14 (“Some in Haiti’s opposition fear the current Haitian government will use a UN force to cement its hold on

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power; others fear another intervention that arrive and leave quickly without creating lasting change.”); Luke Taylor, *‘More bullets, more bloodshed’: Haiti aid groups warn against request for foreign forces*, GUARDIAN (Oct. 9, 2022), <https://www.theguardian.com/world/2022/oct/09/more-bullets-more-bloodshed-haiti-aid-groups-warn-against-request-for-foreign-forces> (“[A]ctivists and aid groups said that calling in foreign forces risks escalating the brutal violence that has engulfed the capital while offering no long-term solution.”); Milo Milfort, Anatoly Kurmanaev & Andre Paulter, *Fuel Hike Plunges Haiti Into Near Anarchy*, NY TIMES (Sep. 16, 2022), <https://www.nytimes.com/2022/09/16/world/americas/haiti-protests-fuel-price.html>; Joseph & Concannon, *supra* note 10; Garry Pierre-Pierre, *Another invasion of Haiti is coming*, HAITIAN TIMES (Oct. 10, 2022), <https://haitiantimes.com/2022/10/10/another-invasion-of-haiti-is-coming-opinion/>.

<sup>22</sup> See, e.g., Natalie Kitroeff, *As Haiti Unravels, U.S. Officials Push to Send in an Armed Foreign Force*, NY TIMES (Nov. 29, 2022); Jake Johnston, *De Facto Haitian Authorities Call for (Another) Foreign Military Intervention*, CEPR (Oct. 14, 2022), <https://cepr.net/de-facto-haitian-authorities-call-for-another-foreign-military-intervention/>. There is disagreement among local observers as to the weight of Haitian opinion regarding whether a foreign intervention is advisable. Local partners make clear that some Haitians remain vehemently opposed while others believe an intervention will at least give them some “space to breathe.” Nevertheless, there is consistent emphasis by Haitians on their right to self-determination, fear that harms characterizing past interventions will take place again, and a profound sense of injustice at corresponding failures of accountability.

<sup>23</sup> See Jacqueline Charles, *Rising homicides, kidnappings in Haiti show crisis is not over even as fuel flow resumes*, MIAMI HERALD (Nov. 17, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article268849492.html>; UN Humanitarian, *Seven things to know about the humanitarian crisis in Haiti*, UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (OCHA) (Oct. 26, 2022), <https://unocha.exposure.co/seven-things-to-know-about-the-humanitarian-crisis-in-haiti>; OCHA, *Haiti: Impact of social unrest on the humanitarian situation - Flash Update #1 (As of 22 September 2022)*, RELIEFWEB (Sep. 23, 2022), <https://reliefweb.int/report/haiti/haiti-impact-social-unrest-humanitarian-situation-flash-update-1-22-september-2022> (“Since June 2021, gang control in the Port-au-Prince Metropolitan Area . . . has expanded significantly.”); Taylor, *supra* note 2 (“[V]iolence is rippling out across the capital, reaching once-peaceful provinces, and displacing thousands of families.”); Vanessa Buschschlüter, *Haiti gang violence: 209 killed in Cité Soleil in 10 days*, BBC NEWS (Jul. 26, 2022), <https://www.bbc.com/news/world-latin-america-62292007> (reporting that gang violence has reached “shocking new levels” since July 8); Obert, *supra* note 1 (“In addition to the rampant violence in the capital, gangs have also established footholds in other densely populated urban areas, such as the northern city of Cap-Haïtien.”); Jacqueline Charles, *‘Horrific assassination.’ Well-known Haiti political leader killed in gang-plagued region*, MIAMI HERALD (Oct. 31, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article268023752.html> (reporting on the October 28 murders of prominent political leader Éric Jean-Baptiste and his bodyguard by gangs in Haiti’s previously peaceful Petionville neighborhoods, which has “become a battlefield in Haiti’s escalating violence”); Dave Lawler, *Haiti’s gangs run the streets as fuel and water run low*, AXIOS (Oct. 6, 2022), <https://www.axios.com/2022/10/06/haiti-gangs-blockade-fuel-supplies-cholera> (reporting that “[g]angs have long been present in certain areas, but now no matter where you live you’re likely to see ‘adolescents with big guns’ walk past your window” and that “[i]n the climate of impunity, gang members feel no need to hide their identities”); Ayiti-Kriminalite: *Anplwaye nan sistem Nasyon zini an pa gen dwa pran lari apati 6 zè di swa*, ALTERPRESSE (Jun. 9, 2022), <https://www.alterpresse.org/spip.php?article28376> (reporting that in early June, UN staff were advised to not go outside after 6 p.m. due to pervasive violence).

<sup>24</sup> See, e.g., United Nations Security Council (UNSC), United Nations Integrated Office in Haiti: Report of the Secretary-General, S/2022/761 (Oct. 13, 2022), ¶ 16, <https://binuh.unmissions.org/sites/default/files/s-2022-761.pdf>, (hereinafter **UNSG BINUH Report**).

<sup>25</sup> See, e.g., *id.* at ¶ 20; *Haiti - News : Zapping . . .*, HAITI LIBRE (Aug. 6, 2022), <https://www.haitilibre.com/en/news-37336-haiti-news-zapping.html>.

<sup>26</sup> See Obert, *supra* note 1.

<sup>27</sup> See *96,000 Haitians displaced by recent gang violence in capital: IOM report*, INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM) (Oct. 28, 2022), <https://www.iom.int/news/96000-haitians-displaced-recent-gang-violence-capital-iom-report>.

<sup>28</sup> See *infra* Section V.

<sup>29</sup> See, e.g., Charles, *supra* note 23.

<sup>30</sup> See, e.g., Francklyn B Geffrard, *OHDLP indigné du « silence absolu » du Gouvernement d’Ariel Henry sur le saccage et la prise d’otage du Tribunal de Première Instance de Port au prince*, RHINEWS (Jun. 20, 2022), <https://www.rhinews.com/actualites/ohdlp-indigne-du-silence-absolu-du-gouvernement-dariel-henry-sur-le-saccage-et-la-prise-dotage-du-tribunal-de-premiere-instance-de-port-au-prince/> (reporting that the Haitian Observatory for Law and Freedom called Haiti “a banner Republic where the jurisdiction of the country’s capital is vandalized and occupied by small armed gangs at the bedside of political and economic oligarch gangs who

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have monopolized Haitian wealth and impoverished the public treasury with the complicity of certain Western countries, to the detriment of the popular mass which languishes in abject misery”); Taylor, *supra* note 2 (reporting that gangs “like G9 are used to exert political power” and quoting Haitian Bridge Alliance’s Nicole Phillips opining that “[a]s the government has grown weaker its reliance on the gangs to maintain order has increased . . . . The reason the gangs are being allowed to proliferate is because elections are coming up”); Francklyn B Geffrard, « *Le gouvernement paie les gangs du G-9 qui mène des opérations de déchouquage pour affaiblir la mobilisation populaire* », selon Pierre Espérance, RHINEWS (Sep. 18, 2022), <https://www.rhinews.com/actualites/le-gouvernement-paie-les-gangs-du-g-9-qui-mene-des-operations-de-dechouquage-pour-affaiblir-la-mobilisation-populaire-selon-pierre-esperance/>.

<sup>31</sup> See Obert, *supra* note 1; Report: 96K Haitians flee homes amid spike in gang violence, AP NEWS (Oct. 28, 2022), <https://apnews.com/article/violence-caribbean-united-nations-port-au-prince-haiti-90be68b403572bfe7ebbe19116fb06f9>; Charles, *supra* note 23; BINUH & Office of the United Nations High Commissioner for Human Rights (OHCHR), *Sexual violence in Port-au-Prince: A weapon used by gangs to instill fear*, OHCHR (October 2022), ¶ 27, <https://www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf> (hereinafter **BINUH/OHCHR Report on Sexual Violence**); see also UN Humanitarian, *supra* note 23 (“An estimated 1.5 million people in Port-au-Prince live in areas under gang influence.”).

<sup>32</sup> The G9 is a criminal federation of nine gangs founded in June 2020 and led by Jimmy “Barbeque” Chérizier – a major criminal operative in Haiti implicated in several massacres. See *Who is Haiti’s sanctioned gang leader Jimmy ‘Barbecue’ Cherizier?*, *supra* note 4.

<sup>33</sup> The G-Pèp is a criminal federation and the G9’s primary rival, led by Gabriel Jean-Pierre. See Mistler-Ferguson, *supra* note 12.

<sup>34</sup> 400 Mawozo controls large parts of Port-au-Prince and was also responsible for the majority of kidnappings in 2021. Along with *Chen Mechan*, it was one of two warring gangs that was responsible for the Croix-des-Bouquets massacre earlier this year. After its leader was extradited to the United States in May, 400 Mawozo joined the G-Pèp federation. See *De Yonyon à Lanmò Sanjou, l’histoire du célèbre et puissant gang des « 400 Mawozo » retracée par le RNDDH*, REZO NODWES (May 12, 2022), <https://reznodwes.com/?p=277896>; Mistler-Ferguson, *supra* note 12.

<sup>35</sup> *Chen Mechan* is allegedly a member of the G9 gang alliance. See National Network for the Defense of Human Rights (RNDDH), *Violent Clashes Between armed gangs: RNDDH demands protection of the Haitian Population* (May 10, 2022), ¶¶ 1, 23, <https://web.rnddh.org/wp-content/uploads/2022/05/6-Rap-Plaine-du-Cul-de-Sac-10Mai2022-ENG.pdf>.

<sup>36</sup> See Franklyn B Geffrard, *Haïti : l’ONU dénonce de graves abus lors d’affrontements meurtriers entre gangs à Port-au-Prince*, RHINEWS (Aug. 3, 2022), <https://www.rhinews.com/actualites/haiti-lonu-denonce-de-graves-abus-lors-daffrontements-meurtriers-entre-gangs-a-port-au-prince/>; Taylor, *supra* note 2.

<sup>37</sup> UNSG BINUH Report, *supra* note 24, at ¶ 39; see also Anna C, *Haiti – 3,000 Deaths Under Violent Gang Rule*, NEW YORK CARIB NEWS (Nov. 29, 2022), <https://www.nycaribnews.com/articles/haiti-3000-deaths-under-violent-gang-rule/> (according to Haitian human rights organization Defenders Plus, “[f]rom January 1 to October 30, 2022, 2,769 persons were slain in the capital’s metropolitan region”).

<sup>38</sup> See Charles, *supra* note 23.

<sup>39</sup> See, e.g., RNDDH, *Massacre in Cité Soleil: Chilling Stories of Women and Girls Victims of Gang Rape* (Aug. 16, 2022), ¶ 4, <https://web.rnddh.org/wp-content/uploads/2022/08/10-Rap-Cite-Soleil-Femmes-et-Filles-violees-16Aout2022-ENG.pdf> (hereinafter **RNDDH Report on GBV in Cité Soleil**).

<sup>40</sup> The UN variously reported 221 people killed and 183 injured between July and August 5; 209 killed and 254 injured between July 8 and 17; and 234 killed between July 8 and 12. See UNSG BINUH Report, *supra* note 24, at ¶ 16; Buschschlüter, *supra* note 23; Comment by UN Human Rights Office spokesperson Jeremy Laurence on *Haiti gang violence and rise in human rights abuses*, OHCHR (Jul. 16, 2022), <https://www.ohchr.org/en/statements/2022/07/comment-un-human-rights-office-spokesperson-jeremy-laurence-haiti-gang-violence>. RNDDH reported over 300 killed and just 22 injured. RNDDH Report on GBV in Cité Soleil, *supra* note 39, at ¶ 8.

<sup>41</sup> See *Haiti - News : Zapping...*, HAITI LIBRE (Jul. 23, 2022), <https://www.haitilibre.com/en/news-37225-haiti-news-zapping.html> (reporting at least 20 dead because of clashes between the Savien “Grand Grif” and “Ti contempt” gangs); Charles, *supra* note 23.

<sup>42</sup> See OCHA, *Haiti: Humanitarian situation and cholera - Flash Update # 5 (As of 7 November 2022)*, RELIEFWEB (Nov. 9, 2022), <https://reliefweb.int/report/haiti/haiti-humanitarian-situation-and-cholera-flash-update-5-7-november-2022>; Franklyn B Geffrard, *Haïti : « La communauté internationale doit agir immédiatement pour éviter une tragédie »*, alerte l’ONU, RHINEWS (Nov. 3, 2022), <https://www.rhinews.com/actualites/haiti-la-communaute-internationale-doit-agir-immEDIATEMENT-pour-eviter-une-tragedie-alerte-lonu/>; *Haïti-Violence des gangs : 15 morts, plus de 20 familles sinistrées et près de 12 maisons brûlées à Noailles, en une semaine*, ALTERPRESSE (Oct. 20, 2022), <https://www.alterpresse.org/spip.php?article28728>.



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<sup>43</sup> For example, gangs killed 27 civilians in two communities around Port-au-Prince in November. See Charles, *supra* note 23; see also Taylor, *supra* note 2; Obert, *supra* note 1.

<sup>44</sup> See Jacqueline Charles, *Armed gangs massacre Haitians and torch town north of the capital*, MIAMI HERALD (Dec. 1, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article269494152.html>; *Haiti - FLASH : Massacre in Sources Matelas, at least 12 citizens killed, several houses burned (Video)*, HAITI LIBRE (Dec. 1, 2022), <https://www.haitilibre.com/en/news-38268-haiti-flash-massacre-in-sources-matelas-at-least-12-citizens-killed-several-houses-burned-video.html>.

<sup>45</sup> RNDDH Report on GBV in Cité Soleil, *supra* note 39, at ¶ 8; see also UNSG BINUH Report, *supra* note 24, at ¶ 16 (reporting that gang members used sexual violence against at least 57 women between July 7 and August 5).

<sup>46</sup> RNDDH Report on GBV in Cité Soleil, *supra* note 39, at ¶ 39–40.

<sup>47</sup> See generally RNDDH Report on GBV in Cité Soleil, *supra* note 39; BINUH/OHCHR Report on Sexual Violence, *supra* note 31; see also Taylor, *supra* note 2 (reporting that gangs in July were “raping any women who took their fancy” and that “young women and girls have been raped as a form of warfare”); Obert, *supra* note 1 (reporting that according to RNDDH’s Rosy Auguste Ducena, “[w]omen’s bodies are weaponized . . . . It’s a symptom of the trivialisation of rape”); Geffrard, *supra* note 42 (UN High Commissioner for Human Rights Volker Türk noted that “[k]idnappings and sexual violence committed by gang members are used as weapons to afflict the population and sow fear”); *Immediate action needed to save children’s lives in Haiti amid triple threat of cholera, malnutrition and violence, UN child rights committee warns*, OHCHR (Nov. 1, 2022), <https://www.ohchr.org/en/statements/2022/11/immediate-action-needed-save-childrens-lives-haiti-amid-triple-threat-cholera> (reporting that “[c]hildren as young as 10, the vast majority of whom are girls, have been subjected to collective rape for hours in front of their parents amid the explosion of gang violence”); see further *infra* Section IV.

<sup>48</sup> *Press Release / Haiti: UN Reports Gross Human Rights Abuses in Northwest Port-au-Prince during Deadly Gang Clashes in April and May 2022*, BINUH (Aug. 1, 2022), <https://binuh.unmissions.org/en/press-release-haiti-un-reports-gross-human-rights-abuses-northwest-port-au-prince-during-deadly-gang>.

<sup>49</sup> See BINUH/OHCHR Report on Sexual Violence, *supra* note 31 (describing the weaponization of sexual violence by gangs); Obert, *supra* note 1 (reporting that a woman “was raped by armed men as she returned from searching for purified water near Deyè Mi, a crossing between two rival gangs in Port-au-Prince”).

<sup>50</sup> See RNDDH Report on GBV in Cité Soleil, *supra* note 39 (reporting many instances of gang members asking women about their relationships with rival gang leaders or whether they were hiding gunmen in their homes, before raping them).

<sup>51</sup> This includes Haitians living in both displacement sites and host communities. See *96,000 Haitians displaced by recent gang violence in capital: IOM report*, *supra* note 27; OCHA, *supra* note 42; see also Buschschlüter, *supra* note 23 (“About 3,000 residents have been forced to flee. Many have nothing to go back to after their homes were destroyed or burned down by the gangs. Others do not dare leave their homes for fear of being killed by stray bullets.”).

<sup>52</sup> See *Soaring violence, fuel crisis and a cholera outbreak: Haiti in the grip of a “humanitarian catastrophe,” UNITED NATIONS POPULATION FUND (UNFPA)* (Oct. 13, 2022), <https://www.unfpa.org/news/soaring-violence-fuel-crisis-and-cholera-outbreak-haiti-grip-humanitarian-catastrophe>.

<sup>53</sup> See Milo Milfort, *Haiti gang war displaces thousands as anarchy grips nation*, LA PRENSA LATINA (Aug. 28, 2022), <https://www.laprensalatina.com/haiti-gang-war-displaces-thousands-as-anarchy-grips-nation/>; IJDH et al., *Letter to the IACHR regarding the situation of women and girl victims of sexual violence in Haiti* (Oct. 7, 2022), <http://www.ijdh.org/wp-content/uploads/2022/10/MC-340-10-Letter-Response-with-Attachments-FINAL-submitted.pdf> (hereinafter **IACHR Submission Re Sexual Violence and Displacement**).

<sup>54</sup> See Obert, *supra* note 1 (“[N]either the Haitian government nor the international community have mandated formal displacement sites.”); Molière Adely, *These women lived in Cite Soleil. Then, the gangs started fighting*, AYIBOPOST (Aug. 8, 2022), <https://ayibopost.com/these-women-live-in-cite-soleil-then-the-gangs-started-fighting/> (reporting that “[t]he City Hall of Tabarre and the civil protection services of the municipality refuses to take care of the victims on Hugo Chavez square” and that “[w]ithout support from the public authorities, the victims must rely on the kindness of charities and passers-by”).

<sup>55</sup> See *Haiti Humanitarian Situation Report No. 1*, UNITED NATIONS CHILDREN’S FUND (UNICEF) (Jun. 21, 2021), [https://www.unicef.org/media/102361/file/Haiti%20Humanitarian%20Situation%20Report%20No.1%20\(Displaced%20populations\)%2021%20June%202021.pdf](https://www.unicef.org/media/102361/file/Haiti%20Humanitarian%20Situation%20Report%20No.1%20(Displaced%20populations)%2021%20June%202021.pdf) (reporting that the Sports Center originally housed Haitians displaced by gang violence in the Martissant/Fontamara, Bel-Air/Tabarre-Issa, and Bas-Delmas neighborhoods).

<sup>56</sup> Advocates reported “inhumane and degrading conditions at the Carrefour sports center displacement site, including grossly inadequate security measures; lack of sanitation and hygiene; difficulties accessing food, medical care, and electricity; and inability to attend school.” See *IACHR Submission Re Sexual Violence and Displacement*, *supra* note 53.

<sup>57</sup> See OCHA, *supra* note 23.

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<sup>58</sup> See OCHA, *supra* note 23.

<sup>59</sup> See, e.g., Obert, *supra* note 1 (“Dozens of women and girls have been raped at some of the 33 makeshift displacement camps, according to the Haiti-based Bureau des Avocats Internationaux (BAI), a legal group trying to assist some of the women who have been attacked.”); see further *infra* Section IV.

<sup>60</sup> See Widlore Mérancourt & Amanda Coletta, *Gang War Traps Thousands in Haitian Slums*, WASHINGTON POST (Jul. 15, 2022), <https://www.washingtonpost.com/world/2022/07/15/haiti-gang-violence-cite-soleil/> (reporting that kidnappings are no longer sporadic but regular and endemic); Orla Guerin, *Haiti: Inside the capital city taken hostage by brutal gangs*, BBC, <https://www.bbc.com/news/world-latin-america-63707429> (“[A]rmed gangs are the greatest plague. They set the clock here. Morning rush hour - between 06:00 and 09:00 - is peak kidnapping time. Many are snatched from the streets on their way to work. Others are targeted in the evening rush hour - from 15:00 to 18:00.”).

<sup>61</sup> *Celulle D’observation de la Criminalité-COC*, CENTRE D’ANALYSE ET DE RECHERCHE EN DROITS DE L’HOMME (CARDH), <https://cardh.org/celulle-dobservation-de-la-criminalite> (reporting 103 kidnappings in July, 56 in August, and 45 in September); see also Guerin, *supra* note 60 (reporting 1,107 kidnapping cases between January and October).

<sup>62</sup> See also Al Jazeera Staff, *Armed gangs ‘terrorising’ Haiti as cholera spreads: UN official*, AL JAZEERA (Nov. 16, 2022), <https://www.aljazeera.com/news/2022/11/16/armed-gangs-terrorising-haiti-as-cholera-spreads-un-official>.

<sup>63</sup> See *Cité Soleil*: « On brûle les cadavres », « au moins 52 morts et 110 blessés dans des affrontements entre groupes armés », *selon le maire*, LE NOUVELLISTE (Jul. 11, 2022), <https://lenouvelliste.com/article/236925/cite-soleil-on-brule-les-cadavres-au-moins-52-morts-et-110-blesses-dans-des-affrontements-entre-groupes-armes-selon-le-maire>.

<sup>64</sup> See, e.g., Dimitry Charles, *A mother’s cry of distress for her daughter Laura Erika Jorahua Flores kidnapped last weekend*, JUNO7 (May 23, 2022), <https://www.juno7.ht/cri-pour-laura-erika-jorahua-flores-enlevee-le-week/> (reporting that a schoolgirl and driver were kidnapped in May and released in June); Francklyn B Geffrard, *A Catholic priest and three faithful kidnapped in Bassin-Bleu*, RHINEWS (Jun. 6, 2022), <https://www.rhinews.com/actualites/un-pretre-catholique-et-trois-fideles-enleves-a-bassin-bleu/> (reporting that a priest and three churchgoers were kidnapped in early June); @Radio\_Metronome, TWITTER (Jul. 24, 2022, 11:10 AM), [https://twitter.com/Radio\\_Metronome/status/1551223177430310912](https://twitter.com/Radio_Metronome/status/1551223177430310912) (reporting that Pastor Eliezer Dagobert was kidnapped in July while on his way to church); *Four customs employees kidnapped in Port-au-Prince*, LE NOUVELLISTE (Jun. 10, 2022), <https://lenouvelliste.com/article/236357/quatre-employes-de-la-douane-kidnapes-a-port-au-prince> (reporting that four customs officials were kidnapped in Port-au-Prince in June); *Haiti - News : Zapping...*, *supra* note 25 (reporting that gang members kidnapped Bruno Toussaint, a notary public, in August); *Release for ransom of Dr. Inobert Pierre*, LE NOUVELLISTE (Jul. 20, 2022), <https://lenouvelliste.com/alaminute/22680/liberation-contre-rancon-du-dr-inobert-pierre> (reporting that the director of Saint-Boniface Hospital was kidnapped and later released for ransom in July); Jacqueline Charles, *Attempted Kidnapping of Air Traffic Controllers in Haiti Puts Safety of Airspace at Risk*, MIAMI HERALD (Nov. 1, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article268132327.html> (reporting on the attempted kidnapping of three air traffic controllers in October); *Journalist Edner Fils Décime released almost 3 weeks after his kidnapping*, CARIBBEAN TELEVISION NETWORK, <https://caribbeantelevisionnetwork.com/journalist-edner-fils-decime-released-almost-3-weeks-after-his-kidnapping/> (reporting that armed gang members released AlterPresse journalist Edner Fils Décime on August 5 after kidnapping him 19 days prior).

<sup>65</sup> See *Haiti – News : Zapping...*, HAITI LIBRE (Sep. 29, 2022), <https://www.haitilibre.com/en/news-37766-haiti-news-zapping.html>.

<sup>66</sup> See Guerin, *supra* note 60 (reporting that according to CARDH’s Gedeon Jean, “[m]ost victims come back alive - if the ransom is paid - but they are made to suffer. ‘Men are beaten and burned with materials like melted plastic.’”).

