



# Human Rights and the Rule of Law in Haiti: Key Recent Developments December 2023 through May 2024

June 2024



## About the Author

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The Institute for Justice and Democracy in Haiti (IJDH) is a U.S.-based non-profit organization that works in solidarity with its Haiti-based sister organization, the *Bureau des Avocats Internationaux* (BAI), to drive systemic change in Haiti by helping Haitian activists and grassroots groups enforce their internationally-recognized human rights. BAI and IJDH combine strategies including: (a) litigation in Haiti, the United States and beyond; (b) public advocacy on the streets, in the press, in academia and on social media; (c) capacity building for grassroots groups and activists; (d) training of human rights lawyers; and (e) nurturing advocacy networks and collaborations worldwide. For nearly 30 years, BAI and IJDH have kept activists safe, rallied global allies to the fight for human rights in Haiti, and impelled the justice systems to serve marginalized communities.

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## Table of Acronyms

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<b>BAI</b>	<i>Bureau des Avocats Internationaux</i> (Office of International Lawyers)
<b>BINUH</b>	United Nations Integrated Office in Haiti
<b>BSAP</b>	<i>Brigade de Sécurité des Aires Protégées</i> (Haiti's Brigade for the Security of Protected Areas)
<b>CARICOM</b>	Caribbean Community
<b>CBP</b>	U.S. Customs and Border Protection
<b>CEPR</b>	Center for Economic and Policy Research
<b>CHNV</b>	Processes for Cubans, Haitians, Nicaraguans, and Venezuelans
<b>CRS</b>	U.S. Congressional Research Service
<b>CSPJ</b>	<i>Conseil Supérieur du Pouvoir Judiciaire</i> (Haiti's Superior Council on Judicial Power)
<b>DHS</b>	U.S. Department of Homeland Security
<b>G9</b>	<i>G9 an Fanmi</i> (G9 and Family)
<b>HRW</b>	Human Rights Watch
<b>ICRC</b>	International Committee of the Red Cross
<b>IJDH</b>	Institute for Justice and Democracy in Haiti
<b>IMF</b>	International Monetary Fund
<b>IOM</b>	International Organization for Migration
<b>IRC</b>	International Rescue Committee
<b>MSF</b>	<i>Médecins Sans Frontières</i> (Doctors Without Borders)
<b>MSS</b>	Multinational Security Support [Mission]
<b>OCHA</b>	UN Office for the Coordination of Humanitarian Affairs
<b>OHCHR</b>	Office of the UN High Commissioner for Human Rights
<b>PAHO</b>	Pan American Health Organization
<b>PHTK</b>	<i>Pati Ayisyen Tèt Kale</i> (Haitian Tèt Kale Party)
<b>PNH</b>	<i>Police Nationale d'Haïti</i> (Haitian National Police)
<b>RNDDH</b>	<i>Réseau National de Défense des Droits Humains</i> (National Network for the Defense of Human Rights)
<b>RSF</b>	<i>Reporters Sans Frontières</i> (Reporters Without Borders)
<b>TJRC</b>	<i>Commission Vérité, Justice, et Réparation</i> (Truth, Justice, and Reparations Commission)
<b>TPC</b>	Haiti's Transitional Presidential Council
<b>TPS</b>	Temporary Protected Status
<b>ULCC</b>	<i>Unité de Lutte Contre la Corruption</i> (Haiti's Anti-Corruption Unit)
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNSC</b>	United Nations Security Council
<b>WFP</b>	World Food Programme



## Executive Summary

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Since IJDH's last Update on Human Rights and Rule of Law in Haiti in December 2023, Haiti has entered a moment of dramatic political transformation, even as the already catastrophic insecurity and humanitarian crises have deepened further. A Transitional Presidential Council has taken over from former de facto Prime Minister Ariel Henry, whose government has presided over the conditions described in this Update. It is charged with implementing a political Accord designed to pave a path to elections and rights-based government, addressing insecurity in a way that centers Haitian sovereignty, and devising a path towards justice and accountability. Despite concerns that the transitional process has already damaged its credibility through bad-faith conduct and external manipulation, many Haitians view it as a hopeful first step toward a Haitian solution to Haiti's crisis.