<sup>67</sup> See BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶¶ 43–45; Guerin, *supra* note 60 (reporting that to extract a ransom “[s]ometimes kidnappers call the relatives so they can hear the rape carried out on the phone”).

<sup>68</sup> See, e.g., *Haiti - News : Zapping...*, *supra* note 25 (reporting that gang members demanded USD \$50,000 for the release of notary Bruno Toussaint).

<sup>69</sup> See Guerin, *supra* note 60 (“[F]or some gangs it’s a major income stream. Ransoms can run from \$200 (£164) to \$1m (£819,740).”).

<sup>70</sup> *Criminal Charges Unsealed Against Haitian Gang Leaders For Kidnappings of U.S. Citizens*, U.S. Department of Justice (Nov. 7, 2022), <https://www.justice.gov/opa/pr/criminal-charges-unsealed-against-haitian-gang-leaders-kidnappings-us-citizens>.

<sup>71</sup> See *Celulle D’observation de la Criminalité-COC*, *supra* note 61 (reporting 36 foreigners kidnapped between April and June, and seventeen kidnapped between July and September).

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<sup>72</sup> See, e.g., Mistler-Ferguson, *supra* note 12 (reporting that the two main rival gang federations in Haiti are both supported by politicians, with the G9 gang federation supported by the PHTK and the *G-Pèp* federation supported by PHTK’s political opponents); Taylor, *supra* note 2; Francklyn B Geffrard, « *Les troubles civils en Haïti sont financés par des intérêts économiques* », *selon un conseiller de Biden*, RHINEWS (Sep. 20, 2022), <https://www.rhinews.com/actualites/les-troubles-civils-en-haiti-sont-finances-par-des-interets-economiques-selon-un-conseiller-de-biden>; Geffrard, « *Le gouvernement paie les gangs du G-9 qui mène des opérations de déchéouage pour affaiblir la mobilisation populaire* », *selon Pierre Espérance*, *supra* note 30; Milfort, Kurmanaev & Paulter, *supra* note 21; *Haïti: 40 à 60% des policiers ont des connexions avec les gangs*, *selon le Sant Karl Levêque*, LE NOUVELLISTE (Oct. 16, 2022), <https://lenouvelliste.com/alamanute/23339/haiti-40-a-60-des-policiers-ont-des-connexions-avec-les-gangs-selon-le-sant-karl-leveque>.

<sup>73</sup> See, e.g., Taylor, *supra* note 2; Geffrard, « *Le gouvernement paie les gangs du G-9 qui mène des opérations de déchéouage pour affaiblir la mobilisation populaire* », *selon Pierre Espérance*, *supra* note 30; *but see* Milfort, Kurmanaev & Paulter, *supra* note 21 (“Officials from two countries that monitor Haiti closely say politicians and businessmen financing the gangs may be exacerbating the unrest, tapping into the general outrage to force Mr. Henry to roll back economic measures that hurt their revenues.”).

<sup>74</sup> See, e.g., Geffrard, « *Les troubles civils en Haïti sont financés par des intérêts économiques* », *selon un conseiller de Biden*, *supra* note 72; Geffrard, « *Le gouvernement paie les gangs du G-9 qui mène des opérations de déchéouage pour affaiblir la mobilisation populaire* », *selon Pierre Espérance*, *supra* note 30.

<sup>75</sup> *Haïti: 40 à 60% des policiers ont des connexions avec les gangs*, *selon le Sant Karl Levêque*, *supra* note 72; *see also* Guerin, *supra* note 60 (reporting that according to RNDDH and CARDH, “some police are like a support system for the gangs, giving them armoured cars and tear gas . . . . Other officers are gang members . . . . Some current and former police officers actually have their own gang, called Baz Pilate. Rights campaigners say it controls part of the main street in downtown Port-au-Prince”); Taylor, *supra* note 2 (reporting that according to Haitian Bridge Alliance’s Nicole Phillips, most of the confrontations between police and gangs are just for show, intended to mask government collaboration with gangs); *but see* Guerin, *supra* note 60 (reporting that because “[o]fficers can earn as little as \$300 a month, and some live in gang-held neighbourhoods” for some collusion with gangs “may be a matter of survival, not choice”).

<sup>76</sup> See Charles, *supra* note 23; *Des bandits se saisissent d’un véhicule blindé et de mitrailleuses de la PNH à Martissant*, LE NOUVELLISTE (Oct. 13, 2022), <https://lenouvelliste.com/article/238542/des-bandits-se-saisissent-dun-vehicule-blinde-et-de-mitrailleuses-de-la-pnh-a-martissant> (reporting that “[a]rmed men from the Ti Bwa gang . . . attacked a Haitian National Police base in Martissant 23 [on October 12] and stole several materials,” including armored vehicles); Obert, *supra* note 1 (reporting that “many police stations have been burned and looted for weapons”).

<sup>77</sup> RNDDH Report on GBV in Cité Soleil, *supra* note 39, at ¶ 7 (reporting that a National Equipment Center representative denied that the equipment was given to gangs, maintaining that the vehicles were “stolen by the armed bandits”).

<sup>78</sup> See Emmanuel Moïse Yves, *Des policiers vendent illégalement des armes à feu en Haïti*, AYIBOPOST (Jun. 24, 2022), <https://ayibopost.com/des-policiers-vendent-illegalement-des-armes-a-feu-en-haiti/>.

<sup>79</sup> See Charles, *supra* note 23 (reporting that Wakin was “found with 4,000, 5.56 caliber cartridges; 41 9mm caliber cartridges, three Glock 9mm pistol magazines; a 9mm caliber pistol and \$186,900 in U.S. dollars”).

<sup>80</sup> See, e.g., Widlore Mérancourt, *Sous menaces, les policiers qui avaient arrêté Fednel Monchery s’enfuient du pays*, AYIBOPOST (Jun. 13, 2022), <https://ayibopost.com/sous-menaces-les-policiers-qui-avaient-arrete-fednel-monchery-senfuiet-du-pays/>.

<sup>81</sup> See Obert, *supra* note 1 (“Armed groups outnumber police in some areas of the capital.”); Jacqueline Charles, *They lack guns, bullets and body armor. How are Haiti’s cops confronting gangs?*, MIAMI HERALD (Jul. 8, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article262962118.html> (reporting that police officers armed only with 9mm pistols are going up against gangs that have U.S.-made assault-style rifles, with one Haitian National Police (PNH) veteran saying they are “policing with [their] bare hands”).

<sup>82</sup> See Charles, *supra* note 23.

<sup>83</sup> See, e.g., Murdith Joseph, *Haitian police training leader killed in daytime shooting, his driver kidnapped*, HAITIAN TIMES (Nov. 27, 2022), <https://haitiantimes.com/2022/11/27/haitian-police-training-leader-killed-riguaud-harinton/> (reporting that “a divisional police commissioner with Haiti’s National Police (PNH), was shot dead in the Pétion-Ville neighborhood and his driver kidnapped during an attack” in late November).

<sup>84</sup> See Michael Wilner & Jacqueline Charles, *US is recruiting France, Canada in plan to shore up security in Haiti*, STARS AND STRIPES (Dec. 18, 2021), <https://www.stripes.com/theaters/us/2021-12-17/US-is-recruiting-France-Canada-in-plan-to-shore-up-security-in-Haiti-4009731.html>.

<sup>85</sup> See *8 mois sans salaire pour les policiers de la 31e promotion, le MEF se dédouane de toute responsabilité*, LE NOUVELLISTE (Jul. 26, 2022), <https://lenouvelliste.com/article/237231/8-mois-sans-salaire-pour-les-policiers-de-la-31e-promotion-le-mef-se-dedouane-de-toute-responsabilite>; *Les haïtiens attendent toujours leur police*, LE FLORIDIEN (Nov. 15, 2022), <https://www.lefloridien.com/les-haitiens-attendent-toujours-leur-police/>.

<sup>86</sup> See Charles, *supra* note 81.

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<sup>87</sup> See Laura Gamba, *Haiti's gang violence has people living in regime of terror*, AA (Oct. 18, 2022), <https://www.aa.com.tr/en/americas/haiti-s-gang-violence-has-people-living-in-regime-of-terror/2714101> (reporting that according to Brazil-based NGO Viva Rio, “[t]he Haitian state has no capacity, no governance, so police and state institutions cannot enter the neighborhoods to enforce order”); see also Taylor, *supra* note 2 (reporting that a Port-au-Prince resident said the gangs “take what they want now . . . . They have no fear and they have no mercy”).

<sup>88</sup> See *Remarks at a UN Security Council Briefing on Haiti*, U.S. Mission to the UN (Sep. 26, 2022), <https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-haiti-3/>; Jed Meline, *Intervention needed now in Haiti – foreign entities must work with Haitians*, THE HILL (Nov. 2, 2022), <https://thehill.com/opinion/congress-blog/3716655-intervention-needed-now-in-haiti-foreign-entities-must-work-with-haitians/>.

<sup>89</sup> See, e.g., *id.*

<sup>90</sup> See, e.g., Marlyne Jean, *Haiti-Justice : Un an après, les dossiers d'assassinat de la militante politique Antoinette Duclaire et du journaliste Diego Charles traînent encore*, ALTERPRESSE (Jun. 30, 2022), <https://www.alterpresse.org/spip.php?article28432> (reporting that the Association of Haitian Journalists laments “the very long list of Haitian journalists, murdered and disappeared during these last 30 years, ‘without justice having made it possible to find those who murdered them, those who financed their assassinations or plotted to assassinate them’”).

<sup>91</sup> IJDH June 2022 Update, *supra* footnote 1.

<sup>92</sup> See Freshfields Bruckhaus Deringer US LLP & NYU Global Justice Clinic, Submission to the Special Rapporteur on the Situation of Human Rights Defenders (Nov. 18, 2022).

<sup>93</sup> See *id.*

<sup>94</sup> See *id.*

<sup>95</sup> See *Préoccupations renforcées pour la sécurité des journalistes, dans un contexte de violence et d'impunité en Haïti*, ALTERPRESSE (Nov. 4, 2022), <https://www.alterpresse.org/spip.php?article28777>; OCHA, *supra* note 42 (as of November 7, according to RNDDH, 19 journalists have been murdered or injured since January).

<sup>96</sup> On September 11, Frantsen Charles and Tayson Latigue were on their way to interview the family of a girl killed by a stray bullet in Cité Soleil when they were ambushed by armed men, who murdered them and took their bodies away. See Penel Péliissier, *Récit troublant de la disparition de deux journalistes à Cité Soleil*, AYIBO POST (Sep. 13, 2022), <https://ayibopost.com/recit-troublant-de-la-disparition-de-deux-journalistes-a-cite-soleil/>. Investigative journalist Roberson Alphonse narrowly survived an assassination attempt by an unknown gunman on October 25 while on his way to work. See Jacqueline Charles, *Haiti journalist victim of armed attack*, MIAMI HERALD (Oct. 25, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article267845172.html>. Gary Tesse was found dead on October 26. See *Cayes: le corps sans vie de l'animateur d'émission politique Gary Tesse retrouvé*, LE NOUVELLISTE (Oct. 26, 2022), <https://lenouvelliste.com/article/238688/cayes-le-corps-sans-vie-de-lanimateur-demission-politique-gary-tesse-retrouve>. Romelo Vilsaint was killed by police on October 30. See Evens Sanon, *Witnesses: Journalist killed after police in Haiti open fire*, ABC NEWS (Oct. 30, 2022),

<https://abcnews.go.com/International/wireStory/witnesses-journalist-killed-police-haiti-open-fire-92391005>.

Radio Tele Megastar journalist Fritz Dorilas was shot dead in Tabarre on November 5. See *Another journalist killed in Haiti as violence continues*, AL JAZEERA (Nov. 9, 2022),

<https://www.aljazeera.com/news/2022/11/9/another-journalist-killed-in-haiti-as-violence-continues>.

<sup>97</sup> See, e.g., Charles, *supra* note 12; RNDDH, *Enquêtes de police judiciaire relatives au trafic d'armes et de munitions : Le RNDDH salue les efforts de la DCPJ* (2022), available at <https://web.rn-ddh.org/wp-content/uploads/2022/07/CP-Trafic-illegal-darmes-et-de-munitions-25072022.pdf>; Doroty Derat, *Electoral corruption, sexual abuse... scandals in the Episcopal Church of Haiti*, AYIBO POST (Oct. 25, 2022), <https://ayibopost.com/electoral-corruption-sexual-abuse-scandals-in-the-episcopal-church-of-haiti/>.

<sup>98</sup> See *How to help Haiti out of its meltdown*, WASHINGTON POST (Nov. 6, 2022),

<https://www.washingtonpost.com/opinions/2022/11/06/haiti-government-crisis-us-intervention/> (reporting that opposition groups “correctly argue that Mr. Henry’s administration is illegitimate and ineffectual”); Letter from *Bureau des Avocats Internationaux (BAI)* to Dr. Carla Natalie Barnett (Nov. 4, 2022), <http://www.ijdh.org/wp-content/uploads/2022/11/BAI-Letter-to-CARICOM-November-4-2022.pdf> (hereinafter **BAI Letter to CARICOM**); Letter from Sen. Edward Markey et al to President Biden (Oct. 6, 2022),

[https://www.markey.senate.gov/imo/media/doc/bicameral\\_letter\\_to\\_president\\_biden\\_regarding\\_haiti\\_-\\_october\\_2022pdf.pdf](https://www.markey.senate.gov/imo/media/doc/bicameral_letter_to_president_biden_regarding_haiti_-_october_2022pdf.pdf); Guerin, *supra* note 60 (“There is no head of state (the last one was killed in office), no functioning parliament (gangs control the area around it) and the US-backed prime minister, Ariel Henry, is unelected and deeply unpopular.”).

<sup>99</sup> See Catherine Osborn, *Haiti's Crisis Escalates*, FOREIGN POLICY (Oct. 14, 2022), <https://foreignpolicy.com/2022/10/14/haiti-crisis-violence-cholera-ariel-henry-military-intervention-us/> (quoting Port-au-Prince social worker Valery Voltaire, as saying “that Henry’s request [for foreign intervention] was ‘a20

sham for the authorities to bring in a foreign force capable of helping them perpetuate their power since they

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cannot lead”); Oberde Charles, *vers un soulèvement populaire pour que règnent la paix et la stabilité*, LE PROJET D’INFORMATION CANADA-HAÏTI (Aug. 19, 2022), <https://canada-haiti.ca/fr/content/vers-un-soulevement-populaire-pour-que-regnent-la-paix-et-la-stabilite> (reporting BAI Managing Attorney Mario Joseph as saying that “despite [the government’s] various attempts at agreement and dialogue, they are not determined to give a concrete response to the anarchy, the slumps of all kinds that are raging in the country,” and that “these men practice politics to satisfy their personal needs”); Farncklyn B Geffrard, *Le BSA rend le gouvernement responsable des troubles enregistrés ces derniers jours en Haïti*, RHI NEWS (Sep. 19, 2022), <https://www.rhinews.com/actualites/le-bsa-rend-le-gouvernement-responsable-des-troubles-enregistres-ces-derniers-jours-en-haiti/> (reporting that the Montana Agreement Monitoring Office “stresses that ‘the only concern of those who are today at the helm of affairs is to keep a power characterized by violence, contempt for the people, their total submission and to serve the interests of powerful economic and political actors, both national and international’”); Letter from Sen. Edward Markey et al. to President Biden, *supra* note 98 (calling on President Biden to withdraw support from Henry in light of his failed leadership and lack of constitutional legitimacy and Haiti’s worsening situation, and noting that “many Haitians . . . believe that Henry has no interest in leading Haiti closer to democracy and stability”); @DrArielHenry, TWITTER (Aug. 21, 2022, 7:46 PM), <https://twitter.com/DrArielHenry/status/1561500073871171584> (“On behalf of the government, I renew my firm determination to fight insecurity without respite. I instruct the forces of law and order to continue the beating of the bandits in order to put them out of action.”).

<sup>100</sup> See Santana Salmon, *Prime Minister Henry Gives Commitment that Haiti will be in election mode before year end*, CARIBBEAN NATIONAL WEEKLY (Sep. 13, 2022), <https://www.caribbeannationalweekly.com/news/caribbean-news/prime-minister-henry-gives-commitment-that-haiti-will-be-in-election-mode-before-year-end/> (reporting that Henry pledged in September that Haiti would be in election mode by the end of the year, with elections to be held in the first few months of 2023: “The time is over when one can attack power and impose one’s will on the Haitian people by force”).

<sup>101</sup> See, e.g., Monique Clesca, *Haitians Have a Solution to Haiti’s Crisis*, WORLD POLITICS REVIEW (Sep. 8, 2022), <https://www.worldpoliticsreview.com/haiti-gangs-protests-crisis-corruption-crime/?one-time-read-code=132652166886257256984> (asserting that Henry “shows no signs of cooperating with [Montana’s] transition process”); Letter from Sen. Edward Markey et al to President Biden, *supra* note 98 (discussing “Henry’s unwillingness to engage meaningfully with representatives of the Montana Accord”); Jacques Ted St Dic, *As Haiti’s Henry Refuses Checks on Power, the US Should Aid Efforts to Build True Democracy*, JUST SECURITY (Sep. 7, 2022), <https://www.justsecurity.org/82968/as-haitis-henry-refuses-checks-on-power-the-us-should-aid-efforts-to-build-true-democracy/> (reporting that “negotiations broke down on Aug. 2, when Henry’s negotiating team and Henry himself refused to discuss terms for a transitional government that would include checks on his power and a return to three branches of government”).

<sup>102</sup> See Geffrard, *supra* note 7 (reporting on protests in Port-au-Prince, Jérémie, Les Cayes and Miragoâne in August “to denounce the government’s inaction in the face of the climate of terror and criminal violence maintained by armed gangs in the country” and to call for Henry’s resignation); *Thousand protest in Haiti over insecurity, rising costs*, AL JAZEERA (Aug. 22, 2022), <https://www.aljazeera.com/news/2022/8/22/thousands-protest-in-haiti-over-insecurity-rising-costs> (reporting that “[a] few thousand people have taken to the streets across Haiti, demanding that Prime Minister Ariel Henry step down and calling for a better quality of life in the Caribbean nation” with some chanting “If Ariel doesn’t leave, we’re going to die!”); *Insécurité, crise de l’essence : nouveau calendrier de mobilisation «tou wouj» contre Ariel Henry*, REZO NODWES (Aug. 29, 2022), <https://rezonodwes.com/?p=288492> (“From August 29 to October 17, political and social organizations including . . . trade union[s], political and popular organizations . . . are committed to intensifying popular protests against de facto Prime Minister Ariel Henry through ‘bouyon popilè,’ demonstrations, calls for strikes.”); Milfort, Kurmanaev & Paulter, *supra* note 21 (“[P]rotests quickly broadened into a general, visceral rejection of Haiti’s dire living conditions, characterized by widespread hunger, a lack of basic services, omnipresent gang violence, runaway inflation and the weak rule of a caretaker prime minister, Ariel Henry.”); Tanya Wadhwa, *Anti-government protests in Haiti enter sixth week*, PEOPLES DISPATCH (Sep. 27, 2022), <https://peoplesdispatch.org/2022/09/27/anti-government-protests-in-haiti-enter-sixth-week/> (reporting that anti-government protests had been going for six weeks straight as of September 27); *Haitians protest against government call for foreign forces*, AL JAZEERA (Oct. 11, 2022), <https://www.aljazeera.com/news/2022/10/11/haiti-thousands-protest-against-calls-for> (“Thousands of people in the crisis-torn Haiti have taken to the streets of the capital Port-au-Prince against the government’s decision to seek foreign military assistance to quell gang-related violence, with police using tear gas to disperse protesters.”); *Martissant et Cité Soleil livres aux gangs tandis que la Police concentre ses efforts sur des manifestants non armés pour soutenir le pouvoir*, REZO NODWES (Aug. 30, 2022), <https://rezonodwes.com/?p=288583> (reporting that some demonstrators have accused the government of bribing police to suppress protests). Although the majority of Haitians exercising their right to protest have done so peacefully, there have been some instances of violence. The combination of insecurity, extreme hunger, and the Haitian government’s failure to respond adequately to the deepening humanitarian crisis has resulted in

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protesters looting World Food Program food stores intended to provide critical food support for over 100,000 highly vulnerable Haitians. For example, advocates on the ground reported seeing two women carrying a bag of rice between them and a man in a wheelchair with a bag of rice across his lap. With nearly half of Haiti's population facing acute hunger, these acts are largely driven by hunger and a feeling of abandonment by the government and lack of humanitarian assistance. *See, e.g.,* Jacqueline Charles, *Ignited by fuel costs, Haiti looting, violence escalate, targeting charities, politicians*, MIAMI HERALD (Sep. 16, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article265866251.html>; Widlore Mérancourt & Amanda Coletta, *Steep fuel price hikes spark violent protests in Haiti*, WASHINGTON POST (Sep. 16, 2022), <https://www.washingtonpost.com/world/2022/09/16/haiti-protests-fuel-ariel-henry/>.

<sup>103</sup> *See, e.g.,* Francklyn B Geffrard, *Répression policière : Pierre Espérance condamne le comportement de la police qui réprime brutalement des manifestations anti-gouvernementales*, RHINEWS (Sep. 10, 2022), <https://www.rhinews.com/actualites/repression-policiere-pierre-esperance-condamne-le-comportement-de-la-police-qui-reprime-brutalement-des-manifestations-anti-gouvernementales/>.

<sup>104</sup> *See* Charles, *supra* note 12; *see also* Associated Press, *Haiti Reveals 'Colossal Loss' of \$4M Worth of Corruption*, VOA (Aug. 26, 2022), <https://www.voanews.com/a/haiti-reveals-colossal-loss-of-4m-worth-of-corruption-/6718965.html> (reporting that USD \$4 million was lost through “[a] soccer field that was paid for but never built. A school that diverted resources from its students. A mayor who ran city hall out of his mother's home and avoided property taxes.”); Fenel Pelissier, *An Italian firm received hundreds of millions of gourdes from the Haitian state for zero results*, AYIBO POST (Aug. 1, 2022), <https://ayibopost.com/une-firme-italienne-a-recu-des-centaines-de-millions-de-gourdes-de-letat-haitien-pour-zero-resultat/> (reporting that the Haitian government wasted more than one billion gourdes on infrastructure projects that were never completed).

<sup>105</sup> *See* *Haiti – News : Zapping...*, HAITI LIBRE (Jun. 6, 2022), <https://www.haitilibre.com/en/news-36849-haiti-news-zapping.html>; C.A.S. : *Détournement de plus de 5,000 chèque ?*, HAITI LIBRE (Jul. 12, 2022), <https://www.haitilibre.com/article-37137-haiti-actualite-zapping.html>.

<sup>106</sup> *See* *Utilisation des fonds Covid-19 : le MSPP rattrapé par la patrouille*, LE NOUVELLISTE (Jun. 9, 2022), <https://lenouvelliste.com/article/236354/utilisation-des-fonds-covid-19-le-mspp-rattrape-par-la-patrouille> (reporting that the Superior Court of Accounts and Administrative Disputes found “anomalies in the management of more than 5 billion gourdes allocated to the Ministry of Public Health and Population as part of the government response to COVID-19”); *Audit des fonds/Covid-19 : la Cour des comptes déplore l'absence de rapports sur la gestion des projets*, LE NOUVELLISTE (Jun. 9, 2022), <https://lenouvelliste.com/article/236343/audit-des-fondscovid-19-la-cour-des-comptes-deploire-labsence-de-rapports-sur-la-gestion-des-projets>; Francklyn B Geffrard, *La Cour des Comptes relève de nombreuses irrégularités dans la gestion des fonds alloués au MSPP dans le cadre de la gestion du Covid-19*, RHINEWS (Jun. 10, 2022), <https://www.rhinews.com/actualites/la-cour-des-comptes-releve-de-nombreuses-irregularites-dans-la-gestion-des-fonds-alloues-au-mspp-dans-le-cadre-de-la-gestion-du-covid-19/>.

<sup>107</sup> *See* UNSC, 9136<sup>th</sup> meeting, UN Doc. S/PV.9136 (Sep. 26, 2022), [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_PV\\_9136.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_PV_9136.pdf) (UN Special Representative in Haiti Helen La Lime noted that Haiti loses USD \$600 million in customs revenue each year, and that since implementing the new customs administration, “customs import collections increased fivefold between July and August”).

<sup>108</sup> *See* *Haiti: Staff-Monitored Program-Press Release; and Staff Report*, International Monetary Fund (IMF) (Jul. 1, 2022), <https://www.imf.org/en/Publications/CR/Issues/2022/07/01/Haiti-Staff-Monitored-Program-Press-Release-and-Staff-Report-520269> (*hereinafter* **IMF Staff-Monitored Program**); Milfort, Kurmanaev & Paulter, *supra* note 21.

<sup>109</sup> The RNDDH report alleges that Dorcé and others bribed officials more than USD \$200,000 to release traffickers after they were arrested for smuggling firearms into the country. RNDDH, *supra* note 97; RNDDH, *Dysfunction of the judicial and penitentiary systems* (Nov. 11, 2022), ¶¶ 50–55 (*hereinafter* **RNDDH Judicial Dysfunction Report**); Francklyn B Geffrard, *RNDDH: “Magistrate Michelet Virgile affirmed that Fritz Aubourg and Robinson Pierre-Louis influenced the release of Fritz Jean Rélus and Jonas Georges”*, RHINEWS (Jul. 25, 2022), <https://www.rhinews.com/actualites/rn-ddh-le-magistrat-michelet-virgile-a-affirme-que-fritz-aubourg-et-robinson-pierre-louis-ont-influence-la-liberation-de-fritz-jean-re-lus-et-jonas-georges/>. Dorcé and Interior Minister Liszt Quitel were forced to resign in November 2022 following the revocation of their U.S. visas within the framework of sanctions imposed by the U.S. *See* *Ministers of Justice and Interior forced to resign*, HAITI LIBRE (Nov. 14, 2022), <https://www.haitilibre.com/en/news-38128-haiti-flash-ministers-of-justice-and-interior-forced-to-resign.html>; *see further* *infra* notes 390–398.

<sup>110</sup> *See, e.g.,* Francklyn B Geffrard, *Répression policière : La police tue au moins trois personnes et blesse plusieurs autres lors d'une nouvelle journée de protestation aux Cayes*, RHINEWS (Aug. 24, 2022), <https://www.rhinews.com/actualites/repression-policiere-la-police-tue-au-moins-trois-personnes-et-blesse-plusieurs-autres-lors-dune-nouvelle-journee-de-protestation-aux-cayes/> (reporting that police killed at least three people and injured fifteen others after firing live ammunition at protestors in Les Cayes who had erected barricades and blocked traffic; five others were injured by police bullets at protests in Jacmel, while six officers reported

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being injured by stones thrown by protesters); Geffrard, *supra* note 7 (reporting at least one person killed and nine injured after police fired tear gas at protesters in August in Petit-Goâve); Geffrard, *supra* note 103 (RNDDH Executive Director Pierre Espérance condemned the police's excessive use of tear gas and firearms on demonstrating citizens); Jacqueline Charles, *One dead as protests in Haiti against the banking system and government turn violent*, MIAMI HERALD (Sep. 8, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article265455286.html#storylink=cpy> (reporting that one person died in Port-au-Prince after police fired rubber bullets into a crowd during protests in September against gang violence and high costs of living, with three others injured; further injuries were reported in Jérémie, St. Marc, Jacmel, Cap-Haïtien, and Port-de-Paix after police fired into crowds of protesters); @madanboukman, TWITTER (Sept. 23, 2022, 3:04 PM), <https://twitter.com/madanboukman/status/1573387759670132738?s=51&t=VocZMLW3PF53RoJhnOeiCA> (“Young activist Diego Charles Jean Charles in southeast Haiti is one of several killed from tear gas . . . a chemical weapon banned in war, except for the war against the poor.”); Jérémie: *des blessés par balle, des magasins pillés*, LE NOUVELLISTE (Sep. 7, 2022), <https://lenouvelliste.com/article/238053/jeremie-des-blesses-par-balle-des-magasins-pilles>; *Journée tendue à Jacmel, plusieurs blessés par balle*, LE NOUVELLISTE (Sep. 7, 2022), <https://lenouvelliste.com/article/238042/journee-tendue-a-jacmel-plusieurs-blesses-par-balle>; *Hinche-protestation: plusieurs blessés par balles*, LE NOUVELLISTE (Sep. 22, 2022), <https://lenouvelliste.com/article/238256/hinche-protestation-plusieurs-blesses-par-balles>.

<sup>111</sup> BAI, Legal Observation of Public Freedoms (Sep. 2022), <http://www.ijdh.org/wp-content/uploads/2022/10/Legal-Observation-Report-September-2022-Final.pdf>.

<sup>112</sup> See, e.g., Francklyn B Geffrard, *RNDDH : Au moins dix-neuf (19) journalistes ont été assassinés ou blessés en Haïti de janvier à octobre 2022*, RHINEWS (Nov. 3, 2022), <https://www.rhinews.com/actualites/rnddh-au-moins-dix-neuf-19-journalistes-ont-ete-assassines-ou-blesses-en-haiti-de-janvier-a-octobre/> (reporting the arbitrary arrest of Robeste Dimanche, a journalist from Radio Zénith, after he inquired why police were beating up anti-government demonstrators); Jacqueline Charles, *Haiti police are still struggling. But here's how they recently made strides against gangs*, MIAMI HERALD (Sep. 10, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article26514806.html> (“[A] video being shared by journalists showed a specialized riot police officer advancing onto a man identifying himself as a journalist but ignoring the screams saying, ‘Press, press,’ as a gun goes off. The journalist, who was heard questioning police about why they were firing tear gas, later screamed, ‘He shot me!’”).

<sup>113</sup> See, e.g., *Haitian journalist killed amid rising violence against press*, INTERNATIONAL PRESS INSTITUTE (Nov. 15, 2022), <https://ipi.media/haitian-journalist-killed-amid-rising-violence-against-press/>; *Another journalist killed in Haiti as violence continues*, *supra* note 96; Geffrard, *supra* note 103 (RNDDH Executive Director Pierre Espérance called on the police to “stop targeting journalists covering protest movements or any other citizens, stressing that this behavior is contrary to the exercise of democracy and the rule of law”); *Préoccupations renforcées pour la sécurité des journalistes, dans un contexte de violence et d’impunité en Haïti*, *supra* note 95.

<sup>114</sup> See Sanon, *supra* note 96.

<sup>115</sup> See *id.* (reporting that Vilsaint was shot in the head); Jacqueline Charles, *Haiti journalist dies after being hit in the head with police tear gas canister*, MIAMI HERALD (Oct. 31, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article268067482.html#storylink=cpy> (reporting that Vilsaint was killed by police who fired a tear gas canister at his head).

<sup>116</sup> See Javier Valdivia, *Journalists dressed in white march to denounce murders in Haiti*, IAPA (Nov. 14, 2022), <https://en.sipiapa.org/notas/1215586-journalists-dressed-in-white-march-to-denounce-murders-in-haiti>.

<sup>117</sup> See IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2021* (2021), <http://www.ijdh.org/wp-content/uploads/2021/12/IJDH-Human-Rights-Update-November-2021.pdf> (*hereinafter* **IJDH November 2021 Update**).

<sup>118</sup> RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 36.

<sup>119</sup> See *Il y a-t-il un escadron de la mort au sein de la police haïtienne? Le RNDDH s’inquiète du sort d’individus arrêtés et retrouvés mort dans la rue*, RHINEWS (Nov. 6, 2022), <https://www.rhinews.com/actualites/il-y-a-t-il-un-escadron-de-la-mort-au-sein-de-la-police-haitienne-le-rnddh-sinquiete-du-sort-dindividus-arretes-et-retrouves-mort-dans-la-rue/>.

<sup>120</sup> See Blaise, *supra* note 13 (“Haiti’s justice system has long been dysfunctional, viewed as a corruptible branch that largely serves the interests of ruling politicians and moneyed citizens. For one, a task as simple as obtaining judicial records could be daunting. Between the inconsistent filing systems, clerks charging fees illegally to retrieve case files and prosecutors being unable to locate documents in time for trials, the integrity of the system has always been tenuous.”); Esdra Jeudy, *Haïti/Justice: Quid des asséses criminelles ?*, LE NATIONAL (Jun. 9, 2022), [https://www.lenational.org/post\\_article.php?pol=2559](https://www.lenational.org/post_article.php?pol=2559).

<sup>121</sup> See, e.g., Rafael Bernal, *More than 100 groups call on Biden to drop support for Haitian prime minister*, THE HILL (Sep. 16, 2022), <https://thehill.com/latino/3647076-more-than-100-groups-call-on-biden-to-drop-support-for-haitian-prime-minister/> (reporting on advocates describing the PHTK and its associates as having “systematically dismantled democratic institutions, committed crimes against humanity, performed arbitrary

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arrests and dismissed legitimate judges, targeted journalists, looted the treasury, supported gangs, and generated massive inflation”).

<sup>122</sup> See Emmanuel Marino Bruno, *Criminalité : L’Asfc et le Casldh appellant à combattre l’impunité en Haïti*, ALTERPRESSE (Jun. 27, 2022), <https://www.alterpresse.org/spip.php?article28421>.

<sup>123</sup> See generally Tribune: *La surpopulation carcérale et ses conséquences, ainsi que la détention préventive prolongée au centre de nos préoccupations*, BINUH (Aug. 10, 2022), <https://binuh.unmissions.org/fr/tribune-la-surpopulation-carc%C3%A9rale-et-ses-cons%C3%A9quences-ainsi-que-la-d%C3%A9tention-pr%C3%A9ventive-prolong%C3%A9e> (hereinafter **BINUH Report on Pretrial Detention**).

<sup>124</sup> See generally RNDDH Judicial Dysfunction Report, *supra* note 109.

<sup>125</sup> As of reporting, “only a handful of judges remain” in the Supreme Court. See *The Crisis in Haiti*, POLICY REFORM NOW (Aug. 20, 2022), <https://policyreformnow.wordpress.com/2022/08/20/the-crisis-in-haiti/>. On November 11, de facto Prime Minister Henry appointed Supreme Court magistrate Jean Joseph Lebrun as President of the Supreme Court. However, he did not do so in accordance with the procedure as set out in the Constitution, making the appointment illegitimate. Despite this issue, the National Association of Haitian Magistrates viewed the appointment of Lebrun as positive and excused its unconstitutionality on the ground that “it is materially impossible to implement the given procedure because the various institutions that should implement it are dysfunctional.” See *Le juge Jean Joseph Lebrun nommé président de la Cour de cassation*, LE NOUVELLISTE (Nov. 14, 2022), <https://lenouvelliste.com/article/238988/le-juge-jean-joseph-lebrun-nomme-president-de-la-cour-de-cassation>; Francklyn B Geffrard, *L’ANAMAH ne s’oppose pas à la nomination de Jean Joseph Lebrun à la Présidence de la Cour de Cassation, en dépit de l’inconstitutionnalité de la décision*, RHINEWS (Nov. 15, 2022), <https://www.rhinews.com/actualites/lanamah-ne-soppose-pas-a-la-nomination-de-jean-joseph-lebrun-a-la-presidence-de-la-cour-de-cassation-en-depit-de-linconstitutionnalite-de-la-decision/>. Others have denounced the appointment as “unconstitutional, illegal, and arbitrary.” See *Haïti-Justice : La nomination du juge Jean Joseph Lebrun à la tête de la Cour de Cassation, une décision applaudie et critiquée*, ALTERPRESSE (Nov. 15, 2022), <https://www.alterpresse.org/spip.php?article28811>.

<sup>126</sup> See RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶¶ 2, 17–19 (“[D]espite recommendations for the appointment and renewal of mandates of 85 judges, the executive authorities have chosen to follow up on only 54 of them.”); Emmanuel Moïse Yves, *L’impossible intégration des magistrats fraîchement formés dans le système judiciaire haïtien*, AYIBO POST (Jul. 5, 2022), <https://ayibopost.com/limpossible-integration-des-magistrats-fraichement-formes-dans-le-systeme-judiciaire-haitien/>; Blaise, *supra* note 13.

<sup>127</sup> See Blaise, *supra* note 13 (“By influencing the process by which justices are elected, many political actors aim to find corrupt allies willing to ensure their protection and impunity for their misdeeds. If the authorities in the executive and legislative branches who are responsible for appointing and designating people in the judicial system are themselves in trouble with the law, they will only appoint in the system people who will protect them . . . . We cannot hope for an impartial, professional and well-structured justice system because the decisions of the judges are often remote-controlled.”); *Des associations de magistrats mettent en garde le Premier ministre contre la nomination des avocats à la Cour de cassation*, LE NOUVELLISTE (Jun. 9, 2022), <https://lenouvelliste.com/article/236291/des-associations-de-magistrats-mettent-en-garde-le-premier-ministre-contre-la-nomination-des-avocats-a-la-cour-de-cassation> (reporting that the magistrates’ associations are concerned “following the inclination of certain corporations to appoint their members to the Court of Cassation outside the law”); RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶¶ 2, 5–8 (“[I]rregularities were recorded in the process aimed at making the Court of Cassation and the CSPJ functional.”).

<sup>128</sup> See, e.g., Jeudy, *supra* note 120; Blaise, *supra* note 13 (reporting that many criminal courts in Haiti have been non-functional for several years due to insecurity, particularly in Port-au-Prince where armed gangs control entire jurisdictions); *Haïti – Incendie : Le gang « 400 mawozo » met le feu au Parquet de la Croix-des-Bouquets*, REZO NODWES (Jul. 26, 2022), <https://rezonodwes.com/?p=284792> (reporting that in July, gang members set fire to the prosecutor’s office in Croix-des-Bouquets); RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶¶ 65–68 (reporting attacks on the Petit-Goâve courthouse on September 14, the Les Cayes courthouse on September 23, and two Gonaïves courthouses on October 10); *Énième cambriolage au Tribunal de première instance de Port-au-Prince*, LE NOUVELLISTE (Jun. 6, 2022), <https://lenouvelliste.com/alamminute/22269/enieme-cambriolage-au-tribunal-de-premiere-instance-de-port-au-prince> (reporting that the offices of several investigating judges in Port-au-Prince’s Court of First Instance were vandalized and burgled on June 5); Doroty Derat, *Du défi d’informatiser la justice en Haïti*, AYIBO POST (Jun. 21, 2022), <https://ayibopost.com/du-defi-dinformatiser-la-justice-en-haiti/> (reporting that courts are not maintained and lack basic necessities).

<sup>129</sup> See Juhakenson Blaise, *Port-au-Prince courthouse proceedings still pending after gang invasion*, HAITIAN TIMES (Jun. 23, 2022), <https://haitiantimes.com/2022/06/23/port-au-prince-courthouse-proceedings-still-pending-after-gang-invasion/> (reporting that “members of the “Five Segonn” gang shot a security guard as they rushed the property, broke open its windows, vandalized the judges’ courtrooms and seized court files, eyewitnesses said. The gang, based in Village-de-Dieu and led by a man who goes by Izo, also made off with 24 several commissioner’s vehicles. Judges, lawyers, litigants and prisoners narrowly escaped injury or death. This



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is the fourth attack on the courthouse since May . . . bandits have burned files and stolen a large safe used to keep important files, weapons seized and other potential evidence.”); Francklyn B Geffrard, *Attaque armée contre le Palais de justice : « Une tentative ratée pour libérer des prévenus auditionnés au parquet de Port-au-Prince », selon une source judiciaire*, RHINEWS (Jun. 14, 2022), <https://www.rhinews.com/actualites/attaque-armee-contre-le-palais-de-justice-une-tentative-ratee-pour-liberer-des-prevenus-auditionnes-au-parquet-de-port-au-prince-selon-une-source-judiciaire/> (reporting that the attack was an “operation meticulously prepared by the gangsters who had come to free the defendants at the time of their hearing at the Port-au-Prince prosecutor's office”); RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶¶ 62–64.

<sup>130</sup> See Francklyn B Geffrard, *Pierre Espérance: « L’attaque armée du gang “5 Secondes” contre le tribunal de première instance de Port-au-Prince était prévisible, mais évitable »*, RHINEWS (Jun. 16, 2022), <https://www.rhinews.com/actualites/pierre-esperance-lattaque-armee-du-gang-5-secondes-contre-le-tribunal-de-premiere-instance-de-port-au-prince-etait-previsible-mais-evitable/>; Blaise, *supra* note 129 (“No response or attempts from the DDO [police] yet to arrest the bandits and secure the court’s building, for more than a week now.”).

<sup>131</sup> See Blaise, *supra* note 129.

<sup>132</sup> See Francklyn B Geffrard, *Des associations de magistrats se réjouissent des efforts de l’OPC en vue de la relocalisation du tribunal de première instance de Port-au-Prince*, RHINEWS (Jul. 10, 2022), <https://www.rhinews.com/actualites/des-associations-de-magistrats-se-rejouissent-des-efforts-de-lopc-en-vue-de-la-relocalisation-du-tribunal-de-premiere-instance-de-port-au-prince/>; *L’OPC demande la relocalisation du palais de justice de Port-au-Prince*, LE NOUVELLISTE (Jul. 5, 2022), <https://lenouvelliste.com/alaminute/22573/lopc-demande-la-relocalisation-du-palais-de-justice-de-port-au-prince>.

<sup>133</sup> See Derat, *supra* note 128.

<sup>134</sup> See RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 3.

<sup>135</sup> See *id.* at ¶ 61.

<sup>136</sup> See *Haiti – Incendie : Le gang « 400 mawozo » met le feu au Parquet de la Croix-des-Bouquets*, *supra* note 128; RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 65.

<sup>137</sup> See RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 66.

<sup>138</sup> See *id.* at ¶ 71.

<sup>139</sup> See Bruno, *supra* note 122.

<sup>140</sup> See, e.g., Geffrard, *supra* note 112 (RNDDH calls for the DCPJ and PNH to investigate enforced disappearances and summary executions of five anti-government activists and the murder of journalist Vilsaint); *Criminal Charges Unsealed Against Haitian Gang Leaders For Kidnappings of U.S. Citizens*, *supra* note 70 (the U.S. Department of Justice announced a reward for the capture of several gang members charged with kidnapping who remain free in Haiti); *Who is Haiti’s sanctioned gang leader Jimmy ‘Barbecue’ Cherizier?*, *supra* note 4 (reporting that the Jimmy “Barbeque” Chérizier, the leader of Haiti’s G9 gang, remains free despite a 2018 warrant for his arrest and repeated sanctions from the international community, and has demanded amnesty from the Haitian government and seats in the cabinet); Garry Pierre-Pierre, *Haiti’s cartels might finally be toppled, but our real work awaits*, HAITIAN TIMES (Nov. 7, 2022), <https://haitiantimes.com/2022/11/07/haitis-cartels-might-finally-be-toppled-but-our-real-work-awaits-opinion/> (reporting that, despite sanctions from the United States and Canada for over two decades of drug trafficking and ties to criminal gangs, Haitian Senate leader Joseph Lambert remains in his post, which he has held since 2018); RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶¶ 37–42 (reporting that Isaac Junior Salvant was released from prison after paying a bribe despite evidence showing he had engaged in money laundering).

<sup>141</sup> See Blaise, *supra* note 13 (reporting on the lack of progress “despite countless potential motives and the arrest of nearly 50 people, including two alleged masterminds, suspected financial backers and links to runaway drug trafficking in Haiti”); Francklyn B Geffrard, *Des associations de magistrats consternées par la détérioration de la situation du pays et du démantèlement de la justice*, RHINEWS (Jul. 28, 2022), <https://www.rhinews.com/actualites/des-associations-de-magistrats-consternees-par-la-deterioration-de-la-situation-du-pays-et-du-demantelement-de-la-justice/>; Catherine Charlemagne, *Haiti’s President Jovenel Moïse was Assassinated One Year Ago. We Still Don’t Know Much.*, HAITI LIBERTE (Jul. 6, 2022), <https://haitiliberte.com/haitis-president-jovenel-moise-was-assassinated-one-year-ago-we-still-dont-know-much/>; *13 mois après l’assassinat de Jovenel Moïse, aucune avancée dans l’enquête judiciaire*, LE NOUVELLISTE (Aug. 9, 2022), <https://lenouvelliste.com/article/237467/13-mois-apres-l-assassinat-de-jovenel-moise-aucune-avancee-dans-lenquete-judiciaire>.

<sup>142</sup> See *Assassinat de Jovenel Moïse, le nouveau juge d’instruction craint pour sa sécurité*, LE NOUVELLISTE (Mar. 14, 2022), <https://lenouvelliste.com/article/234684/assassinat-de-jovenel-moise-lenouveau-juge-dinstruction-craint-pour-sa-securite> (reporting that Judge Belabre, who was appointed to replace Judge Orélien, expressed fears for his safety and that of his family); *Le ministre de la Justice promet les moyens nécessaires* 25

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juge Belabre, LE NOUVELLISTE (Mar. 13, 2022), <https://lenouvelliste.com/article/234729/le-ministre-de-la-justice-promet-les-moyens-necessaires-au-juge-belabre>; Francklyn B. Geffrard, *Assassinat de Jovenel Moïse : L'enquête toujours dans l'impasse. Le mandat du magistrat instructeur expire*, RHINEWS (Apr. 25, 2022), <https://www.rhinews.com/actualites/assassinat-de-jovenel-moise-lenquete-toujours-dans-limpasse-lemandat-du-magistrat-instructeur-expire/>; *Assassinat de Jovenel Moïse : le juge d'instruction, en fin de mandat, n'a encore ni des moyens ni le dossier*, LE NOUVELLISTE (Mar. 21, 2022), <https://lenouvelliste.com/article/234793/assassinat-de-jovenel-moise-lejuge-dinstruction-en-fin-de-mandat-na-encore-ni-des-moyens-ni-le-dossier>; *Newest Moïse assassination case judge does not have docket, fears for safety*, HAITIAN TIMES (Apr. 11, 2022), <https://haitiantimes.com/2022/04/11/newest-moise-assassination-case-judge-does-not-have-docket-fears-for-safety/>; Blaise, *supra* note 13 (“To date, five judges have been appointed to conduct the investigation, and failed. All but one have faced difficulties and withdrew from the case due to the lack of means of work and fear for their personal safety.”); *13 mois après l’assassinat de Jovenel Moïse, aucune avancée dans l’enquête judiciaire*, *supra* note 141.

<sup>143</sup> See Matt Rivers, Etant Dupain & Natalie Gallón, *Haitian Prime Minister Involved in Planning the President’s Assassination, Says Judge Who Oversaw Case*, CNN (Feb. 8, 2022), <https://www.cnn.com/2022/02/08/americas/haiti-assassination-investigation-primeminister-intl-cmd-latam/index.html>; *Haiti – Assassination Moïse: Former PM Claude Joseph with the OAS accuses Ariel Henry, the Haitian Chancellery Reacts*, HAITI LIBRE (Jan. 1, 2022), <https://www.haitilibre.com/en/news-35832-haiti-assassination-moise-former-pm-claude-joseph-with-the-oasaccuses-ariel-henry-the-haitian-chancellery-reacts.html>; *Haiti – Assassination Moïse: The ex-PM Claude Joseph Surprised by the Reaction of the Government*, HAITI LIBRE (Jan. 30, 2022), <https://www.haitilibre.com/en/news-35840-haiti-assassination-moise-the-ex-pm-claude-joseph-surprised-bythe-reaction-of-the-government.html>; Francklyn B Geffrard, *Daniel Foote : « Ariel Henry fait obstruction à l’enquête sur l’assassinat de Jovenel Moïse. Il devrait s’expliquer à la justice haïtienne et internationale »*, RHINEWS (Apr. 7, 2022), <https://www.rhinews.com/actualites/daniel-foote-ariel-henry-fait-obstacle-a-lenquete-surlassassinat-de-jovenel-moise-il-devrait-sexpliquer-a-la-justice-haitienne-et-internationale/>.