This reporting period saw an increase in violations of the right to life and security of the person that the government has been unable or unwilling to control. Most notable were coordinated attacks by the Viv Ansanm coalition of armed groups, which sharply increased the scale of violence against civilians, shut down the Port-au-Prince airport for almost three months, and staged a mass breakout from two of Haiti's largest prisons. Armed groups continue to use brutal tactics to control the population: over 1,660 people have been killed since January; over 362,000 are internally displaced; kidnappings remain rampant; and journalists and human rights defenders still face distinct threats without government protection. Haiti's police remain largely weak and ineffective. The unaddressed acute insecurity exacerbates each of the other challenges described in this Update.

Persistent government misconduct and chronic impunity are further causes of inadequate government responses and are principal drivers of Haiti's crisis more generally. Government officials, including police, remain implicated in corruption and still collude with armed groups. Police brutality against civilians, especially those challenging the government, further shrinks already-reduced civic space. Systemic impunity for these and other harms, including as a result of entrenched corruption and politicization of the judiciary, fuels the cycle of violence. Haiti's justice sector remains virtually non-functional due to systematic dismantling by corrupt governments and chronic neglect. High rates of pretrial detention and inhumane prison conditions amount to distinct grave human rights violations.

The insecurity and interrelated humanitarian crisis continue to disproportionately impact vulnerable individuals, including children. Women and girls, in particular, remain at heightened risk of gender-based violence, and lack adequate access to resources and protections, reflecting long-standing structural discrimination. Failure to materially include women in the transition process – which violates Haitian women's right to equality and full participation in their government – risks perpetuating inequality and gendered harms, as well as weakening the transition.

Haiti's already desperate social and economic landscape continues to deteriorate, which in turn drives recruitment by armed groups. Approximately 63% of Haitians are living in poverty; fewer than 50% have access to adequate water and sanitation; 4.97 million are acutely food insecure; and hundreds of thousands are impacted by widespread closures of schools and medical facilities.

These combined challenges are driving increasing numbers of Haitians to emigrate. But even as foreign states evacuate their own citizens, they continue to implement racist, inhumane, and in many cases illegal measures to restrict asylum and repatriate Haitians seeking refuge at their borders.

Long-term foreign interference and extraction are at the root of these challenges. Henry was forced to resign because foreign actors withdrew their support. But that decision does not appear to reflect a change in underlying policies of powerful countries that violate Haitians' right to self-determination. For example, foreign backing has placed many of the same actors responsible for Haiti's crisis at the center of Haiti's transition and foreign-backed deployment of the Multinational Security Support Mission appears imminent in spite of significant underlying human rights and operational concerns. Haitians have nevertheless successfully mobilized within the transition framework to resist some of the attempted incursions on their right to self-government. The international community now has an opportunity to break with past patterns of interference and instead to support Haitians as they work for a sovereign, democratic solution.

## I. Introduction

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This reporting period<sup>1</sup> has seen a dramatic transformation of Haiti's political landscape. De facto Prime Minister Ariel Henry was effectively forced to resign in March.<sup>1</sup> A month later, the Transitional Presidential Council (TPC) was installed.<sup>2</sup> Foreign actors have made tangible steps towards the deployment of the Multinational Security Support Mission (MSS), albeit tempered by significant remaining impediments<sup>3</sup> and material concerns regarding a lack of Mission safeguards.<sup>4</sup> There is opportunity for positive transformation and the rebuilding of the Haitian social contract<sup>5</sup> if the TPC lives up to its promise of a participatory transition. But there are troubling signs that longstanding limitations on Haiti's democracy will persist. For example, not a single woman has a voting seat on the TPC<sup>6</sup> and the Council interviewed only male candidates for Prime Minister.<sup>7</sup> There is also evidence that the transition is being co-opted to perpetuate patterns of state capture by actors affiliated with the *Pati Ayisyen Tèt Kale* (PHTK) party.<sup>8</sup> These are the same actors who, enabled by foreign interference, have dominated Haiti's political landscape for the past 13 years<sup>9</sup> and are at the root of the present crisis.<sup>10</sup> The choices made in the months ahead could shape dramatically different futures for Haiti.