<sup>144</sup> See *How to help Haiti out of its meltdown*, *supra* note 98; Rivers, Dupain & Gallón, *supra* note 143.

<sup>145</sup> The United States has been conducting its own investigation into the Moïse assassination, but sealed the investigation in April. Report to Congress on the Assassination of Former President of Haiti Jovenel Moïse, U.S. Department of State (2022), <https://www.state.gov/wp-content/uploads/2022/11/Report-Haiti-Moi%CC%88se-Assassination-004870.pdf>. For more on the Moïse assassination and the investigation, see also Jacqueline Charles, *Made in Miami: How a South Florida plot to oust Haiti’s Jovenel Moïse led to his murder*, MIAMI HERALD (Dec. 8, 2022).

<sup>146</sup> Report to Congress on the Assassination of Former President of Haiti Jovenel Moïse, U.S. Department of State, *supra* note 145.

<sup>147</sup> See *Affaire Monferrier Dorval : « C’est comme si tout a été mis en place pour empêcher l’avancement du dossier »*, *se plaint Me Rose-Berthe Augustin*, *supra* note 13.

<sup>148</sup> See RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶¶ 77–80.

<sup>149</sup> *Id.* at ¶¶ 81, 93–94 (“In all likelihood, the file [for Charles and Duclair] is misplaced at the Public Prosecutor’s Office near the Court of First Instance of *Port-au-Prince*, which had never transferred it to the Cabinet of instruction. To date, no attempt has been made by the said Public Prosecutor’s Office for its reconstitution.”); Jean, *supra* note 90 (the Secretary General of the Association of Haitian Journalists states that “[e]ven the government commissioner does not know where Diego Charles’s file is and what has been done with [it]”).

<sup>150</sup> See Frédéric Thomas, *Haïti, Etat des Gangs dans un Pays sans Etat*, LVSL (Jul. 6, 2022), <https://lvsl.fr/haiti-etat-des-gangs-dans-un-pays-sans-etat/>.

<sup>151</sup> See IJDH November 2021 Update, *supra* note 117.

<sup>152</sup> See Jacqueline Charles, *Haiti corruption scandal: Billions wasted in Venezuelan PetoCaribe aid, new report shows*, MIAMI HERALD (Aug. 19, 2020), <https://www.miamiherald.com/news/nationworld/world/americas/haiti/article245045015.html>.

<sup>153</sup> See *Affaire Monferrier Dorval : « C’est comme si tout a été mis en place pour empêcher l’avancement du dossier »*, *se plaint Me Rose-Berthe Augustin*, *supra* note 13 (according to RNDDH’s Rosy Auguste Ducena, the lack of progress into the Dorval investigation “shows how systematic impunity is in the country. The worst is that we feel no will. It is the most revolting. The court office was broken into. They stole corpus delicti from Me Dorval’s file twice. The second time the people involved were not even able to tell what the thieves had taken since the inventory of parts was inside the safe that had been removed. It’s as if everything has been concocted (implemented) so that the case does not move forward. Also so that if there was a trial, it would be a sham.”) Blaise, *supra* note 13 (“Haiti’s disorganized judicial branch obstructs cases big and small, including the Moïse assassination, hampers livelihoods and stymies justice for all Haitians.”).

<sup>154</sup> RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 102.

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- <sup>155</sup> See *Countries with the highest prison occupancy level 2022*, STATISTA (Aug. 5, 2022), <https://www.statista.com/statistics/445707/countries-with-the-highest-prison-occupancy-level/>.
- <sup>156</sup> See Jeudy, *supra* note 120; Dánica Coto, *Concerns grow as cholera spreads through Haiti's prisons*, AP NEWS (Oct. 11, 2022), <https://apnews.com/article/health-prisons-caribbean-united-nations-port-au-prince-daa0ad4ba882fc67c7e5b1c4fa75cd68>; Derat, *supra* note 128.
- <sup>157</sup> See *Haiti: dozens of inmates starve to death as malnutrition crisis engulfs prisons*, GUARDIAN (Jun. 23, 2022), <https://www.theguardian.com/world/2022/jun/23/haiti-prisons-starvation-un-deaths-crisis>; BINUH Report on Pretrial Detention, *supra* note 123; RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 112 (reporting 84 percent, up from 81 percent in 2021).
- <sup>158</sup> See BINUH Report on Pretrial Detention, *supra* note 123.
- <sup>159</sup> See Coto, *supra* note 156; *Haiti: dozens of inmates starve to death as malnutrition crisis engulfs prisons*, *supra* note 157.
- <sup>160</sup> See *Haiti: Urgently Address Cholera Outbreak*, HUMAN RIGHTS WATCH (HRW) (Oct. 18, 2022), <https://www.hrw.org/news/2022/10/18/haiti-urgently-address-cholera-outbreak>.
- <sup>161</sup> See RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 103. Other organizations have arrived at different numbers. An as-yet unpublished letter from the UN Secretary-General claimed that over 180 incarcerated individuals have died this year just from malnutrition. *L'inquiétude grandit alors que le cholera se propage dans les prisons d'Haiti*, L'ACTUALITE (Oct. 11, 2022), <https://lactualite.com/actualites/linquietude-grandit-alors-que-le-cholera-se-propage-dans-les-prisons-dhaiti/>.
- <sup>162</sup> RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 103.
- <sup>163</sup> See *L'inquiétude grandit alors que le cholera se propage dans les prisons d'Haiti*, *supra* note 161.
- <sup>164</sup> See also Widlore Mérancourt, *At the national penitentiary, the "Dubai" zone raises fears of an increase in cholera cases*, AYIBO POST (Oct. 13, 2022), <https://ayibopost.com/at-the-national-penitentiary-the-dubai-zone-raises-fears-of-an-increase-in-cholera-cases/> (reporting that detainees who show symptoms of cholera are not being tested for the disease).
- <sup>165</sup> *Id.*
- <sup>166</sup> Dwayne Menzie, *UN condemns prison conditions in Haiti*, PRUDENT PRESS AGENCY (Aug. 11, 2022), <https://www.prudentpressagency.com/un-condemns-prison-conditions-in-haiti/>.
- <sup>167</sup> See *id.*; RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 102 (RNDDH also reported skin diseases as common among incarcerated individuals); Hannan Adely, *'Being held for ransom': Deported NJ man now jailed in notorious Haitian prison*, NORTH JERSEY (Jul. 20, 2022), <https://eu.northjersey.com/story/news/2022/07/20/american-deportees-ransom-prison-haiti-ice-detainees-patrick-julney/65370742007/> (reporting that guards refused to provide asthma inhalers and blood pressure medicine to incarcerated individuals).
- <sup>168</sup> See *Where We Work: HAITI*, HEALTH THROUGH WALLS, <https://www.healththroughwalls.org/haiti.htm> (last visited Dec. 8, 2022).
- <sup>169</sup> BINUH Report on Pretrial Detention, *supra* note 123.
- <sup>170</sup> *Haiti – 106 gourdes par jour par détenu : le BINUH recense 97 décès en 2022, à cause de la malnutrition dans les prisons*, REZO NODWES (Aug. 12, 2022), <https://reznodwes.com/?p=286529>.
- <sup>171</sup> See Mérancourt, *supra* note 164 (in October, one individual incarcerated in the National Penitentiary reported not having anything to eat for five days); Hannan Adely, *'It's beyond hell up in there': Families to rally for freedom for deportees in Haitian prison*, NORTH JERSEY (Aug. 19, 2022), <https://eu.northjersey.com/story/news/2022/08/19/nj-men-ice-deportation-haiti-imprisonment-nyc-rally/65403859007/> (reporting that the family of one incarcerated returned migrant was paying “about \$100 a day to bring him food and clean water — money used for food and to pay off gangs and police to ensure the meals get to him. A family friend, Ricardo David, is delivering meals to him, but if he wants to see him in person, he has to pay another \$50.”); Adely, *supra* note 167 (the same incarcerated returned migrant reported that “[t]here is no food or clean water, except what visitors bring him with money provided by his wife” and that “a bucket in the corner . . . contains the men’s only supply of drinking and bathing water”); Evens Sanon & Dánica Coto, *Official: 8 more die as Haiti prisons lack food, water*, AP NEWS (Jun. 23, 2022), <https://apnews.com/article/politics-prisons-caribbean-haiti-treatment-of-prisoners-f571f0bfb086e85855789041c88bc512>; RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 102; Henry Shuldiner, *Haitian Prisoners Face Starvation and Death*, INSIGHT CRIME (Sep. 19, 2022), <https://insightcrime.org/news/haitian-prisoners-face-starvation-death/>.
- <sup>172</sup> See RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 102.
- <sup>173</sup> See *id.*; BINUH Report on Pretrial Detention, *supra* note 123 (reporting that 84 individuals incarcerated in the prison in Cap-Haïtien are in a state of advanced malnutrition).
- <sup>174</sup> See Shuldiner, *supra* note 171.
- <sup>175</sup> See Pavel López Lazo, *Haiti: Dozens of inmates starve to death in prisons*, PRENSA LATINA (Sep. 29, 2022), <https://www.plenglish.com/news/2022/09/29/haiti-dozens-of-inmates-starve-to-death-in-prisons/>; *At least 12 27 Haitian prisoners dead for lack of food, medicine, official says*, ATOLL TIMES (Oct. 1, 2022),

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<https://atolltimes.mv/post/world/463> (reporting at least 12 deaths since September); Shuldiner, *supra* note 171 (reporting at least 41 deaths from July to September).

<sup>176</sup> See BINUH Report on Pretrial Detention, *supra* note 123; Adely, *supra* note 171 (reporting that detainees are “sleeping on the floor but barely able to stretch their legs due to lack of space); Adely, *supra* note 167 (reporting that detainees have “no room to lie down . . . [and sleep] standing or sitting”); RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 102.

<sup>177</sup> See generally *Dans les prisons d’Haïti, les conditions de détenus emeuvent abjectes*, HRW (Jun. 30, 2022), <https://www.hrw.org/fr/news/2021/06/30/dans-les-prisons-dhaiti-les-conditions-de-detention-demeurent-abjectes>; RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 102.

<sup>178</sup> See RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 102.

<sup>179</sup> See *Haiti: dozens of inmates starve to death as malnutrition crisis engulfs prisons*, *supra* note 157; RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 102; Shuldiner, *supra* note 171; Adely, *supra* note 171 (reporting that incarcerated individuals “use buckets for bathrooms and rarely get to leave their cells”).

<sup>180</sup> Mérancourt, *supra* note 164.

<sup>181</sup> Advocates on the ground report the use of whips and other torture tactics.

<sup>182</sup> Juhakenson Blaise, *Prisoners’ rights training held same week inmate dies at Haiti’s National Penitentiary*, HAITIAN TIMES (Jun. 3, 2022), <https://haitiantimes.com/2022/06/03/prisoners-rights-training-held-same-week-inmate-dies-at-haitis-national-penitentiary/>.

<sup>183</sup> See RNDDH Judicial Dysfunction Report, *supra* note 109, at ¶ 102; CRC art. 37(c). Reporting from 2019 and 2021 indicates that girls and women are also often held in cells close to men, leading to GBV, including gang rape. Jacqueline Charles, *Mutiny over cooking charcoal in Haiti prison led to gang rapes, human-rights groups say*, MIAMI HERALD (Nov. 22, 2019), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article237639679.html>; Laura Louis, *The prisons in Haiti are horrible. For women, it’s hell.*, AYIBO POST (Apr. 29, 2021), <https://ayibopost.com/the-prisons-in-haiti-are-horrible-for-women-its-hell/>.

<sup>184</sup> See, e.g., Jameson Francisque, *Le pénitencier national est un vaste supermarché*, AYIBO POST (Jun. 5, 2022), <https://ayibopost.com/le-penitencier-national-est-un-vaste-supermarche/> (“Six employees of the prison administration were locked up on June 3, 2022. They are accused of embezzlement, breach of trust and fraud. Among them is Julien Victor, policeman and director of the national penitentiary. These arrests shine the spotlight on the Haitian prison system, filled with flaws of all kinds.”).

<sup>185</sup> See, e.g., Geffrard, *supra* note 129.

<sup>186</sup> For example, 145 women escaped from the Cabaret Civil Prison on September 22 after armed gang members attacked the prison and raided a nearby police station. RNDDH Judicial Dysfunction Report, *supra* note 110, at ¶¶ 109–10; *Attaque armée et evasion à la prison civile de Cabaret*, LE NOUVELLISTE (Sep. 22, 2022), <https://lenouvelliste.com/article/238257/attaque-armee-et-evasion-a-la-prison-civile-de-cabaret>; Jacqueline Charles, *Women escape from a Haiti prison as gangs block roads and shoot at police trying to respond*, MIAMI HERALD (Sep. 22, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article266190046.html>.

<sup>187</sup> See *Port-au-Prince : introduction des portables dans les cellules, la DAP avoue son impuissance*, REZO NODWES (Jul. 28, 2022), <https://rezonodwes.com/?p=285096>; Francisque, *supra* note 184.

<sup>188</sup> See generally *Women and girls among those most impacted by Haiti’s multiple crises*, UNFPA (Oct. 13, 2022), <https://www.unfpa.org/press/women-and-girls-among-those-most-impacted-haitis-multiple-crises>; IJDH 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> (hereinafter **WGVAW Submission Re Gender and Poverty**); *Explainer: What’s driving Haiti’s humanitarian crisis?*, REUTERS (Oct. 19, 2022), <https://www.reuters.com/world/americas/whats-driving-haitis-humanitarian-crisis-2022-10-18/> (describing the causes of the crisis, including gang control and political insecurity); OCHA, *supra* note 23 (describing the humanitarian emergency in Haiti).

<sup>189</sup> See BINUH/OHCHR Report on Sexual Violence, *supra* note 31 (describing the weaponization of sexual violence by gangs); IACHR Submission Re Sexual Violence and Displacement, *supra* note 53.

<sup>190</sup> For example, poor women are less able to afford expensive transportation and food. As the fuel shortage impacts the availability and cost of transportation, poor rural women are additionally vulnerable because of the lack of services in rural areas. See WGVAW Submission Re Gender and Poverty, *supra* note 188.

<sup>191</sup> Plan International, *Women and children bear brunt of hunger crisis in Haiti*, RELIEFWEB (Oct. 6, 2022), <https://reliefweb.int/report/haiti/women-and-children-bear-brunt-hunger-crisis-haiti> (explaining that a Rapid Gender Analysis assessing the impact of hunger in a community in the Southeast of Haiti revealed that women and girls were used as “tools” to help their families cope with the food crisis, being forced to engage in transactional sex and being pressured into early marriage: “Sex work has become a brisk business option, but also a risky one that is exposing girls and women to sexually transmitted infections, and unwanted pregnancies”).

<sup>192</sup> See WGVAW Submission Re Gender and Poverty, *supra* note 188.

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<sup>193</sup> See IACHR Submission Re Sexual Violence and Displacement, *supra* note 53 (describing the lack of efforts to include grassroots women’s perspectives in leadership and policy making related to confronting and preventing sexual violence); WGVAV Submission Re Gender and Poverty, *supra* note 188 (describing the critical role of grassroots women’s organizations as well as their exclusion from the established women’s movement and the broader political sphere).

<sup>194</sup> See *One year after the earthquake, women in Haiti continue to face severe hardships*, UN WOMEN (Aug. 12, 2022), <https://lac.unwomen.org/en/stories/noticia/2022/08/un-ano-despues-del-terremoto-las-mujeres-de-haiti-siguen-atravesando-serias-dificultades> (describing the low percentages of women in elected and public office); *Freedom in the World 2022, Haiti*, FREEDOM HOUSE, <https://freedomhouse.org/country/haiti/freedom-world/2022> (stating that there are no penalties for noncompliance with the constitutional mandate that 30 percent of public officials be women).

<sup>195</sup> See IACHR Submission Re Sexual Violence and Displacement, *supra* note 53 (describing the lack of efforts to include grassroots women’s perspectives in leadership and policy making related to confronting and preventing sexual violence); WGVAV Submission Re Gender and Poverty, *supra* note 188 (describing the critical role of grassroots women’s organizations as well as their exclusion from the established women’s movement and the broader political sphere); see also *One year after the earthquake, women in Haiti continue to face severe hardships*, *supra* note 194 (“79% of the population perceives that women are highly involved in the response process, but 22% note that their presence in decision-making is weaker.”); *UN Funding Mechanism Launches Urgent Appeal to Support Haitian Women’s Civil Society, Respond to Catastrophe*, WOMEN’S PEACE & HUMANITARIAN FUND (Sept. 30, 2022), <https://wphfund.org/2022/09/30/global-un-funding-mechanism-launches-urgent-appeal-to-support-haitian-womens-civil-society-respond-to-catastrophe/> (“Women civil society leaders have long been at the forefront of peacebuilding and humanitarian response in Haiti.”).

<sup>196</sup> See IACHR Submission Re Sexual Violence and Displacement, *supra* note 53 (explaining women and girls’ vulnerability to GBV in the context of the crisis); Obert, *supra* note 1 (reporting that women and children are increasingly targeted by gangs for rapes, torture, kidnappings and killings); see also *Nègès Mawon*, Programme : Marrainage (prise en charge et accompagnement de femmes victimes de violences) (Apr.-Nov. 2022) (Haitian feminist organization Nègès Mawon recorded 21 femicides between April and November 2022).

<sup>197</sup> See IACHR Submission Re Sexual Violence and Displacement, *supra* note 53, at 3 (“There is little systematic data collection on GBV in Haiti, especially in situations of displacement.”); BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶¶ 58–60 (describing the data deficit on the extent and impact of sexual violence involving armed gangs, and noting that no state-run services or international organizations systematically collect such data).

<sup>198</sup> Obert, *supra* note 1.

<sup>199</sup> See *id.* (“Getting official numbers on sexual or gender-based violence in Haiti has never been easy, but the recent gang violence has compounded the problem.”). Long-term challenges include stigma, social pressure, threats, and lack of resources and effective recourse for survivors. See IACHR Submission Re Sexual Violence and Displacement, *supra* note 53, at 4 (stating that the prevalence of GBV is almost certainly higher than most reports suggest, due to stigma, threats, social pressure, lack of resources and effective recourse); BINUH/OHCHR Report on Sexual Violence, *supra* note 31.

<sup>200</sup> See BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶ 86 (reporting that fear of reprisals or retaliation for reporting GBV is high among both survivors and police officers).

<sup>201</sup> See Obert, *supra* note 1 (“Getting official numbers on sexual or gender-based violence in Haiti has never been easy, but the recent gang violence has compounded the problem. Women are often too afraid to report it, and many traditional reporting points such as hospitals, women’s centres, and police stations have now shut because of the violence.”).

<sup>202</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 31.

<sup>203</sup> UNSG BINUH Report, *supra* note 24, at ¶ 42.

<sup>204</sup> RNDDH Report on GBV in Cité Soleil, *supra* note 39 (reporting that gang members beat those who tried to resist and threatened them with death); BINUH/OHCHR Report on Sexual Violence, *supra* note 31.

<sup>205</sup> RNDDH Report on GBV in Cité Soleil, *supra* note 39.

<sup>206</sup> RNDDH Report on GBV in Cité Soleil, *supra* note 39; Obert, *supra* note 1.

<sup>207</sup> See Obert, *supra* note 1 (reporting the story of “Madeline” who sent her six children away due to the increasing violence, before being raped by more than a dozen gang members, witnessing the execution of her husband and being forced to run, leaving his body behind).

<sup>208</sup> See *id.* (reporting that in some camps, more than 60% of the displaced are women and girls); *IOM Response to Internally Displaced Persons in Haiti*, International Organization for Migration (IOM) (Aug. 10, 2022), <https://reliefweb.int/report/haiti/iom-response-internally-displaced-persons-haiti-10-august-2022> (reporting that 60% of internally displaced persons living in the Kay Castor site were women and girls); see also WGVAV Submission Re Gender and Poverty, *supra* note 188 (stating that a disproportionate number of women and girls are currently displaced); *Rapid Gender Analysis*, CARE AND UN WOMEN HAITI (Sep. 12, 2021),

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<https://www.carevaluations.org/wp-content/uploads/CARE-Haiti-RGA-August-14-Earthquake.pdf> (reporting that 11% of women as opposed to 7% of men were displaced after the 2021 earthquake).

<sup>209</sup> See Obert, *supra* note 1 (reporting that gang members could walk into makeshift camps unobstructed).

<sup>210</sup> See *id.*; OCHA, *supra* note 23 (highlighting “a lack of lighting and risk mitigation measures” as drivers of sexual violence in the camps).

<sup>211</sup> Obert, *supra* note 1 (“Ever since a young girl was raped by a gang member who walked into the camp, she says she sleeps with her legs draped over her five daughters. Although the alleged perpetrator was caught, the family asked that he be released, too fearful that he or other gang members would target the family.”).

<sup>212</sup> *Id.*

<sup>213</sup> Programs to combat GBV, which had been introduced after the 2010 earthquake, continue to suffer from lack of funding and political will, and RNDDH reported that prosecutions have become increasingly rare since 2019. See IACHR Submission Re Sexual Violence and Displacement, *supra* note 53; BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶ 80 (“[I]mpunity for sexual violence crimes remains the norm. Rule of law institutions are not only under-resourced and understaffed, but they are affected by lack of independence and corruption.”); RNDDH Report on GBV in Cité Soleil, *supra* note 39. Long-term and systemic challenges to obtaining justice for GBV include a lack of sensitivity, discrimination, and stigmatization from law enforcement officials and a requirement to produce a medical certificate corroborating GBV, despite the lack of legal provisions mandating one and chronic difficulties in accessing medical assistance. BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶¶ 84–85.

<sup>214</sup> See BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶ 81 (reporting that armed gang violence has forced out state representatives, including police officers, of a number of marginalized neighborhoods where most cases of sexual violence have been reported).

<sup>215</sup> See, e.g., Jeudy, *supra* note 120; Blaise, *supra* note 13; see further *supra* Section III.

<sup>216</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶ 11 (“The persistent blockage of the main roads by armed gangs and the chronic shortage of fuel have also had a negative effect on the normal functioning of basic services, including healthcare centers. According to the latest information available, the fuel crisis triggered in late August by the latest movement of mass protests, still ongoing at the time of publication, had caused 50% of the main hospitals across the country to cease delivering emergency healthcare services as usual, and 60% of internal medicine, pediatric, surgery and obstetric services had also been severely disturbed nationwide.”); *Amid gruelling violence and economic collapse, women and girls in Haiti need urgent support*, UNFPA (Aug. 16, 2022), <https://www.unfpa.org/news/amid-gruelling-violence-and-economic-collapse-women-and-girls-haiti-need-urgent-support> (“Access to the few health centres and hospitals that are still functioning has become treacherous if not impossible.”).

<sup>217</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶ 10 (“[V]ictims generally do not have access to available post-rape treatment kits which must be administered within a window period of 72 hours after the aggression, which exposes them to a higher risk of contracting HIV or sexually transmitted diseases and to unwanted pregnancies.”).

<sup>218</sup> Pregnant women and girls continue to face unique challenges due to Haiti’s multiple crises, including access to food and reproductive care. Maternal and infant mortality rates remain the highest in the Latin American and Caribbean region and abortion remains illegal in all circumstances. *Haiti: ‘Bearers of hope’, saving newborn lives, amid growing turmoil*, UN NEWS (Oct. 13, 2022), <https://news.un.org/en/story/2022/10/1129527> (reporting that Haiti’s 29,000 pregnant women and their newborns are among the most at risk of not receiving the critical care they need, and a further 10,000 women face obstetric complications); Plan International, *Pregnant women and girls among those most impacted in Haiti’s hunger crisis says Plan International*, RELIEFWEB (Jul. 20, 2022), <https://reliefweb.int/report/haiti/pregnant-women-and-girls-among-those-most-impacted-haitis-hunger-crisis-says-plan-international> (stating that pregnant women suffer from malnutrition and are among the most vulnerable populations during this crisis); *Amid gruelling violence and economic collapse, women and girls in Haiti need urgent support*, *supra* note 216 (reporting that “Haiti already has the highest level of maternal mortality in Latin America and the Caribbean”); *Haiti*, UNICEF, <https://data.unicef.org/country/hti/> (finding that the under-five mortality rate is 60.5 per 1,000 live births); *Haiti Country Report 2022*, BTI, <https://bti-project.org/en/reports/country-report/HTI> (reporting that more than four times the regional average of women die in childbirth, and infant mortality is twice the regional rate); *The World’s Abortion Laws*, CENTER FOR REPRODUCTIVE RIGHTS, [https://reproductiverights.org/maps/worlds-abortion-laws/?category\[1348\]=1348&category\[1351\]=1351](https://reproductiverights.org/maps/worlds-abortion-laws/?category[1348]=1348&category[1351]=1351) (last visited Dec. 8, 2022).

<sup>219</sup> Government-backed land grabs, which often involve violence, continue to force women off their land and deprive them of their livelihoods, aggravating their vulnerability to the climate crisis and exacerbating the economic and social impacts of the humanitarian crisis. See *Land grabs in Haiti sow climate vulnerability and violence against women*, OPEN GLOBAL RIGHTS (Aug. 9, 2022), <https://www.openglobalrights.org/land-grabs-in-haiti-sow-climate-vulnerability-and-violence-against-women/> (“Land grabs in Haiti often involve violence against women, reinforcing gender inequality, and risk exacerbating already severe environmental degradation<sup>30</sup> and climate vulnerability.”).

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- <sup>220</sup> See WGVAW Submission Re Gender and Poverty, *supra* note 188; *Haitian violence has 'disproportionate impact' on women*, UCA NEWS (Oct. 25, 2022), <https://www.ucanews.com/news/haitian-violence-has-disproportionate-impact-on-women/99182> (reporting that gang violence and the fuel crisis put poor women, including the *Madan Sara*, at risk because they struggle to find safe transportation to make a living).
- <sup>221</sup> See *Haitian violence has 'disproportionate impact' on women*, *supra* note 220 (reporting that the *Madan Sara* are particularly affected by the fuel crisis, having to wait between two days and a week to get a bus to the city, which means their produce rots and they have to resell it at very low prices).
- <sup>222</sup> See *id.* (reporting that the *Madan Sara* are vulnerable to “bandits and rapists” due to the current crises).
- <sup>223</sup> See *Lives being lost in Haiti as life-saving health services risk coming to “standstill,”* UNICEF (Sep. 26, 2022), <https://www.unicef.org/haiti/en/press-releases/lives-being-lost-haiti-life-saving-health-services-risk-coming-standstill>.
- <sup>224</sup> See Natalie Kitroeff, *Gang Warfare Cripples Haiti’s Fight Against Cholera*, NY TIMES (Nov. 19, 2022), <https://www.nytimes.com/2022/11/19/world/americas/haiti-cholera-gang-violence.html> (“The disease can kill its victims within a day, especially children suffering from malnutrition who can quickly progress from dehydration to organ failure.”); see further *infra* notes 314–324.
- <sup>225</sup> See *Children account for 40 percent of cholera cases in Haiti: UNICEF*, AL JAZEERA (Nov. 23, 2022), <https://www.aljazeera.com/news/2022/11/23/children-account-for-40-percent-of-cholera-cases-in-haiti-unicef>.
- <sup>226</sup> See Kitroeff, *supra* note 224 (“All the severe cases arrive in the morning, because they cannot travel at night,” said Dr. Mouna Hanebali, a physician helping oversee the hospital. “There are many already dead when they arrive.”).
- <sup>227</sup> See *Increase in violence and resurgence of cholera in Haiti may leave more than 2.4 million children unable to return to school*, UNICEF (Oct. 7, 2022), <https://www.unicef.org/press-releases/increase-violence-and-resurgence-cholera-haiti-may-leave-more-24-million-children>; see further *infra* Section V, *Access to education*.
- <sup>228</sup> See Taylor, *supra* note 2 (reporting that gangs in July were “snatching up children to join their ranks” and that “[t]he 5 Seconds gang – which seized control of the country’s supreme court in June – are increasingly training minors in the use of military-grade weapons”); Alessandro Ford, *Haiti Gangs Recruiting, Arming More Children*, INSIGHT CRIME (Jun. 3, 2022), <https://insightcrime.org/news/haiti-gangs-recruiting-arming-more-children/>; *Haitian children at mercy of armed gangs as schools close*, UN NEWS (Jul. 3, 2022), <https://news.un.org/en/story/2022/07/1121352>.
- <sup>229</sup> *Restavek Freedom*, <https://restavekfreedom.org/issue/> (last visited Dec. 8, 2022).
- <sup>230</sup> *Are the “restavèk” really slaves?*, AYIBO POST, (Jul. 25, 2022), <https://ayibopost.com/are-the-restavek-really-slaves/>.
- <sup>231</sup> See BAI, IJDH & Commission of Women Victims for Victims, *Gender-Based Violence in Haiti* (2022), [http://www.ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti\\_UPR-Submission\\_EN-1.pdf](http://www.ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti_UPR-Submission_EN-1.pdf).
- <sup>232</sup> See *Who are the Restavek children in Haiti?*, HAITI NOW, <https://www.haiti-now.org/who-are-the-restavek-children-in-haiti/#:~:text=Most%20Restavek%20children%20in%20Haiti,from%20men%20in%20their%20households> (last visited Dec. 8, 2022).
- <sup>233</sup> *Are the “restavèk” really slaves?*, *supra* note 230.
- <sup>234</sup> See WGVAW Submission Re Gender and Poverty, *supra* note 188; Coalition RANIPH SUD et al., *Rapport Alternatif sur la Mise en Œuvre de la Convention Relative aux Droits des Personnes Handicapées* (2017) (describing the challenges faced by persons with disabilities in accessing services due to the lack of sensitivity and infrastructure, such as the lack of indications in braille on official documents, the lack of accessible ramps and adequate sidewalks, the lack of interpretation services in the justice system for persons who are deaf, the lack of accommodations in the education system, etc.).
- <sup>235</sup> *Les femmes et les filles handicapées sont parmi les plus affectées par le séisme en Haïti*, HANDICAP INTERNATIONAL, <https://www.handicap-international.ch/fr/actualites/les-femmes-et-les-filles-handicapees-sont-parmi-les-plus-affectees-par-le-seisme-en-haiti->; *Disabled and displaced: helping Haiti’s most vulnerable people*, UN NEWS (Dec. 2, 2021), <https://reliefweb.int/report/haiti/disabled-and-displaced-helping-haiti-s-most-vulnerable-people>.
- <sup>236</sup> Matthew R. Hunt et al., *Haitian and international responders' and decision-makers' perspectives regarding disability and the response to the 2010 Haiti earthquake*, GLOBAL HEALTH ACTION (Aug. 7, 2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4530138/>.
- <sup>237</sup> *Haiti Funders Conference 2016: Empowering Women and Girls with Disabilities*, DISABILITY RIGHTS FUND (Nov. 17, 2016), <https://disabilityrightsfund.org/haiti-funders-conference-2016-empowering-women-and-girls-with-disabilities/> (“They are often believed to be a curse from God, hyper sexual, and in some cases, people believe Deaf women turn into werewolves at night.”).
- <sup>238</sup> *Women and girls with disabilities among most affected by Haiti earthquake*, HANDICAP INTERNATIONAL (Sep. 27, 2021), <https://www.hi.org/en/news/women-and-girls-with-disabilities-among-most-affected-by-haiti-earthquake-> (“They are particularly vulnerable because many cannot run away from threats. Deaf or blind

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women living in makeshift shelters in displacement sites cannot hear or see if a dangerous person is approaching. They are very exposed.”).

<sup>239</sup> Estimates for the population of persons with disabilities in Haiti range between 4.1% and 15% but there are no official numbers due to the lack of official census taking disability into account. See Coalition RANIPH SUD et al., *supra* note 234 (citing World Health Organization (WHO) estimates of 15% and explaining that the 2003 government census, updated in 2012, makes no mention of persons with disabilities); *World Report 2022 – Haiti*, HRW <https://www.hrw.org/world-report/2022/country-chapters/haiti#:~:text=Around%2015%20percent%20of%20the,the%20World%20Health%20Organization%20reports> (citing WHO estimates of 15%); *Furthering Economic and Social Inclusion for People with Disabilities in Haiti*, WORLD BANK (Apr. 26, 2021), <https://www.worldbank.org/en/results/2021/04/26/furthering-economic-and-social-inclusion-for-people-with-disabilities-in-haiti> (giving an estimate of 4.1%).

<sup>240</sup> See WGVAV Submission Re Gender and Poverty, *supra* note 188; *Freedom in the World 2022*, *supra* note 194.

<sup>241</sup> UNSG BINUH Report, *supra* note 24, at ¶ 42.

<sup>242</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶ 38.

<sup>243</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 31, at ¶ 75 (“LGBTI+ persons, spoke about discriminatory attitudes by medical providers who, in some cases, questioned whether the sexual assault had not been consensual.”); *Building Safe Spaces for Trans People in Haiti*, UNDP (Apr. 11, 2022), <https://www.undp.org/latin-america/stories/building-safe-spaces-trans-people-haiti> (finding that transgender persons face violence from health care providers and are sometimes denied medical treatment).

<sup>244</sup> See IJDH June 2022 Update, *supra* footnote 1; UN Humanitarian, *supra* note 23.

<sup>245</sup> See *Haiti sees more protests as fuel price hike worsens public anger*, AL JAZEERA (Sep. 14, 2022),

<https://www.aljazeera.com/news/2022/9/14/haiti-sees-more-protests-as-fuel-price-hike-worsens-public-anger>.

<sup>246</sup> See UN Humanitarian, *supra* note 23; *Haiti hospitals prepare to close as gangs blockade fuel supplies*, AL JAZEERA (Sep. 27, 2022), <https://www.aljazeera.com/news/2022/9/27/haiti-hospitals-prepare-to-close-as-gangs-blockade-fuel-supplies>; *Increase in violence and resurgence of cholera in Haiti may leave more than 2.4 million children unable to return to school*, UNICEF (Oct. 10, 2022), <https://www.unicef.org/lac/en/press-releases/increase-in-violence-and-resurgence-cholera-in-haiti-may-leave-more-2.4-million-children-unable-to-return-to-school>.

<sup>247</sup> See *Soaring violence, fuel crisis and a cholera outbreak: Haiti in the grip of a “humanitarian catastrophe,”* *supra* note 52.

<sup>248</sup> See UN Humanitarian, *supra* note 23 (concluding that although gang violence now displaces more people than natural disasters, there are still about 2,500 people in earthquake-related displacement sites in Haiti’s south); Ground Truth Solutions, *Trust must be earned: Perceptions of aid in Haiti - A reality check on post-quake accountability to affected people*, April 2022 [EN/HT], RELIEFWEB (Apr. 5, 2022), <https://reliefweb.int/report/haiti/trust-must-be-earned-perceptions-aid-haiti-reality-check-post-quake-accountability> (discussing systemic problems with international aid in the context of the 2021 earthquake).

<sup>249</sup> See Cyprien L. Gray, *Combattre l’insécurité pour briser le cercle de la décroissance économique*, LE NOUVELLISTE (Oct. 4, 2022), <https://lenouvelliste.com/article/238263/combattre-linsecurite-pour-briser-le-cercle-de-la-decroissance-economique>.

<sup>250</sup> See *Haiti - Economy: 34 billion deficit for the first 3 quarters (2021-2022)*, HAITI LIBRE (Mar. 8, 2022), <https://www.haitilibre.com/en/news-37307-haiti-economy34-billion-deficit-for-the-first-3-quarters-2021-2022.html>.

<sup>251</sup> See *Haiti Country Report 2022*, BTI, <https://bti-project.org/en/reports/country-report/HTI#:~:text=More%20than%2070%25%20of%20the,less%20than%20%241.25%20per%20day> (reporting further that approximately 50 percent of Haitians live on less than USD \$1.25 per day).

<sup>252</sup> See *38.7 %, l’inflation atteint un nouveau pic en septembre en Haïti*, LE NOUVELLISTE (Nov. 29, 2022), <https://lenouvelliste.com/article/239221/387-linflation-atteint-un-nouveau-pic-en-septembre-en-haiti>; see also *‘Catastrophic’ hunger recorded in Haiti for first time, UN warns*, UN NEWS (Oct. 14, 2022), <https://news.un.org/en/story/2022/10/1129537> (reporting on October 14 that inflation was at 33 percent); *L’inflation atteint 30.5 percent en juillet 2022*, selon l’IHSI, LE NOUVELLISTE (Sep. 9, 2022), <https://lenouvelliste.com/article/237992/linflation-atteint-30-5-en-juillet-2022-selon-lihsi> (reporting that inflation reached 30.5 percent in July).

<sup>253</sup> See Malu Cursino, *Haiti in a humanitarian catastrophe – UN envoy*, BBC (Sep. 27, 2022), <https://www.bbc.com/news/world-latin-america-63042307>.

<sup>254</sup> See *New injections of dollars to support the gourde, amidst structural constraints and a volatile sociopolitical context*, FEWS NET (Aug. 2022), <https://fews.net/central-america-and-caribbean/haiti/food-security-outlook-update/august-2022#:~:text=Monetary%20officials%20injected%208.5%20million,gourdes%20to%20nearly%20100%20gourdes>.



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<sup>255</sup> See *id.*; *Haiti Gourde to US Dollar Spot Exchange Rates for 2022*, EXCHANGE RATES, <https://www.exchangerates.org.uk/HTG-USD-spot-exchange-rates-history-2022.html> (last visited Dec. 8, 2022), (between August 2021 and August 2022, the gourde depreciated by more than 18 percent, sitting at USD \$0.0076 on August 22).

<sup>256</sup> See *1 HTG to USD – Convert Haitian Gourdes to US Dollars*, XE, <https://www.xe.com/currencyconverter/convert/?Amount=1&From=HTG&To=USD> (last visited Dec. 8, 2022); *Haiti : Une économie asphyxiée par la crise du carburant et les actes criminels des gangs armés*, ALTERPRESSE (Nov. 3, 2022), [https://www.alterpresse.org.translate.goog/spip.php?article28774&x\\_tr\\_sl=auto&x\\_tr\\_tl=en&x\\_tr\\_hl=en&x\\_tr\\_pto=wapp](https://www.alterpresse.org.translate.goog/spip.php?article28774&x_tr_sl=auto&x_tr_tl=en&x_tr_hl=en&x_tr_pto=wapp) (reporting that the injection of U.S. dollars into the economy by the Bank of the Republic of Haiti since August 2022 has not prevented the gourde's depreciation).

<sup>257</sup> See *Haiti - Economy : Inflation explodes Government forecasts*, HAITI LIBRE (Aug. 7, 2022), [https://www.haitilibre.com/en/news-37101-haiti-economy-inflation-explodes-government-forecasts.html?utm\\_source=dvr.it&utm\\_medium=twitter](https://www.haitilibre.com/en/news-37101-haiti-economy-inflation-explodes-government-forecasts.html?utm_source=dvr.it&utm_medium=twitter).

<sup>258</sup> See *L'indice des prix à la consommation en Juillet 2022*, INSTITUT HAITIEN DE STATISTIQUE ET D'INFORMATIQUE, <https://ihsi.ayiti.digital/public/images/documents/1662496512.pdf>.

<sup>259</sup> See, e.g., Onz Chéry, *US to stop importing mangos from Haiti, official says*, HAITIAN TIMES (Oct. 26, 2022), <https://haitiantimes.com/2022/10/26/us-to-stop-exporting-mangos-from-haiti-official-says/> (reporting that in October, the United States announced it will stop importing mangos from Haiti, citing inability to carry out safety inspections due to insecurity).

<sup>260</sup> See @Jacquiecharles, TWITTER (Sept. 26, 2022, 4:43 PM), <https://twitter.com/Jacquiecharles/status/1574499840343654428?s=20&t=XTJZOjeRg0HI-XcQLnurjA> (according to Haiti's Foreign Minister, the country risks losing 12,000 jobs after Caracol Industrial Park announced it could not operate due to a lack of fuel); Thomas Peralte, *Caracol: Workers will be laid off*, HAITI LIBERTE (Jul. 13, 2022), <https://haitiliberte.com/caracol-des-travailleurs-seront-licencies/>; *Haiti : Une économie asphyxiée par la crise du carburant et les actes criminels des gangs armés*, *supra* note 256 (reporting that companies have reduced operating hours and cut salaries by up to 50 percent); Fenel Péliissier, *The economic crisis in the United States causes dismissals in Haiti*, AYIBO POST (Aug. 2022), <https://ayibopost.com/la-crise-economique-aux-etats-unis-occasionne-des-revocations-en-haiti/> (according to the National Coordination of Haitian Workers, nearly 15,000 workers may be dismissed in the coming days in SONAPI, and S&H Global SA of the Caracol Industrial Park plans to close 3 factories by the end of 2022, laying off 4,000 employees); Juhakenson Blaise, *Haiti industry official: 10,000 factory workers may lose jobs due to violence*, HAITIAN TIMES (Jun. 24, 2022), <https://haitiantimes.com/2022/06/24/haiti-industry-official-10000-factory-workers-may-lose-jobs-due-to-violence/> (reporting that violence is threatening 10,000 jobs); OCHA, *supra* note 42 (“[W]eeks of shutdown have resulted in the closure of some companies. The textile sector appears to be particularly affected. Digner Manufacturing, like many other textile companies, was forced to lay off over 1,700 people without pay.”).

<sup>261</sup> See Obert, *supra* note 1 (“[W]omen have been forcibly recruited or have reluctantly joined for protection or work, earning money by collecting information or stealing from homes.”).

<sup>262</sup> See *id.* (“With more than 60% of the population unemployed and nearly 77% living with less than \$2 a day, much of the youth turn to gangs as a means of survival.”); Jess DiPierro Obert, *Stolen future: Haiti's gangs and its children*, NEW HUMANITARIAN (Feb. 14, 2022), <https://www.thenewhumanitarian.org/video/2022/2/14/Stolen-future-Haiti-gangs-children-film> (“With few work or educational opportunities, many gang members say they have turned to the armed groups as a way of earning quick cash or gaining power. Some even say they are doing what the government has failed to do – taking care of its population.”).

<sup>263</sup> See Shellenberger, *supra* note 6 (citing advocacy from international financial institutions including IMF, World Bank and World Economic Forum as reason for Haiti's fuel decision); @madanboukman, TWITTER (Nov. 26, 2022, 12:07 PM), <https://twitter.com/madanboukman/status/1596551111112286208?s=51&t=-vCt1yR9q1EcXulNA-S2AA> (“Haiti's Sept 5, 2022 - June 30, 2023 academic school year has yet to begin, because of harsh IMF austerity measures imposed by @DrArielHenry's regime. Yet he's subsidizing World Cup activities to distract the population.”); UNSG BINUH Report, *supra* note 24, at ¶ 51; *En réponse à Antonio Guterres, des organisations haïtiennes pointent du doigt la responsabilité de l'Onu dans la « gangstérisation d'Haiti »*, ALTERPRESSE (Sep. 25, 2022), <https://www.alterpresse.org/spip.php?article28648>; Onz Chéry, *We can't all be prime ministers*, HAITIAN TIMES (Sep. 28, 2022), <https://haitiantimes.com/2022/09/28/we-cant-all-be-prime-ministers/>.

<sup>264</sup> See *Le gouvernement hausse les prix du carburant, la rue crache sa colère*, LE NOUVELLISTE (Sep. 15, 2022), <https://lenouvelliste.com/journal/lenouvelliste/2022-09-15/2574>.

<sup>265</sup> See *Haiti jongle avec les catastrophes*, LE NOUVELLISTE (Oct. 7, 2022), <https://lenouvelliste.com/article/238408/haiti-jongle-avec-les-catastrophes>.

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<sup>266</sup> See Murdith Joseph, *10 major uses for fuel in Haiti besides at the pump*, HAITIAN TIMES (Nov. 15, 2022), <https://haitiantimes.com/2022/11/15/10-major-uses-for-fuel-in-haiti-besides-gas-at-the-pump/> (because of Haiti's unreliable electricity grid, diesel-powered generators or kerosene lamps are much more popular). For example, Cap-Haïtien has not had electricity in over a year due to the prolonged fuel shortage. See Kevin Zeller, *Cap Haïtien has had no electricity for a year*, MISSION NETWORK NEWS (Aug. 5, 2022), <https://www.mnnonline.org/news/cap-haitien-has-had-no-electricity-for-a-year/>. Because of the enormous difficulty in transporting fuel to rural towns, they are particularly vulnerable to fuel and electricity shortages, which have impacted economic and social activities and prompted hospitals to reduce operations. See *Haiti: une pénurie d'essence et d'électricité paralyse les villes de province*, LE NOUVELLISTE (Jul. 21, 2022), <https://lenouvelliste.com/article/237143/haiti-une-penurie-dessence-et-delectricite-paralyse-les-villes-de-province>.

<sup>267</sup> See Jacqueline Charles, *Haiti's decision to raise fuel prices met with fire, fury, paralysis*, MIAMI HERALD (Sep. 14, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article265726706.html> (reporting that protesters took to the streets, setting up fiery barricades blocking major thoroughfares); Milfort, Kurmanaev & Paulter, *supra* note 21 (calling the protests "the largest national protests in years"); *Économie : Augmentation officielle imminente d'environ 100 percent des prix des produits pétroliers en Haïti*, ALTERPRESSE (Sep. 14, 2022), <https://www.alterpresse.org/spip.php?article28614>; Cursino, *supra* note 253; *3-day strike in Haiti ends today, but another one is on the way*, DOMINICAN TODAY (Sep. 28, 2022), <https://dominantoday.com/dr/world/2022/09/28/3-day-strike-in-haiti-ends-today-but-another-one-is-on-the-way/>. For additional historical context on the current protests around fuel subsidy removals, see Vijay Prashad, *Four Straight Years of Nonstop Street Protest in Haiti*, COUNTER CURRENTS (Sep. 28, 2022), <https://countercurrents.org/2022/09/four-straight-years-of-nonstop-street-protest-in-haiti/>.

<sup>268</sup> See Milfort, Kurmanaev & Paulter, *supra* note 21.

<sup>269</sup> See *id.* ("Simmering outbreaks of unrest . . . have coalesced into the largest wave of protests in years following the government's announcement last Sunday that it would raise the country's highly subsidized fuel prices. The protests quickly broadened into a general, visceral rejection of Haiti's dire living conditions, characterized by widespread hunger, a lack of basic services, omnipresent gang violence, runaway inflation and the weak rule of a caretaker prime minister, Ariel Henry."); Mérancourt & Coletta, *supra* note 102 ("Ralph Chevy, a board member of the Haiti Center for Socio Economic Policy in Port-au-Prince, called the fuel announcement 'the straw that broke the camel's back.' He said the protests are a reflection of broader discontent with Henry and a desire for political change.").

<sup>270</sup> See Roseval Supreme, *This is the Worst Crisis I've Seen in Haiti*, NEWSWEEK (Nov. 1, 2022), <https://www.newsweek.com/this-worst-crisis-ive-seen-haiti-opinion-1755890> (Action Against Hunger's Haiti Country Director Roseval Supreme on the current crisis: "This the most desperate and violent situation I've ever seen in my country, and I say that as a Haitian who lived through 2010's disastrous earthquake and subsequent cholera epidemic, through hurricanes and less-than-smooth changes in government.").

<sup>271</sup> See Geffrard, *supra* note 99.

<sup>272</sup> See Emmanuel Moïse Yves, *Terminal Varreux: interview exclusive avec un haut responsable*, AYIBO POST (Oct. 6, 2022), <https://ayibopost.com/terminal-varreux-interview-exclusive-avec-un-haut-responsable/>.

<sup>273</sup> See IJDH June 2022 Update, *supra* footnote 1; *Économie : Persistance d'une nouvelle rareté de carburant, depuis fin mai 2022, en Haïti*, ALTERPRESSE (Jun. 13, 2022), <https://www.alterpresse.org/spip.php?article28390>; Murdith Joseph, *Gas shortages persist in Haiti despite recent fuel shipments*, HAITIAN TIMES (Jun. 6, 2022), <https://haitiantimes.com/2022/06/08/gas-shortages-persist-in-haiti-despite-recent-fuel-shipments/>.