In March, de facto Prime Minister Ariel Henry was forced from power<sup>11</sup> after attacks by armed groups prevented his return to Haiti<sup>12</sup> and compelled foreign actors to withdraw their support for him.<sup>13</sup> He had served the longest term of any Prime Minister under Haiti's 1987 Constitution<sup>14</sup> thanks to consistent support by those same actors,<sup>15</sup> despite lacking constitutional legitimacy<sup>16</sup> and facing significant popular protests.<sup>17</sup> Henry was replaced by the TPC, a nine-member transitional council.<sup>18</sup> The political negotiations that ushered in the TPC were facilitated by the Caribbean Community (CARICOM), as well as the United States and other foreign actors, who appear to have played a significant role in determining key parameters of the process and its outcomes.<sup>19</sup> The TPC has seven voting members and two observers.<sup>20</sup> Of the seven, three are from groups that include members with strong ties to the PHTK;<sup>21</sup> the rest are representatives of the Montana Accord,<sup>22</sup> *Fanmi Lavalas*,<sup>23</sup> *Pitit Desalin*,<sup>24</sup> and the private sector. The organizations naming TPC members and the Councilors themselves all signed the April 3, 2024 Political Accord for a Peaceful and Orderly Transition (**Transition Accord**), which the TPC is charged with implementing.<sup>25</sup> The Transition Accord calls for designating an interim Prime Minister through a public vote by all seven members and creating (i) an independent electoral council chosen by a broad spectrum of Haitian society; (ii) a national security council responsible for defining and supervising any international security assistance, including the MSS; (iii) a Truth, Justice, and Reparations Commission;<sup>26</sup> and (iv) an oversight body.

At the time of writing, the TPC had accomplished only one of those obligations – the appointment of an interim Prime Minister. The process by which it did so revealed concerning evidence of bad faith with respect to the Transition Accord's stated objectives and procedural rules. The three PHTK-affiliated members of the TPC, together with *Pitit Desalin*, formed an "indissoluble" majority bloc intended to make the other three voting TPC members irrelevant.<sup>27</sup> On April 30, they announced that they had decided on an interim Prime Minister, in violation of the procedure set out in the Accord.<sup>28</sup> After strong pushback,<sup>29</sup> the bloc rescinded its action and the TPC released a strengthened set of procedural rules requiring a five-vote super majority on major decisions.<sup>30</sup> The TPC also agreed to a rotating presidency among four of its members and to a meaningful selection process for Prime Minister.

The TPC subsequently conducted a more open process for the Prime Minister position, considering over 200 nominations and interviewing five candidates, all of them men.<sup>31</sup> The TPC named former Prime Minister and UN development expert Garry Conille to the position on May 29.<sup>32</sup> Observers have faulted the process as corrupt and insufficiently transparent.<sup>33</sup> There is also reporting that internal horse-trading has already allocated cabinet seats and other expected TPC appointments outside appropriate procedural mechanisms, recreating corrupt patronage antithetical to the spirit of the Transition Accord.<sup>34</sup> Whether the TPC delivers on its promise of a meaningful transition towards democracy and human rights as demanded by the Haitian people will depend on (i) whether these types of antidemocratic machinations by its members will be curtailed; (ii) on its ability to include and center diverse Haitian perspectives (especially those of women, the poor, and rural people); and (iii) on the role international actors choose to inhabit.<sup>35</sup> Equally significant will be the choices the transitional government makes with respect to pursuing accountability (including for long-standing corruption) and reconciliation. For example, there are already deeply contentious questions around issues of amnesty for members of armed groups.<sup>36</sup>

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<sup>1</sup> Previous Institute for Justice and Democracy in Haiti (IJDH) Updates are available on the IJDH website at IJDH, *News and Resources Publications: Human Rights Updates*, <https://www.ijdh.org/news-and-resources/publications/>.