<sup>274</sup> See Yves, *supra* note 272.

<sup>275</sup> See Charles, *supra* note 267.

<sup>276</sup> See Emmanuel Moïse Yves, *Des gangs spécialisés dans la vente de gasoline à Port-au-Prince ?*, AYIBO POST (Aug. 13, 2022), <https://ayibopost.com/des-gangs-specialises-dans-la-vente-de-gazoline-a-port-au-prince/>.

<sup>277</sup> It is unclear whether the police took the terminal back by force or whether it was given up freely by G9 leader Chérizier. On November 6, Chérizier announced he was lifting the blockade and allowing trucks to fill up at the terminal. On November 7, the Haitian government announced that "soldiers and police seized the fuel terminal after 16 operations." See Pierre-richard Luxama, *Key fuel depot in Haiti reopens for 1<sup>st</sup> time since September*, CTV NEWS (Nov. 8, 2022), <https://www.ctvnews.ca/world/key-fuel-depot-in-haiti-reopens-for-1st-time-since-september-1.6144640>.

<sup>278</sup> See, e.g., Etant Dupain & Hande Atay Alam, *Critical Haiti gas terminal freed after weeks of talks with G9 gang leader*, CNN (Nov. 6, 2022), <https://www.cnn.com/2022/11/04/americas/haiti-gas-terminal-gang-intl-latam>; Henry Shuldiner, *From Negotiations to Sanctions, a Busy Time for Crime in Haiti*, INSIGHT CRIME (Nov. 11, 2022), <https://insightcrime.org/news/fuel-terminal-reopens-sanctions-target-haitian-politicians-gang-leaders/> ("Barbecue eased the blockade after alleged negotiations with Prime Minister Ariel Henry's administration, mediated by politicians from the government's Konstwil Lavi party . . . Haiti's government has denied negotiating with G9 to reopen the fuel terminal, but a Henry administration official told CNN that the Prime Minister did meet with the alleged mediators.").

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<sup>279</sup> See Tom Ricker, *Haiti: Fuel terminal “liberated;” military intervention paused, but still possible*, QUIXOTE CENTER (Nov. 9, 2022), <https://quixote.org/posts/haiti-fuel-terminal-liberated-military-intervention-paused-but-still-possible>.

<sup>280</sup> See Charles, *supra* note 23.

<sup>281</sup> See Daniel Stewart, *MSF announces “alarming increase” in cholera in Haiti after reporting nearly 100 deaths and 8,500 cases*, MSN (Nov. 20, 2022), <https://www.msn.com/en-in/health/health-news/msf-announces-%C2%ABalarming-increase%C2%BB-in-cholera-in-haiti-after-reporting-nearly-100-deaths-and-8500-cases/ar-AA14kngv>.

<sup>282</sup> See *Haiti hospitals prepare to close as gangs blockade fuel supplies*, *supra* note 246; *Increase in violence and resurgence of cholera in Haiti may leave more than 2.4 million children unable to return to school*, *supra* note 246; Emmanuel Moïse Yves & Widlore Mérancourt, *Des secteurs essentiels comme la communication au bord de la fermeture en Haïti*, AYIBO POST (Oct. 14, 2022), <https://ayibopost.com/des-secteurs-essentiels-comme-la-communication-au-bord-de-la-fermeture-en-haiti/>; Murdith Joseph, *Digicel hikes prices, blaming inflation, insecurity in Haiti; customers livid*, HAITIAN TIMES (June 28, 2022),

<https://haitiantimes.com/2022/06/02/digicel-hikes-prices-blaming-inflation-insecurity-in-haiti-customers-livid/>.

<sup>283</sup> See Murdith Joseph, *PM Henry says no to decreasing Haiti’s fuel prices, despite havoc*, HAITIAN TIMES (Oct. 6, 2022), <https://haitiantimes.com/2022/10/06/pm-henry-says-no-to-decreasing-haitis-fuel-prices-despite-havoc/> (reporting that de facto Prime Minister Henry promised “the 50 to 60 million gourdes [saved by eliminating fuel subsidies], or USD \$400 to USD \$500 thousand, will be used for the execution of social programs”); IMF Staff-Monitored Program, *supra* note 108 (stating that fuel subsidies primarily benefit wealthy Haitians); *see also Economist warns of hyperinflationary process in Haiti*, PRENSA LATINA (Nov. 17, 2022),

<https://www.plenglish.com/news/2022/11/17/economist-warns-of-hyperinflationary-process-in-haiti/> (Haitian economist Eddy Labossière “assured that the argument put forward by the Government to justify the increase in prices of fuel is not sustainable, because ‘the Haitian authorities do not have the instruments to spend money from the subsidy of petroleum derivatives’”).

<sup>284</sup> See Oberde Charles, *Les usagers du transport public sont les varies victims de la rareté du carburant*, LE NATIONAL (Nov. 8, 2022), [https://www.lenational.org/post\\_article.php?pol=2493](https://www.lenational.org/post_article.php?pol=2493); *La rareté du carburant fait grimper les prix du transport en commun*, LE NOUVELLISTE (Jul. 20, 2022),

<https://lenouvelliste.com/article/237086/la-rarete-du-carburant-fait-grimper-les-prix-du-transport-en-commun>.

<sup>285</sup> The minimum wage has not been increased since February 21, 2021, when the government instituted a 54 percent increase in response to widespread protests. Minimum wages remain far below what is needed to survive. *See generally* RNDDH, *Call for a review of the minimum wage: the RNDDH supports the working class and condemns police brutality* (2022), <https://web.rnddh.org/wp-content/uploads/2022/02/1-CP-Manifestations-salaire-minimum-ENG-21Fev2022-1.pdf>; *Haiti*, SOLIDARITY CENTER, <https://www.solidaritycenter.org/category/americas/haiti/> (last visited Dec. 8, 2022).

<sup>286</sup> See Tuna Connell, *Haiti garment workers need four times their wages to get by*, SOLIDARITY CENTER (Sep. 7, 2022), <https://www.solidaritycenter.org/haiti-garment-workers-need-four-times-their-wages-to-get-by/> (reporting that workers spend almost one third of their take-home pay on transportation to and from work and on lunch to sustain their labor).

<sup>287</sup> See @Jacquiecharles, TWITTER (Sept. 26, 2022, 4:43 PM), <https://twitter.com/Jacquiecharles/status/1574499840343654428?s=20&t=XTJZOjeRg0Hl-XcQLnurjA>.

<sup>288</sup> See Joseph Guyler Delva & Anastasia Moloney, *Haitians choose between school fees or food as costs rise*, THOMSON REUTERS FOUNDATION (Jul. 18, 2022), <https://news.trust.org/item/20220714135735-aq0pn/> (reporting that “spiraling living costs” have forced families to choose between buying food and sending their children to school); Connell, *supra* note 286.

<sup>289</sup> See WGVAV Submission Re Gender and Poverty, *supra* note 188.

<sup>290</sup> See *Port-au-Prince croule sous des détrit*, LE NOUVELLISTE (Oct. 27, 2022), <https://lenouvelliste.com/article/238711/port-au-prince-croule-sous-des-detritus>.

<sup>291</sup> *See id.*

<sup>292</sup> See Mérancourt, Cho & Coletta, *supra* note 8; Evens Sanon, *Cholera overwhelms Haiti as cases, deaths spike amid crisis*, AP News (Oct. 29, 2022), <https://apnews.com/article/health-caribbean-business-haiti-cholera-6224ef13bdda34224c56db7d34a689a1>.

<sup>293</sup> See Mérancourt, Cho & Coletta, *supra* note 8 (“Gang blockades have prevented water trucks from resupplying some neighborhoods, and fuel is also needed to make city water pumps work.”); *Haiti: Urgently Address Cholera Outbreak*, *supra* note 160 (reporting on October 18 that fuel is urgently needed to pump, sterilize, and distribute water”); *Misery deepens in Haiti as unrest rages and water shortages bite*, AL JAZEERA (Sep. 18, 2022), <https://www.aljazeera.com/news/2022/9/18/haiti-unrest-worsens-misery-as-residents-face-water-shortage> (reporting that insecurity and social unrest prevented water distribution trucks from delivering water); *iciHaiti – Fuel Crisis : No more production or delivery of Culligan water in the country*, HAITI LIBRE (Oct. 3, 2022), <https://www.haitilibre.com/en/news-37794-icihaiti-fuel-crisis-no-more-production-or-delivery-35-of-culligan-water-in-the-country.html>; *iciHaiti – Crisis : Update on the situation of drinking water in Haiti*, ICI

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HAITI (Oct. 11, 2022), <https://www.icihaiti.com/en/news-37856-icihaiti-crisis-update-on-the-situation-of-drinking-water-in-haiti.html>; *Haiti: Humanitarian situation and cholera – Flash Update # 1 (As of 3 October 2022)*, OCHA (Oct. 5, 2022), <https://reliefweb.int/report/haiti/haiti-humanitarian-situation-and-cholera-flash-update-1-3-october-2022>; *Haiti – Complex Emergency*, USAID (Sep. 30, 2022), [https://www.usaid.gov/sites/default/files/documents/2022-09-30\\_USAID-BHA\\_Haiti\\_Complex\\_Emergency\\_Fact\\_Sheet\\_7.pdf](https://www.usaid.gov/sites/default/files/documents/2022-09-30_USAID-BHA_Haiti_Complex_Emergency_Fact_Sheet_7.pdf); see also Lawler, *supra* note 23; *Soaring violence, fuel crisis and a cholera outbreak: Haiti in the grip of a “humanitarian catastrophe,” supra* note 52.

<sup>294</sup> See, e.g., Mérancourt, Cho & Coletta, *supra* note 8; Sanon, *supra* note 292 (one Port-au-Prince resident reported that “sewage-contaminated waters that ran through a nearby ravine . . . [were] the only source of water for hundreds in that area”); *Misery deepens in Haiti as unrest rages and water shortages bite, supra* note 293 (reporting that according to one Port-au-Prince resident, “[f]inding clear water “is a problem. We look for it everywhere and we can’t find it. We put Clorox in the water to be able to drink it, you can’t find water,” he said.”).

<sup>295</sup> See *Haiti: Urgently Address Cholera Outbreak, supra* note 160 (“[C]holera transmission is closely linked to inadequate access to clean water and sanitation facilities.”).

<sup>296</sup> The lack of access to clean water and sanitation increases exposure to waterborne diseases, including cholera. See *Haiti secures \$4.5 million from LDCF towards improved water management*, GEF (Oct. 18, 2022), <https://www.thegef.org/newsroom/news/haiti-secures-4-5-million-ldcf-towards-improved-water-management>; see further *infra* note 316.

<sup>297</sup> See *Haiti secures \$4.5 million from LDCF towards improved water management, supra* note 296.

<sup>298</sup> See UN General Assembly (UNGA), *New Approach to Cholera in Haiti*, UN Doc. A/71/895 (May 3, 2017), <https://undocs.org/Home/Mobile?FinalSymbol=A%2F71%2F895&Language=E&DeviceType=Desktop&LangRequested=False> (the UN’s New Approach to Cholera included a promise “to support Haiti in overcoming the epidemic and building sound water, sanitation and health systems”); *Haiti*, WHO UNICEF, <https://washdata.org/data/household#!/hti> (last visited Dec. 8, 2022) (between 2015 and 2020, the latest available data, access to clean water and basic sanitation remained virtually unimproved).

<sup>299</sup> See *Haiti secures \$4.5 million from LDCF towards improved water management, supra* note 296 (discussing the effects of increased rainfall variability, high deforestation rates, and unsustainable farming practices on the landscape’s capacity to capture water). For an in-depth discussion of environmental factors contributing to Haiti’s current water crisis, see Conrad Fox, *Haiti: An island nation whose environmental troubles only begin with water*, MONGABAY (Sep. 28, 2022), <https://news.mongabay.com/2022/09/haiti-an-island-nation-whose-environmental-troubles-only-begin-with-water/>.

<sup>300</sup> The Integrated Food Security Phase Classification (IPC) defines “acute hunger” as “food deprivation that threatens lives or livelihoods, regardless of the causes, context or duration.” Within that classification, the 1.8 million Haitians experiencing a “food emergency” either “[h]ave large food consumption gaps which are reflected in very high acute malnutrition and excess mortality; or [a]re able to mitigate large food consumption gaps but only by employing emergency livelihood strategies and asset liquidation.” See IPC, *Understanding the IPC Scales*,

[https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/communication\\_tools/brochures/IPC\\_Brochure\\_Understanding\\_the\\_IPC\\_Scales.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/communication_tools/brochures/IPC_Brochure_Understanding_the_IPC_Scales.pdf); *Nearly half the people in Haiti don’t have enough to eat and cholera makes it worse*, NPR (Oct 2022), <https://www.npr.org/2022/10/19/1129846184/nearly-half-the-people-in-haiti-dont-have-enough-to-eat-and-cholera-makes-it-wor>; UN Humanitarian, *supra* note 23.

<sup>301</sup> See Emma Kelly, *Violence in Haiti: “We are live, but we are not living,”* CONCERN USA (Oct. 7, 2022), <https://www.concernusa.org/story/violence-in-haiti-port-au-prince/>; see further *infra* Section I.

<sup>302</sup> See *Gang violence, inflation, food insecurity deepen Haiti crisis*, ABC NEWS (Jul. 2022), <https://abcnews.go.com/International/gang-violence-inflation-food-insecurity-deepen-haiti-crisis/story?id=86941317>; *This country is not able to feed itself: Inside Haiti’s spiraling crisis*, CNN (Aug. 9, 2022), <https://www.cnn.com/videos/tv/2022/08/09/amanpour-haiti-gang-violence-jean-martin-bauer-wfp-food-insecurity.cnn>; see also *Haiti: Urgently Address Cholera Outbreak, supra* note 160 (across Haiti, “nearly 100,000 children under age five suffer from severe acute malnutrition”).

<sup>303</sup> See Sanon, *supra* note 292.

<sup>304</sup> The IPC classifies these residents as having “an extreme lack of food and/or other basic needs even after full employment of coping strategies,” with “[s]tarvation, death, destitution and extremely critical acute malnutrition levels . . . evident.” See *Nearly half the people in Haiti don’t have enough to eat and cholera makes it worse, supra* note 300; *‘Catastrophic’ hunger recorded in Haiti for first time, UN warns, supra* note 353.

<sup>305</sup> See, e.g., Edith Lederer, *New Report: A record 4/7 million Haitians face acute hunger*, ABC NEWS (Oct. 14, 2022), <https://abcnews.go.com/US/wireStory/report-record-47-million-haitians-face-acute-hunger-91533066> (quoting UN deputy spokesperson attributing harvest losses to below average rainfall, 2021 earthquake and violence); Brian Ellsworth, *Haiti Gang Blockade Is Causing Catastrophic Hunger, U.N. Officials Say*, Reuters, <https://www.reuters.com/world/americas/un-world-food-programme-haiti-facing-humanitarian-catastrophe-2022-10-14/>; *Haiti : des crises multiples et la montée de la violence des gangs vont aggraver la faim, alerte le* 36

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PAM, UN NEWS (Jul. 12, 2022), <https://news.un.org/fr/story/2022/07/1123552>; Harold Isaac & Brian Ellsworth, *Gang violence traps thousands in town near Haiti's capital*, REUTERS (Jul. 12, 2022), <https://www.reuters.com/world/americas/gang-violence-haitian-capital-cuts-off-food-aid-un-says-2022-07-12/> (“Gun battles between rival Haitian gangs near the capital Port-au-Prince have left thousands trapped in a small coastal town without access to water, food or medical care.”); *Gang violence exacerbates food crisis in Haiti, says WFP*, GAZETTE HAITI (Jul. 2022), <https://www.gazettehaiti.com/node/7602>; Francklyn B Geffrard, *Haiti: Multiple crises and rising gang violence will worsen hunger, warns WFP*, RHINEWS (Jul. 2022), <https://www.rhinews.com/actualites/haiti-des-crisis-multiples-et-la-montee-de-la-violence-des-gangs-vont-aggraver-la-faim-alerte-le-pam/>; OCHA, *supra* note 23 (“Access to vulnerable populations continues to be affected, a persistent challenge over the past year that has severely hindered the delivery of humanitarian assistance to communities in southern Haiti devastated by the earthquake on 14 August 2021.”).

<sup>306</sup> See *Hunger to worsen in Haiti as gang violence escalates, UN warns*, AL JAZEERA (Jul. 12, 2022), <https://www.aljazeera.com/news/2022/7/12/hunger-to-worsen-in-haiti-as-gang-violence-escalates-un-warns>; OCHA, *supra* note 42; UN Humanitarian, *supra* note 23 (“Gangs control the main road to Haiti’s southern departments, which were struck by a devastating earthquake in August 2021, making it impossible to reach affected people by road.”).

<sup>307</sup> See Taylor, *supra* note 2.

<sup>308</sup> See Lederer, *supra* note 305; Anne Myriam Bolivar, *Pig Farmers Face Off Against Deadly Virus*, GLOBAL PRESS JOURNAL (Aug. 15, 2022), <https://globalpressjournal.com/americas/haiti/pig-farmers-face-off-deadly-virus/>; *Haiti – Agriculture : Insécurité alimentaire de Crise et de Stress dans la plupart des régions*, HAITI LIBRE (Jun. 21, 2022), <https://www.haitilibre.com/article-36966-haiti-agriculture-insecurite-alimentaire-de-crise-et-de-stress-dans-la-plupart-des-regions.html>.

<sup>309</sup> See Delva & Moloney, *supra* note 288.

<sup>310</sup> See *id.*

<sup>311</sup> See *Nearly half the people in Haiti don't have enough to eat and cholera makes it worse*, *supra* note 300.

<sup>312</sup> See Sandra Wisner, *The International Community Must Own Its Role in Haiti's Food Crisis*, NEW HUMANITARIAN (Sep. 14, 2022), <https://www.thenewhumanitarian.org/opinion/2022/09/14/Haiti-food-crisis-international-aid>.

<sup>313</sup> See *The fight against food insecurity in the Caribbean*, JAMAICA OBSERVER (Jun. 22, 2022), <https://www.jamaicaobserver.com/business/the-fight-against-food-insecurity-in-the-caribbean/>; *Haiti : des crises multiples et la montée de la violence des gangs vont aggraver la faim, alerte le PAM*, *supra* note 305.

<sup>314</sup> Cholera Communiqué #1, Ministère de la Santé Publique et de la Population (Oct. 1, 2022), <https://www.mspp.gouv.ht/wp-content/uploads/Cholera-communique-1-.pdf>; Mérancourt, Cho & Coletta, *supra* note 8 (reporting that the resurgence stoked “fear of an outbreak as widespread gang control over vast swaths of the country hinders access to fuel, clean drinking water and medical care”).

<sup>315</sup> See Harold Isaac & Brian Ellsworth, *Cholera kills at least seven in Haiti as disease returns*, REUTERS (Oct. 2, 2022), <https://www.reuters.com/business/healthcare-pharmaceuticals/haiti-confirms-case-cholera-is-investigating-suspect-cases-2022-10-02/>.

<sup>316</sup> See *Haiti*, WHO UNICEF, *supra* note 298.

<sup>317</sup> See *Haiti: Urgently Address Cholera Outbreak*, *supra* note 160 (“Lack of access to clean water and sanitation, pervasive food insecurity, and inadequate health care create perfect conditions for a dangerous cholera outbreak.”); *Soaring violence, fuel crisis and a cholera outbreak: Haiti in the grip of a “humanitarian catastrophe,”* *supra* note 52 (“Now amid an almost complete lack of basic services, including functioning health centres, access to safe drinking water, sanitation facilities and refuse collection, a cholera outbreak is threatening the health and lives of millions of already vulnerable and impoverished people.”).

<sup>318</sup> See *Haiti: Urgently Address Cholera Outbreak*, *supra* note 160; see further *supra* notes 314–324.

<sup>319</sup> See *Haitians are coming together to tackle the cholera crisis’: A UN Resident Coordinator Blog*, UN NEWS (Oct. 25, 2022), <https://news.un.org/en/story/2022/10/1129847>; Stewart, *supra* note 281 (as of late November, Médecins Sans Frontières (MSF) facilities were receiving approximately 270 cholera patients each day).

<sup>320</sup> See *Cholera in Hispaniola – Risk assessment*, PAN AMERICAN HEALTH ORGANIZATION (PAHO) (Nov. 30, 2022), <https://www.paho.org/en/documents/cholera-hispaniola-risk-assessment>.

<sup>321</sup> See *Haiti: Urgently Address Cholera Outbreak*, *supra* note 160; *Cholera outbreak in Haiti hits over 1,700 suspected cases – half of them children*, UNICEF (Oct. 24, 2022), <https://www.unicef.org/press-releases/cholera-outbreak-haiti-hits-over-1700-suspected-cases-half-them-children>.

<sup>322</sup> See Evens Sanon & Dánica Coto, *UN: Children in Haiti hit by cholera as malnutrition rises*, AP NEWS (Nov. 23, 2022), <https://apnews.com/article/health-caribbean-united-nations-port-au-prince-haiti-e5a94068b1c574f994092cba0ad38c53>. This makes children, who have high rates of malnutrition, particularly vulnerable. See further *supra* Section IV.

<sup>323</sup> Stewart, *supra* note 281 (reporting that all six MSF treatment centers are nearly full); Luke Taylor, *Haiti's cholera treatment centres are overwhelmed as cases surge*, BMJ (Nov. 23, 2022), <https://www.bmj.com/content/379/bmj.o2831>.

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<sup>324</sup> See *Broken UN Promises Lead to Haiti Cholera Resurgence*, IJDH (Oct. 11, 2022), [http://www.ijdh.org/press\\_release/broken-un-promises-lead-to-haiti-cholera-resurgence/](http://www.ijdh.org/press_release/broken-un-promises-lead-to-haiti-cholera-resurgence/); *Haiti: Urgently Address Cholera Outbreak*, *supra* note 160.

<sup>325</sup> See, e.g., *Yon gwoup pwofesyonèl la sante an Ayiti lanse petisyon pou mande doktè Ariel Henry kite pouwva a*, ALTERPRESSE (Sep. 22, 2022), <https://www.alterpresse.org/spip.php?article28639> (reporting on healthcare professionals joining the nationwide call for de facto Prime Minister Henry to step down, citing profound insecurity and lack of resources that impedes their work); see also Emmanuel Moïse Yves, *Des équipements ont mystérieusement disparu dans un hôpital à Aquin*, AYIBO POST (Jun. 2, 2022), <https://ayibopost.com/des-equipements-ont-mysterieusement-disparu-dans-un-hopital-a-aquin/> (reporting that a hospital administrator in Aquin admitted to misappropriating hospital equipment, claiming he was directed to do so by the Departmental Health Directorate).

<sup>326</sup> See *Grève des résidents 1 à l'Hôpital universitaire de La Paix*, LE NOUVELLISTE (Aug. 8, 2022), <https://lenouvelliste.com/alamminute/22818/ greve-des-residents-1-a-lhopital-universitaire-de-la-paix>.

<sup>327</sup> See Mikaël Ponge, *Haïti: la mauvaise gestion financière du Covid*, RFI (Jun. 13, 2022), <https://www.rfi.fr/fr/podcasts/journal-d-ha%C3%AFti-et-des-am%C3%A9riques/20220613-ha%C3%AFti-la-mauvaise-gestion-financi%C3%A8re-du-covid>.

<sup>328</sup> See Emmanuel Moïse Yves, *Des centaines de chèques non reçus dans la lutte contre le Covid-19 en Haïti*, AYIBO POST (Jun. 2, 2022), <https://ayibopost.com/des-centaines-de-cheques-non-recus-dans-la-lutte-contre-le-covid-19-en-haiti/>.

<sup>329</sup> See *Haiti hospitals prepare to close as gangs blockade fuel supplies*, *supra* note 246 (in late September, “[h]ospitals that rely on fuel-powered generators for electricity in Haiti’s capital . . . warned they could be forced to close”); *Haïti-Crise : L’approvisionnement des hôpitaux en carburant, la plus grande urgence pour sauver des vies, alerte la Croix-Rouge Haïtienne*, ALTERPRESSE (Oct. 20, 2022),

<https://www.alterpresse.org/spip.php?article28730> (reporting that the Haitian Red Cross warned that “the supply of diesel to hospitals currently poses the greatest barrier to saving lives in Haiti”); *Les hôpitaux en état d’alerte maximale*, LE NOUVELLISTE (Oct. 13, 2022), <https://lenouvelliste.com/article/238524/haiti-les-hopitaux-en-etat-dalerte-maximale> (reporting that some hospitals are “requiring patients to bring their own fuel for surgeries”); *Haiti is facing a major health disaster*, MSF (Oct. 21, 2022), <https://www.doctorswithoutborders.org/latest/haiti-facing-major-health-disaster> (MSF reports that the organization “will not be able to operate our medical facilities for more than a few weeks if we do not have access to fuel. In addition, medical equipment, which we also need to continue to treat cholera cases and provide care, is currently blocked at the port.”); see also J.O. Haselfhoef, *Healthcare in Haiti suffering from gang problem too, survey shows*, HAITIAN TIMES (Jul. 6, 2022), <https://haitiantimes.com/2022/07/06/healthcare-in-haiti-suffering-from-gang-problem-too-survey-shows/> (“A recent survey of 211 facility members active in the Haiti Health Network found that insecurity and violence have changed the work habits of its 5,000 healthcare workers and the daily lives of the 3.4 million people they serve across the country. From how medicine is trucked to a hospital to where a mother delivers her baby — the violence has affected all levels of healthcare service.”).

<sup>330</sup> See, e.g., *Lives being lost in Haiti as life-saving health services risk coming to “standstill,”* *supra* note 223 (according to the UN, the fuel shortage has affected three-quarters of Haiti’s major hospitals: “Some hospitals are unable to admit new patients and are preparing to close. Providing sterile conditions for medical interventions is becoming more challenging and conserving vaccines due to the disruption to cold-chain facilities has become problematic.”).

<sup>331</sup> See, e.g., Stefan Anderson, *Hospitals in Haiti Facing Shutdown as Cholera Threat Escalates*, HEALTH POLICY WATCH (Oct. 21, 2022), <https://healthpolicy-watch.news/hospitals-in-haiti-facing-shutdown-as-cholera-threat-escalates/>; *Haiti hospitals prepare to close as gangs blockade fuel supplies*, *supra* note 246; Isaac & Ellsworth, *supra* note 5.

<sup>332</sup> See Haselfhoef, *supra* note 329.

<sup>333</sup> See *id.*; *Haiti – News : Zapping...*, HAITI LIBRE (Aug. 3, 2022), <https://www.haitilibre.com/en/news-37313-haiti-news-zapping.html> (reporting the deployment of two new “mobile clinics in . . . Cité Soleil to provide medical care to more than 500 people, the majority of whom are women and children”).

<sup>334</sup> See *Lives being lost in Haiti as life-saving health services risk coming to “standstill,”* *supra* note 223; Haselfhoef, *supra* note 329 (reporting that suppliers are no longer able to truck supplies to hospitals “without paying a fee to gangs for passage” and that health providers had not been transporting supplies “for about a year or so”); *Haiti - Drama : Oxygen shortage announced in hospitals, patients on borrowed time*, HAITI LIBRE (Oct. 23, 2022), <https://www.haitilibre.com/en/news-37954-haiti-drama-oxygen-shortage-announced-in-hospitals-patients-on-borrowed-time.html> (reporting that blockages at the port have impacted oxygen supply to the General Hospital – which estimated on October 23 that it had enough oxygen for one to two weeks – and University Hospital, while the fuel shortage has prevented oxygen concentrators from producing oxygen at the Saint-Luc and Saint-Damien Foundation and other hospitals).

<sup>335</sup> See Haselfhoef, *supra* note 329 (reporting that many health centers have resorted to using expensive barges<sup>38</sup> transport supplies as gangs block key routes).

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<sup>336</sup> See *Lives being lost in Haiti as life-saving health services risk coming to “standstill,” supra* note 223; Haselthoef, *supra* note 329 (according to the Haiti Health Network, “people further out [from Port-au-Prince] are suffering incredibly, because they’re just cut off”); *Haiti is facing a major health disaster, supra* note 329.

<sup>337</sup> See *Affrontements entre gangs à Cité Soleil: la terreur atteint son comble*, LE NOUVELLISTE (Jul. 12, 2022), <https://lenouvelliste.com/article/236969/affrontement-entre-gangs-a-cite-soleil-la-terreur-atteint-son-comble> (reporting that people injured in the gang wars are often trapped).

<sup>338</sup> See Haselthoef, *supra* note 329. A recent study of healthcare providers in Haiti found that “more than 95% of respondents reported gang activity, violence or threats of kidnapping led to changing travel policies and travel patterns in their organization. And 65% of facilities reported that violent conditions led to employees leaving the country.” *Id.*

<sup>339</sup> See, e.g., Garry Pierre-Pierre, *With school closures, Haiti is losing entire generations*, HAITIAN TIMES (Oct. 24, 2022), <https://haitiantimes.com/2022/10/24/with-school-closures-haiti-is-losing-entire-generations-opinion/> (journalist Garry Pierre-Pierre describes a “dysfunctional school system . . . mired in poverty and chaos . . . [that] has been backsliding for generations as people migrate out of the country”); see also Jacqueline Charles, *Haiti’s brain drain: Educated youth are leaving the country as fast as they can*, MIAMI HERALD (Jul. 1, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article262027777.html> (reporting that the lack of education and employment opportunities in Haiti contribute significantly to the phenomenon known as “brain drain,” wherein most young Haitians emigrating “were those who had at least some secondary education and more”); *Increase in violence and resurgence of cholera in Haiti may leave more than 2.4 million children unable to return to school, supra* note 246 (reporting that in September and October, 27 schools were attacked and looted by armed groups, which occupy nearly one in four schools).

<sup>340</sup> See *Increase in violence and resurgence of cholera in Haiti may leave more than 2.4 million children unable to return to school, supra* note 246.

<sup>341</sup> See Murdith Joseph, *School fail: Parents in Haiti keep children home amid violence, Part 1*, HAITIAN TIMES (Oct. 5, 2022), <https://haitiantimes.com/2022/10/05/school-fail-part-1/> (reporting that parents were unwilling to send their children back to school on October 3 because they could not do so safely).

<sup>342</sup> See @madanboukman, TWITTER (Nov. 26, 2022, 12:07 PM), <https://twitter.com/madanboukman/status/159655111112286208?s=51&t=-vCt1yR9q1EcXulNA-S2AA>. As of December 6, 53 percent of schools were open. See *53% d’écoles ont fonctionné sur le territoire national, selon le ministère de l’éducation nationale*, LE NOUVELLISTE (Jun. 12, 2022), <https://lenouvelliste.com/article/239342/53-decoles-ont-fonctionne-sur-le-territoire-national-selon-le-ministere-de-leducation-nationale>.

<sup>343</sup> See Pierre Philor Saint-Fleur, *Insecurity: Stop of activities at the Faculty of Sciences of the UEH*, ZOOM HAITI NEWS (Jul. 2022), <https://zoomhaitinews.com/insecurite-arret-des-activites-a-la-faculte-des-sciences-de-lueh/> (reporting that the Faculty of Sciences of the State University of Haiti suspended activities in July); *Haiti – News: Zapping...*, HAITI LIBRE (Aug. 4, 2022), <https://www.haitilibre.com/en/news-37321-haiti-news-zapping.html> (reporting that classes at the General of the National School of Arts were been suspended in August).

<sup>344</sup> See Molière Adely, *A cause de l’insecurité en Haïti, des centres culturels ne peuvent plus fonctionner*, AYIBO POST (Jul. 23, 2022), <https://ayibopost.com/a-cause-de-linsecurite-en-haiti-des-centres-culturels-ne-peuvent-plus-fonctionner/>.

<sup>345</sup> See *One year after devastating earthquake, more than 250,000 children in southwest Haiti do not have access to adequate schools – UNICEF*, UNICEF (Aug. 17, 2022), <https://www.unicef.org/lac/en/press-releases/one-year-after-devastating-earthquake-more-250%2C000-children-do-not-have-access-to-adequate-schools-in-haiti#:~:text=Download%20multimedia%20package%20here..adequate%20schools%2C%20UNICEF%20warne d%20today> (reporting that as of August 16, over 250,000 children – more than half of those impacted by the earthquake – still lacked access to adequate schools because lack of funding and insecurity has delayed reconstruction).

<sup>346</sup> School fees for private schools – which make up the vast majority of Haiti’s education system, range from USD \$300 to \$1,000 per school year. Public schools cost less, but are still not free. See Joseph, *supra* note 341 (“Parents say the lack of labor-intensive work programs, a government traditional offering to subsidize schools and support families, has crushed the last hope they had for cash before school starts.”).

<sup>347</sup> See WGVAW Submission Re Gender and Poverty, *supra* note 188.

<sup>348</sup> See Jacqueline Charles, *U.S. senators urge Biden to expand TPS to more Haitians as crisis escalates in homeland*, MIAMI HERALD (Oct. 26, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article267867062.html> (reporting that U.S. lawmakers urged the Biden administration to “expand and extend immigration protections for Haitians in the United States as Haiti’s ongoing civil unrest, gang violence and kidnappings force thousands to leave”).

<sup>349</sup> See, e.g., *USA: Torture and other ill-treatment of Haitian asylum seekers is rooted in anti-Black racism*, AMNESTY INTERNATIONAL (Sep. 22, 2022), <https://www.amnesty.org/en/latest/news/2022/09/usa-torture-haitian-asylum-seekers-anti-black-racism/>.

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<sup>350</sup> See Julia Ainsley, *With a possible surge of Haitian migrants ahead, the Biden admin is weighing holding them in a third country or at Guantanamo*, NBC NEWS (Oct. 30, 2022),

<https://www.nbcnews.com/politics/immigration/possible-surge-haitian-migrants-ahead-biden-admin-weighs-holding-third-rcna54610>; USA: *Biden administration must not detain Haitian asylum seekers at Guantánamo*, AMNESTY INTERNATIONAL (Nov. 1, 2022), <https://www.amnesty.org/en/latest/news/2022/11/usa-biden-administration-haitians-asylum/>.

<sup>351</sup> See *DR expels up to 700 Haitians daily, vows to return even more*, HAITIAN TIMES (Nov. 16, 2022), <https://haitiantimes.com/2022/11/16/dr-expels-up-to-700-haitians-daily-vows-to-return-even-more/>; *Dominican Republic steps up Haitian deportations, raising tensions*, REUTERS (Nov. 16, 2022),

<https://www.reuters.com/world/americas/dominican-republic-steps-up-haitian-deportations-raising-tensions-2022-11-16/>; Megan Janetsky, *UNICEF says the Dominican Republic has expelled 1,800 children back to Haiti*, PBS (Nov. 23, 2022), [https://www.pbs.org/newshour/world/unicef-says-the-dominican-republic-has-expelled-1800-children-back-to-](https://www.pbs.org/newshour/world/unicef-says-the-dominican-republic-has-expelled-1800-children-back-to-haiti#:~:text=Authorities%20say%20they%20deported%2043%2C900.up%20by%20about%2050%20percent.)

[haiti#:~:text=Authorities%20say%20they%20deported%2043%2C900.up%20by%20about%2050%20percent.](https://www.pbs.org/newshour/world/unicef-says-the-dominican-republic-has-expelled-1800-children-back-to-haiti#:~:text=Authorities%20say%20they%20deported%2043%2C900.up%20by%20about%2050%20percent.)

<sup>352</sup> See, e.g., *Boat carrying Haitian migrants capsizes off Bahamas, 17 dead*, DW (Jul. 25, 2022),

<https://www.dw.com/en/boat-carrying-haitian-migrants-capsizes-off-bahamas-17-dead/a-62581255#:~:text=The%20bodies%20of%2017%20people,the%20coast%20of%20the%20Bahamas.&text=A%20boat%20carrying%20dozens%20of%2017%20people%20dead%2C%20authorities%20said>; Syra Ortiz-Blanes & Jacqueline Charles, *Five Haitian migrants are dead in another migrant boat incident, this one near Puerto Rico*,

MIAMI HERALD (Jul. 28, 2022), <https://www.miamiherald.com/news/local/immigration/article263913396.html>;

Syra Ortiz-Blanes, *'Typically it doesn't end well.' The seas migrants cross aren't safe. Neither are the boats.*, MIAMI HERALD (Jul. 26, 2022), <https://www.miamiherald.com/news/local/immigration/article263784198.html> (reporting that many of the boats used by Haitian migrants “don't have safety equipment, are not prepared for the sea or the weather”).

<sup>353</sup> The U.S. Coast Guard interdicted 7,137 Haitians at sea between October 1, 2021 and September 1, 2022, compared to 1,527 in all of fiscal year 2021 and just 418 in fiscal year 2020. See Tom Ricker, *Between Del Rio and the deep blue sea*, QUIXOTE CENTER (Sep. 9, 2022), <https://quixote.org/posts/between-del-rio-and-the-the-deep-blue-sea>; *Coast Guard repatriates 83 Haitians to Haiti*, COAST GUARD NEWS (Sep. 1, 2022), <https://coastguardnews.com/coast-guard-repatriates-83-haitians-to-haiti/>; see also David Goodhue, Gwen Filosa & Jacqueline Charles, *More than 150 migrants on an overloaded sailboat grounded off Miami-Dade, Coast Guard says*, MIAMI HERALD (Jul. 24, 2022), <https://www.miamiherald.com/news/local/community/florida-keys/article263686918.html> (describing it as “the largest maritime exodus from Haiti in two decades”); Charles, *supra* note 339 (reporting in July that over 6,000 Haitians had escaped the country on boats aimed for Florida and Puerto Rico over the past few months); Joseph Gedeon, *Haitians want a 'Haitian-led solution,'* POLITICO (Nov. 4, 2022), <https://www.politico.com/newsletters/the-recast/2022/11/04/haiti-immigration-biden-administration-00065196>; *Dozens of Haitian migrants were rescued while trying to reach the Florida Keys*, NPR (Nov. 22, 2022), <https://www.npr.org/2022/11/22/1138555844/dozens-of-haitian-migrants-were-rescued-while-trying-to-reach-the-florida-keys>.

<sup>354</sup> See, e.g., Ortiz-Blanes & Jacqueline Charles, *supra* note 352.

<sup>355</sup> See, e.g., Jacqueline Charles, *Bahamas police: Captain in Haitian migrant boat tragedy previously convicted in U.S., Cuba*, MIAMI HERALD (Jul. 27, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article263873812.html>.

<sup>356</sup> See, e.g., Emmanuel Marino Bruno, *Haiti-Migration: L'OPC appelle à la cessation des déportations massives d'Haïtiens de la région des Amériques*, ALTERPRESSE (Jun. 20, 2022), <https://www.alterpresse.org/spip.php?article28408> (citing a position paper by the Haiti Office for the Protection of the Citizen (OPC) calling for “the support and solidarity of the international community, particularly the countries of the region”); “*Returning to Haiti means death*,” MSF (Aug. 12, 2022), <https://www.doctorswithoutborders.org/latest/returning-haiti-means-death> (documenting the life-threatening conditions Haitians face en route to seek asylum in the United States and if returned, while concluding that “[n]o country should be sending people back to Haiti. The US must permanently end all deportation flights and further facilitate access to asylum processes for Haitians.”); *UNHCR calls on states to refrain from forced returns of Haitians*, UNHCR (Nov. 3, 2022), <https://www.unhcr.org/en-us/news/press/2022/11/6363acd64/unhcr-calls-states-refrain-forced-returns-haitians.html>; *Haiti: International community must act now to avert tragedy – Türk*, OHCHR (Nov. 3, 2022), <https://www.ohchr.org/en/press-releases/2022/11/haiti-international-community-must-act-now-avert-tragedy-turk>; *Haiti: Urgently Address Cholera Outbreak*, *supra* note 160; *Senator Markey, colleagues urge TPS extension and redesignation for Haiti as gang violence, civil unrest force thousands to leave*, ED MARKEY (Oct. 26, 2022), <https://www.markey.senate.gov/news/press-releases/senator-markey-colleagues-urge-tps-extension-and-redesignation-for-haiti-as-gang-violence-civil-unrest-force-thousands-to-leave>; *Haiti – Justice : 422 advocacy groups call on Biden to stop deportations to Haiti and redesignate TPS*, HAITI LIBRE (Nov. 28, 2022), <https://www.haitilibre.com/en/news-38242-haiti-justice-422-advocacy-groups-call-on-biden-to-stop-deportations-to-haiti-and-redesignate-tps.html>.



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<sup>357</sup> See, e.g., USA: Torture and other ill-treatment of Haitian asylum seekers is rooted in anti-Black racism, *supra* note 349 (discussing how U.S. immigration policies toward Haitian asylum seekers are rooted in racism); Statement attributable to UN High Commissioner for Refugees Filippo Grandi on the need to end US COVID-19 asylum restrictions, UNHCR (May 20, 2021), <https://www.unhcr.org/news/press/2021/5/60a687764/statement-attributable-un-high-commissioner-refugees-filippo-grandi-need.html>; Robert F. Kennedy Human Rights, Beyond the Bridge (2022), <https://rfkhr.imgix.net/asset/Del-Rio-Report.pdf>. In November, a U.S. federal district court deemed the Title 42 policy illegal and prohibited its continued implementation. It gave the Biden administration until December 21 to stop using the policy. However, a separate decision by a different federal district judge in May enjoined the Biden administration's plan to end Title 42, leaving uncertainty as to whether the policy will actually be ended. Catherine Shoichet, *What is Title 42, and what happens now that a federal judge has blocked it?*, CNN (Nov. 16, 2022), <https://www.cnn.com/2022/11/16/politics/title-42-blocked-whats-next-explainer-cec/index.html>; Maria Sacchetti, *Federal judge blocks Biden administration from ending Title 42*, WASHINGTON POST (May 20, 2022), <https://www.washingtonpost.com/national-security/2022/05/20/title-42-asylum-border/>.

<sup>358</sup> See Advocates tracking expulsion flights reported six flights in June, two in July, three in August, one in September, and none since. *ICE Air to Haiti – Mass Expulsion Flight Data*, Google Sheet, [https://docs.google.com/spreadsheets/d/1mvPiOvISRYTNEg7Mzk7nmZsk3PG0\\_jw4y8XVJ3oDMms/edit#gid=0](https://docs.google.com/spreadsheets/d/1mvPiOvISRYTNEg7Mzk7nmZsk3PG0_jw4y8XVJ3oDMms/edit#gid=0). US Customs and Border Protection reported expelling 3,420 Haitians in May 2022, 18 in June, and 30 in July. These numbers also correspond to an increase in the application of Title 42 exemptions to Haitians at the border in June and July. *Southwest Land Border Encounters*, CUSTOMS AND BORDER PATROL, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited Dec. 8, 2022).

<sup>359</sup> See Rafael Bernal, *Biden administration extends immigration protection for Haitians*, THE HILL (Dec. 5, 2022), <https://thehill.com/latino/3762913-biden-administration-extends-immigration-protections-for-haitians/>.

<sup>360</sup> See Jacqueline Charles, *Why some Haitian boat refugees are allowed into the U.S. and others are sent back*, MIAMI HERALD (Aug. 11, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article264338276.html>; see also David Goodhue & Jacqueline Charles, *'This is obscene.' Haitians angered by babies being sent back after reaching Keys on boat*, MIAMI HERALD (Nov. 25, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article269227327.html> (reporting that “190 individuals — 89 men, 55 women and 46 children — were returned to Haiti” after reaching the Florida keys in a sailboat on November 21); David Goodhue, Jacqueline Charles & Syra Ortiz-Blanes, *Babies rescued from a migrant boat in trouble in rough seas off the Florida Keys*, MIAMI HERALD (Nov. 22, 2022), <https://www.miamiherald.com/news/local/community/florida-keys/article269033857.html>.

<sup>361</sup> See, e.g., *Do Not Send Haitians or Other Displaced People to Detention at Guantánamo Bay*, ADVOCATES FOR HUMAN RIGHTS (Nov. 4, 2022), <https://www.theadvocatesforhumanrights.org/News/A/Index?id=332>.

<sup>362</sup> See USA: *Biden administration must not detain Haitian asylum seekers at Guantánamo*, *supra* note 350; Marcela García, *Biden's purported plan to send Haitian asylum seekers to Guantánamo is racist history repeating itself*, BOSTON GLOBE (Nov. 4, 2022), <https://www.bostonglobe.com/2022/11/04/opinion/bidens-purported-plan-send-haitian-asylum-seekers-guantnamo-is-racist-history-repeating-itself/>; Letter from 289 civil society organizations to President Biden (Nov. 4, 2022), available at <https://www.nilc.org/wp-content/uploads/2022/11/Letter-in-response-to-NBC-news-re-Haitian-Refugees-pdf> (civil society organizations expressed concern about repeating indefinite detention and inhumane conditions to which Haitians held at Guantánamo Bay in the 1990s were subjected).

<sup>363</sup> See *DR expels up to 700 Haitians daily, vows to return even more*, *supra* note 351.

<sup>364</sup> *Id.*

<sup>365</sup> Comment by UN High Commissioner for Human Rights Volker Turk on deportation of Haitians from Dominican Republic, OHCHR (Nov. 10, 2022), <https://www.ohchr.org/en/press-releases/2022/11/comment-un-high-commissioner-human-rights-volker-turk-deportation-haitians>; see also *Des organisations en République dominicaine dénoncent 'la violence raciste' envers les haïtiens*, GAZETTE HAITI (Jun. 1, 2022), <https://gazettehaiti.com/node/7163> (reporting that 27 organisations in the Dominican Republic have denounced their government's “racist violence” towards Haitian nationals); Bruno, *supra* note 356 (reporting that Haiti's OPC called on the Dominican government to halt deportations in June).

<sup>366</sup> See *Dominican Republic steps up Haitian deportations, raising tensions*, *supra* note 351.

<sup>367</sup> See *Des organisations en République dominicaine dénoncent 'la violence raciste' envers les haïtiens*, *supra* note 365.

<sup>368</sup> See, e.g., Emmanuel Marino Bruno, *Haiti-Criminalite : Assassinat d'un Haïtien en République Dominicaine, par 7 personnes, dont 3 militaires dominicains*, ALTERPRESSE (Jun. 14, 2022), <https://www.alterpresse.org/spip.php?article28392>.

<sup>369</sup> Alert: *Ongoing Dominican Migration Enforcement*, U.S. Embassy in the Dominican Republic, <https://do.usembassy.gov/alert-ongoing-dominican-migration-enforcement/> (last visited Dec. 8, 2022).

<sup>370</sup> See, e.g., *Human Rights Defenders Condemn Mass Deportations of Haitians*, TELESUR (Nov. 15, 2022), 41 <https://www.telesurenglish.net/news/Human-Rights-Defenders-Condemn-Mass-Deportations-of-Haitians->

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<https://www.blackagendareport.com/index.php/statement-and-petition-against-inhumane-deportation-haitian-migrants-dominican-republic>.

<sup>371</sup> See, e.g., Adely, *supra* note 171.

<sup>372</sup> See Amy Wilentz, *Will the Haitian Crisis Lead to Yet Another Military Intervention*, THE NATION (Oct. 27, 2022), <https://www.thenation.com/article/world/haiti-gang-violence-un/> (discussing expulsions in the context of Haiti's current crisis: "the Biden administration has, for the most part without congressional hearings or oversight, shipped some 26,000 largely penniless, hungry, and disoriented refugees from the US border to Haiti . . . It's hard to think of a more reprehensible, irresponsible, and inhumane action for a government to take").

<sup>373</sup> See BAI et al., Request for Thematic Hearing on Deportations of Haitian Nationals from the United States to Haiti During the 185<sup>th</sup> Period of Sessions of the inter-American Commission on Human Rights (Aug. 15, 2022), [http://www.ijdh.org/wp-content/uploads/2022/08/2022.08.15\\_Haitian-Deportations-Hrg-Req-US\\_185th-CIDH-POS.pdf](http://www.ijdh.org/wp-content/uploads/2022/08/2022.08.15_Haitian-Deportations-Hrg-Req-US_185th-CIDH-POS.pdf) (*hereinafter* **Request for Thematic Hearing on Deportations**); Adely, *supra* note 171 (reporting that in August, "30 men . . . were immediately imprisoned upon their arrival in Haiti" and that "Haitian authorities have routinely put criminal deportees — immigrants who completed sentences in the U.S. for a wide range of crimes — into prison over the past six months"); Hannan Adely, *'Prison is death': NJ deportees freed from Haitian Jail after suffering deplorable conditions*, NORTH JERSEY (Oct. 27, 2022), <https://eu.northjersey.com/story/news/2022/10/27/haiti-prison-free-patrick-julney-nj-billy-balisage/6959350007/> (reporting that several of the men were released in late October, after a concerted effort from activists and family members, but that as of October 27, at least seventeen men are still believed to be incarcerated).

<sup>374</sup> See Adely, *supra* note 171 (a family friend of an incarcerated returnee describes the prison as "hell on earth"); Adely, *supra* note 167 (reporting that "deportees are paying a disproportionate price for past crimes, condemned to one of the world's most overcrowded prison systems" with advocates fearing "it might be a death sentence"); Request for Thematic Hearing on Deportations, *supra* note 373; see further *supra* Section III.

<sup>375</sup> See Adely, *supra* note 373.

<sup>376</sup> See Adely, *supra* note 167.

<sup>377</sup> See *Statement of the OAS General Secretariat on Haiti*, ORGANIZATION OF AMERICAN STATES (Aug. 8, 2022), [https://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-045/22](https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-045/22) (admitting that "the institutional crisis that Haiti is experiencing right now is a direct result of the actions taken by the country's endogenous forces and by the international community"); *The Crisis in Haiti*, *supra* note 125; Page, *supra* note 17 (Susan Page discusses problematic international aid: "While the United States has not consistently promoted the growth of democratic institutions or equitable development in Haiti, it has provided vast sums of funding and support for wide-ranging governance, humanitarian, and philanthropic 'vanity projects' over the years. Much of that development assistance was not coordinated with other large international or bilateral donors (e.g., the European Union, World Bank, United Nations, and Canada) and failed to consider the Haitian government's or citizens' input in planning, programming, or funding."). The 1825 independence debt unjustifiably extracted by France in exchange for Haiti's freedom and subsequent neocolonial lending agreements are largely to blame for Haiti's entrenched debt and dependence on foreign aid, which in turn makes the country vulnerable to further foreign interference and abuse. See Wisner, *supra* note 15; *The Crisis in Haiti*, *supra* note 125; Marlene L. Daut, *Ce que les Français doivent vraiment à Haïti*, AYIBO POST (Jun. 16, 2022), <https://ayibopost.com/ce-que-les-francais-doivent-vraiment-a-haiti/>; Roromme Chantal, *Haïti : Oui, les États-Unis ont essayé et renversé le président Jean-Bertrand Aristide*, ALTERPRESSE (Jun. 3, 2022), <https://www.alterpresse.org/spip.php?article28356>. International financial institutions continue to exert coercive influence over Haiti by imposing conditions masked as economic policy recommendations on much-needed aid that have immediate and devastating impacts on poor and vulnerable Haitians. The most recent example is an IMF Staff-Monitored Program that requires the removal of fuel subsidies as a precondition to further loans. *En réponse à Antonio Guterres, des organisations haïtiennes pointent du doigt la responsabilité de l'Onu dans la « gangstérisation d'Haïti »*, *supra* note 263; Chéry, *supra* note 263; Shellenberger, *supra* note 6; IMF Staff-Monitored Program, *supra* note 108.

<sup>378</sup> See, e.g., Julia Neusner, *Asylum after Del Rio, Haitian asylum seekers expelled under Title 42 are still suffering*, Human Rights First, <https://humanrightsfirst.org/library/a-year-after-del-rio-haitian-asylum-seekers-expelled-under-title-42-are-still-suffering/>; see further *supra* Section IV.

<sup>379</sup> See Jacqueline Charles, *Haiti's government to ask for international armed forces to help with humanitarian crisis*, MIAMI HERALD (Oct. 7, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article266939521.html> (reporting that Henry requested international military assistance on October 6); Brian Ellsworth & Harold Isaac, *Haiti to Seek a Foreign Armed Force to Combat Gangs, Decree Says*, US NEWS (Oct. 7, 2022), <https://www.usnews.com/news/world/articles/2022-10-07/haiti-to-seek-foreign-military-assistance-to-combat-gangs-newspaper> (reporting that "Haiti's government has

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authorized Prime Minister Ariel Henry to ask the international community for a "specialized armed force" to address a crisis caused by a blockade of the country's main fuel port that has led to crippling shortages").

<sup>380</sup> See *supra* note 18.

<sup>381</sup> See, e.g., Widlore Mérancourt & Amanda Coletta, *The U.N. is mulling another mission to Haiti. Haitians are skeptical.*, WASHINGTON POST (Nov. 12, 2022), <https://www.washingtonpost.com/world/2022/11/12/haiti-cholera-united-nations/> (reporting on opposition to an international force in light of the UN's introduction of cholera to Haiti and its failure to take responsibility for harms caused); Joseph & Concannon, *supra* note 10 (Haitian human rights lawyer Mario Joseph and his U.S. colleague Brian Concannon call the last military intervention "an expensive, deadly failure"); BAI Letter to CARICOM, *supra* note 98 (Haitian human rights law firm BAI denounces the many harms of past interventions as it calls for CARICOM not to support calls for intervention); Pooja Bhatia, *US-Backed Foreign Intervention Has Led to the Disaster in Haiti*, GUARDIAN (Oct. 19, 2022), <https://www.theguardian.com/commentisfree/2022/oct/19/us-backed-foreign-intervention-disaster-haiti-un>; Danticat, *supra* note 21; Letter to President Biden, *supra* note 17.

<sup>382</sup> See UNGA, Implementation of General Assembly Resolution 60/251 of 15 March 2005 Entitled "Human Rights Council," UN Doc. A/HRC/5/NGO/39 (Jun. 7, 2007), <http://www.ijdh.org/wp-content/uploads/2010/02/HRC-Report-on-HR-Abuses-by-UN-peacekeepers.pdf>; Joseph & Concannon, *supra* note 10 ("In one July 2005 attack, 'peacekeepers' sprayed more than 22,000 bullets, 78 grenades and five mortars into the thin-walled and densely packed houses of the Cité Soleil neighborhood. The United Nations claimed that all these bullets killed six gang members. But hospitals and journalists reported that the bullets also killed at least a dozen people who were not gang members, including women and children. MINUSTAH commander Gen. Augusto Heleno later bragged about the extrajudicial executions, proclaiming, 'We must kill the bandits.'").

<sup>383</sup> The UN apologized for its role in the outbreak in 2016, but has not accepted legal responsibility, provided redress to victims, or kept its promises to improve Haiti's WASH infrastructure in order to prevent future outbreaks – like the one happening now. See *10-Year Anniversary of Cholera Introduction in Haiti*, IJDH (Oct. 31, 2020), <https://www.ijdh.org/2020/10/accountability/10-year-anniversary-of-cholera-introduction-in-haiti/>.

<sup>384</sup> See *IJDH Statement: Internal Evaluation of the UN's response to peacekeeper sexual exploitation and abuse*, IJDH, [http://www.ijdh.org/wp-content/uploads/2021/10/IJDH-response-to-2021-OIOS-report\\_16.09.2021.pdf](http://www.ijdh.org/wp-content/uploads/2021/10/IJDH-response-to-2021-OIOS-report_16.09.2021.pdf) (discussing the UN's failure to effectively confront and redress peacekeeper sexual exploitation and abuse); *Leading Women's Rights Advocates Concerned about UN Secretary-General's Appointment*, IJDH (Sep. 1, 2022), [http://www.ijdh.org/press\\_release/leading-womens-rights-advocates-concerned-about-un-secretary-generals-appointment/](http://www.ijdh.org/press_release/leading-womens-rights-advocates-concerned-about-un-secretary-generals-appointment/); *Oxfam criticized over Haiti sex claims*, BBC (Jun. 11, 2019), <https://www.bbc.com/news/uk-48593401> (discussing Oxfam's failure to deal with allegations of sexual exploitation and abuse in Haiti effectively).

<sup>385</sup> See, e.g., *Haitians protest against government call for foreign forces*, *supra* note 102 (reporting that protesters gathering against interference in Haiti's internal affairs said "[w]e certainly need help to develop our country, but we don't need boots [on the ground]," and emphasized that the government has "no legitimacy to ask for military assistance"); *Crise : La demande d'intervention militaire en Haïti, en crime et une trahison, estiment plusieurs organisations*, ALTERPRESSE (Oct. 10, 2022), <https://www.alterpresse.org/spip.php?article28696> (the Military Association of Haiti denounced Henry's call for intervention as "a criminal act and treason"); *Politique : Plusieurs organisations féministes et de femmes s'opposent à la mise en place d'une nouvelle mission de paix des Nations unies en Haïti*, ALTERPRESSE (Jul. 12, 2022), <https://www.alterpresse.org/spip.php?article28458> (Haitian feminist organizations reject intervention and "question the real will of the international community to contribute to resolving the crisis in Haiti"); Eyder Peralta, *Many people living in Haiti are actively resisting international intervention*, NPR (Oct. 27, 2022), <https://www.npr.org/2022/10/27/1132041996/many-people-living-in-haiti-are-actively-resisting-international-intervention>; *Protesters Reject Call for Deployment of Foreign Forces to Haiti*, DEMOCRACY NOW! (Oct. 11, 2022), [https://www.democracynow.org/2022/10/11/headlines/protesters\\_reject\\_call\\_for\\_deployment\\_of\\_foreign\\_forces\\_to\\_haiti](https://www.democracynow.org/2022/10/11/headlines/protesters_reject_call_for_deployment_of_foreign_forces_to_haiti); *Haiti – Politic : The Senate asks the PM to postpone the intervention of a foreign armed force in Haiti*, HAITI LIBRE (Oct. 10, 2022), <https://www.haitilibre.com/en/news-37847-haiti-politic-the-senate-asks-the-pm-to-postpone-the-intervention-of-a-foreign-armed-force-in-haiti.html> (reporting that Haiti's Senate asked Henry to postpone his request for foreign intervention until Haitians could reach a consensus on a solution to the crisis); see also *A coordinated effort for Haiti is proposed to China by the US*, DOMINICAN TODAY (Nov. 1, 2022), <https://dominantoday.com/dr/world/2022/11/01/170210/> (China "expressed reluctance to send a mission because not all parties in Haiti will be in favor of it." China's Security Council representative asked whether "sending such a quick-reaction force to Haiti [will] receive the understanding, support, and cooperation of the parties in Haiti at a time when the Haitian government lacks legitimacy and is incapable of governing, or will it encounter opposition or even spark a violent confrontation?").

<sup>386</sup> See, e.g., Kitroeff, *supra* note 22; Johnston, *supra* note 22.

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- <sup>387</sup> See Joseph & Concannon, *supra* note 10; Bernal, *supra* note 121; Brian Ellsworth, *Haiti activists rally at White House seeking end of U.S. support for Henry*, REUTERS (Oct. 9, 2022), <https://www.reuters.com/world/us/haiti-activists-rally-white-house-seeking-end-us-support-henry-2022-10-10/>.
- <sup>388</sup> See BINUH, *Communiqué du Core Group*, *supra* note 16 (press release from the United States-led Core Group effectively installing Henry as Prime Minister in July 2021); BAI Letter to CARICOM, *supra* note 98; Jake Johnston, *De Facto Haitian Government's Invitation to Americas Summit Reveals US Double Standard*, CEPR (Jun. 5, 2022), <https://cepr.net/de-facto-haitian-governments-invitation-to-americas-summit-reveals-us-double-standards/> (criticizing the Biden administration for inviting Henry to the Summit while expressly excluding leaders from Cuba, Nicaragua and Venezuela on the grounds that they do not support democracy); Harvard Law School International Human Rights Clinic, Yale Law School Lowenstein Human Rights Clinic & NYU School of Law Global Justice Clinic, Joint Statement from U.S. Human Rights Clinics in Solidarity with Human Rights Defenders in Haiti (Jun. 27, 2022), [https://hrp.law.harvard.edu/wp-content/uploads/2022/07/220628\\_Solidarity-Statement-by-U.S.-Law-Schools-on-Human-Rights-in-Haiti.pdf](https://hrp.law.harvard.edu/wp-content/uploads/2022/07/220628_Solidarity-Statement-by-U.S.-Law-Schools-on-Human-Rights-in-Haiti.pdf) (expressing concern “that the United States’ continued support for de facto Prime Minister Ariel Henry despite strong evidence of his government’s involvement in this violence is reinforcing impunity and hindering a Haitian-led solution to the worsening political crisis” and calling on the U.S. government to withdraw that support).
- <sup>389</sup> See, e.g., Letter to President Biden, *supra* note 17; Page, *supra* note 17 (opining that “[a] lack of robust support for the most credible Haitian plan on the table promotes the belief that foreign actors support an interim and future government only with Ariel Henry in the lead, rather than one led by civil society through its transition plan”); see also St Dic, *supra* note 101 (Haitian economist Jacques Ted St Dic said that “Henry must not be allowed to use his support from the international community to continue to concentrate all powers under his exclusive — and failing — leadership”).
- <sup>390</sup> Security Council approves sanctions package for Haiti to quell gang violence, UN NEWS (Oct. 21, 2022), <https://news.un.org/en/story/2022/10/1129777>.
- <sup>391</sup> *Id.* The European Union followed suit, sanctioning Chérizier on November 25. Council Regulation (EU) 2022/2309 of 25 November 2022 concerning restrictive measures in view of the situation in Haiti, EUR-LEX, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L.2022.307.01.0017.01.ENG&toc=OJ%3AL%3A2022%3A307%3ATOC> (last visited Dec. 8, 2022). It is worth noting that United States sanctions against Chérizier imposed in 2020 have had no impact on his activities. See BAI et al., *Justice Sector Challenges in Haiti* (2021), [http://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti-UPR-Submission\\_EN-1.pdf](http://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti-UPR-Submission_EN-1.pdf).
- <sup>392</sup> Press Release, Global Affairs Canada, *Canada imposes sanctions against Haitian political elites*, (Nov. 4, 2022), <https://www.canada.ca/en/global-affairs/news/2022/11/canada-imposes-sanctions-against-haitian-political-elites.html>; Press Release, U.S. Department of the Treasury, *Treasury Sanctions Corrupt Haitian Politicians for Narcotics Trafficking* (Nov. 4, 2022), <https://home.treasury.gov/news/press-releases/jy1080> (Under Secretary of the Treasury for Terrorism and Financial Intelligence Brian E. Nelson: “Joseph Lambert and Youri Latortue have abused their official positions to traffic drugs and collaborated with criminal and gang networks to undermine the rule of law in Haiti.”); see also Press Release, U.S. Department of State, *Designation of Haitian Senate President, Joseph Lambert, for Involvement in Significant Corruption and a Gross Violation of Human Rights* (Nov. 4, 2022), <https://www.state.gov/designation-of-haitian-senate-president-joseph-lambert-for-involvement-in-significant-corruption-and-a-gross-violation-of-human-rights/> (the United States additionally designated Lambert and his spouse as ineligible for entry to the U.S. due to “his involvement in significant corruption and a gross violation of human rights . . . namely an extrajudicial killing, during his government tenure”).
- <sup>393</sup> See J.O. Haselhof, *US sanctions 2 more Haitian politicians with alleged drug, gang ties*, HAITIAN TIMES (Dec. 5, 2022), <https://haitiantimes.com/2022/12/05/u-s-sanctions-haitian-politicians/>.
- <sup>394</sup> Lamothe served under Martelly from 2012-2014, and Céant served under former President Jovenel Moïse from 2018-2019. See Evan Dyer, *‘It’s not just low-hanging fruit’: Canada’s Haiti sanctions are hitting some big names*, CBC (Nov. 23, 2022), <https://www.cbc.ca/news/politics/haiti-canada-sanctions-1.6660887>; Harold Isaac & Brian Ellsworth, *Canada sanctions Haiti ex-President Martelly for financing gangs*, REUTERS (Nov. 20, 2022), <https://www.reuters.com/world/americas/canada-sanctions-haiti-ex-president-martelly-financing-gangs-2022-11-20/>; Jacqueline Charles & Michael Wilner, *Canada sanctions former Haiti President Michel Martelly, two former prime ministers*, MIAMI HERALD (Nov. 21, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article268998067.html>; *Le Canada sanctionne l’ancien président Michel Martelly et les anciens premiers ministres haïtiens Laurent Lamothe et Jean Henry Céant*, LE NOUVELLISTE (Nov. 21, 2022), <https://lenouvelliste.com/article/239084/le-canada-sanctionne-lancien-president-michel-martelly-et-les-anciens-premiers-ministres-haitiens-laurent-lamothe-et-jean-henry-ceant>.
- <sup>395</sup> See Pierre-Pierre, *supra* note 140.

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<sup>396</sup> See @madanboukman, TWITTER (Nov. 23, 2022, 11:37 AM), <https://twitter.com/madanboukman/status/1595456449043464195?s=51&t=q1yy29xlVecxRnX64s4Gdw> (Martelly admitted to embezzling PetroCaribe funds); see also Charles, *supra* note 152 (reporting that Martelly was implicated in the embezzlement of PetroCaribe funds).

<sup>397</sup> See Sam Bojarski, *Price-fixing lawsuit against Haiti's ex-presidents, money transfer and phone companies revived*, HAITIAN TIMES (Apr. 1, 2022), <https://haitiantimes.com/2022/04/01/price-fixing-lawsuit-against-haitis-ex-presidents-money-transfer-and-phone-companies-revived/> (reporting that three former presidents, including Jovenel Moïse and Jocelerme Privert, are being sued for embezzling money from a program designed to subsidize school fees for Haitian children); Emmanuel Marino Bruno, *Haïti-Corruption/Psugo : Joseph Michel Martelly et Jocelerme Privert dans le collimateur de la justice américaine*, ALTERPRESSE (Apr. 4, 2022), <https://www.alterpresse.org/spip.php?article28155>.

<sup>398</sup> See also *supra* note 145.

<sup>399</sup> See *Armes et violence, comment les USA vont-ils aider Haïti?*, LE NOUVELLISTE (Jul. 7, 2022), <https://lenouvelliste.com/article/237145/armes-et-violence-comment-les-usa-vont-ils-aider-haiti>; Jacqueline Charles & Jay Weaver, *How U.S. gun laws and South Florida ports help fuel Haiti's escalating gang violence*, MIAMI HERALD (Aug. 18, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article264549951.html> (reporting that “the vast majority of the illegal weapons [are] coming from South Florida” largely because “‘straw’ buyers with no criminal history can easily pass a background check and declare that they are the actual purchasers . . . [and] licensed vendors aren’t required to run background checks on buyers of bullets to make sure they’re allowed to do so. In addition, the buyers don’t have to fill out a federal form declaring they’re purchasing the ammunition, so there’s no way to trace the transaction.”).

<sup>400</sup> See, e.g., *Arms trafficking, Father Frantz Cole in custody*, HAITI LIBRE (Aug. 18, 2022), <https://www.haitilibre.com/en/news-37427-haiti-flash-arms-trafficking-father-frantz-cole-in-custody.html> (reporting that “18 assault rifles (AK-47, Galil and M4), a 12-caliber rifle, 4 9-mm caliber pistols, nearly 20,000 [rounds of] ammunition of different calibers, 120 magazines, 1 sight and counterfeit notes for the amount of 50,000 US dollars” were found, resulting in the arrest of Father Frantz Cole); *Another religious man arrested for arms trafficking to Haiti*, DOMINICAN TODAY (Aug. 26, 2022) <https://dominantoday.com/dr/world/2022/08/26/another-religious-man-arrested-for-arms-trafficking-to-haiti/> (reporting the arrest of Jean Gilles Jean Mary, the Episcopal Church’s accountant, in connection with the trafficking incident); *Warrant to bring against the President of the Episcopal Church of Haiti in the case of arms trafficking*, HAITI LIBRE (Sep. 24, 2022) <https://www.haitilibre.com/en/news-37718-haiti-flash-warrant-to-bring-against-the-president-of-the-episcopal-church-of-haiti-in-the-case-of-arms-trafficking.html> (reporting that a warrant for the arrest of Father Jean Madoché Vil was issued in connection with the trafficking incident); see also *Des prêtres épiscopaliens appellent à la démission des membres du comité permanent de l’Église épiscopale d’Haïti*, LE NOUVELLISTE (Aug. 25, 2022), <https://lenouvelliste.com/article/237772/des-pretres-episcopaliens-appellent-a-la-demission-des-membres-du-comite-permanent-de-leglise-episcopale-dhaiti> (reporting that a group of senior Episcopal priests demanded the resignation of the Episcopal Church’s standing committee in response to their involvement with the trafficking incident); see also Derat, *supra* note 97 (reporting that Father Jean Madoché Vil has also faced serious allegations of sexual abuse).

<sup>401</sup> See, e.g., *Armes et violence, comment les USA vont-ils aider Haïti?*, *supra* note 399.

<sup>402</sup> UNSC, Resolution 2645 (2022), UN Doc. S/RES/2645 (Jul. 15, 2022), [https://binuh.unmissions.org/sites/default/files/scr\\_26452022\\_on\\_binuh\\_adopted\\_e.pdf](https://binuh.unmissions.org/sites/default/files/scr_26452022_on_binuh_adopted_e.pdf); cf. *Haiti – UN: The mandate of BINUH renewed but reduced by China*, HAITI LIBRE (Oct. 16, 2021), <https://www.haitilibre.com/en/news-35008-haiti-unthe-mandate-of-binuh-renewed-but-reduced-by-china.html> (reporting that on October 15, 2021, the UNSC voted to renew BINUH’s mandate for nine months – rather than the usual twelve – in consideration of China’s concerns about “investments at a loss”).

<sup>403</sup> See Jacqueline Charles & Nora Gámez Torres, *U.S. focuses on U.N. presence in Haiti as it seeks to help troubled country*, Miami Herald (Jun. 10, 2022), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article262402162.html> (reporting that U.S. Assistant Secretary of State for Western Hemisphere Affairs Brian Nichols publicly acknowledged in June that BINUH has not been effective at dealing with security issues in Haiti); Francklyn B Geffrard, *Des organisations sociopolitiques et syndicales opposees au renouvellement du mandat du BINUH accuse d’avoir fédéré des gangs en Haïti*, RHINEWS (Jun. 18, 2022), <https://www.rhinews.com/actualites/des-organisations-sociopolitiques-et-syndicales-opposees-au-renouvellement-du-mandat-du-binuh-accuse-davoir-federe-des-gangs-en-haiti/> (reporting that advocates’ opposition is grounded in concern that BINUH instigates gangs and reflects “the failure of United Nations missions”); Francklyn B Geffrard, *L’UNNOH accuse le Core Group d’entretenir l’insécurité en Haïti pour perpétuer la crise*, RHINEWS (Jun. 22, 2022), <https://www.rhinews.com/actualites/lunnoh-accuse-le-core-group-dentretenir-linsecurite-en-haiti-pour-perpetuer-la-crise/> (reporting that the National Union of Haitian Normaliens accused the UN and the Core Group of perpetuating Haiti’s crisis in order to ensure BINUH’s mandate renewal).

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<sup>404</sup> See, e.g., *'We are not here forever,' says UN as Haiti searches for path to election*, CNN (Sep. 15, 2022), <https://www.cnn.com/2022/09/15/americas/binuh-un-haiti-intl-latam/index.html> (reporting that some Haitians “view [BINUH head Helen] La Lime and other outsiders with skepticism, in a country where imperialism, occupation and even well-meaning intervention have a long and brutal history”).