The shape of Haiti's security challenges has likewise evolved dramatically over the reporting period. In February, several of the major armed groups operating under a coalition called *Viv Ansanm* ("Living Together") – even as many have been historically at odds with each other<sup>37</sup> – launched coordinated attacks against the government and other targets, with the stated aim of overthrowing the de facto government.<sup>38</sup> The *Viv Ansanm* attacks were unprecedented in scale,<sup>39</sup> shutting down the Port-au-Prince airport for almost three months;<sup>40</sup> staging a mass breakout from two of Haiti's largest prisons;<sup>41</sup> and preventing Henry's return to Haiti from a diplomatic trip (which directly precipitated his ouster).<sup>42</sup> More generally, armed groups appear to be changing their modus operandi towards more sophisticated operations<sup>43</sup> and weapons,<sup>44</sup> integration into transnational criminal networks,<sup>45</sup> and greater independence from Haiti's political and economic elites who historically funded and controlled them.<sup>46</sup> These developments may make it more challenging to effectively confront armed groups as well as to pursue disarmament and reintegration.<sup>47</sup> The other principal barrier to addressing insecurity – chronic impunity and government collusion with armed actors – remains unchanged.<sup>48</sup> The Haitian National Police (PNH), in particular, is subject to credible allegations of pervasive corruption and collusion with armed groups, and is facing a serious leadership crisis.<sup>49</sup> This dynamic will likely cause problems for the expected MSS,<sup>50</sup> which is required to provide support and work in close collaboration with the PNH.<sup>51</sup> The broader human rights and humanitarian challenges described below are both exacerbated by and further drive these challenges.

Notably, this Update must be read with the recognition that as of the end of this reporting period, May 31, the TPC was in place, but the interim Prime Minister and other Ministers who were running the day-to-day governance of Haiti were all holdovers from the de facto Henry government. Accordingly, the Henry government was primarily responsible for the conditions contained in this report. The TPC and the government formed under it will assume increasing responsibility as the transition progresses.

## **II. Violations of the right to life & security of the person**

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This reporting period saw an increase in the scale of violence that had already reached catastrophic levels,<sup>52</sup> with the UN Expert on Human Rights in Haiti describing the situation as "apocalyptic."<sup>53</sup> In February and March, armed groups under the banner of *Viv Ansanm* carried out coordinated large-scale attacks on critical infrastructure and the civilian population.<sup>54</sup> Widespread killing, maiming, and displacement continued to increase through at least March.<sup>55</sup> The resulting desperate economic and humanitarian situation (more extensively described in Section VI)<sup>56</sup> fuels recruitment by armed groups,<sup>57</sup> furthering the cycle of violence and disrupting communities. Government failures to fulfil the responsibility to protect and an increasing effort by armed groups to insert themselves into Haiti's politics and transition are significant drivers of the protracted insecurity crisis and the recent escalation.<sup>58</sup> Other drivers include government and police corruption and collusion with armed groups,<sup>59</sup> the shrinking and under-resourced police force,<sup>60</sup> and systemic impunity for perpetrators.<sup>61</sup>

### ***Violence by armed groups and related displacement***

- Desperately acute violence documented in IJDH's previous Updates has persisted and grown yet worse.<sup>62</sup> There are approximately 200 armed groups operating in Haiti,<sup>63</sup> the *G9 an Fanmi (G9)* and *G-Pèp* alliances,<sup>64</sup> *Kraze Baryé*,<sup>65</sup> and *5 Segonn*<sup>66</sup> appear to be the most prominent. Armed groups, which control large parts of Port-au-Prince<sup>67</sup> and the Artibonite Department,<sup>68</sup> continue to expand their reach to areas previously considered relatively safe.<sup>69</sup>
- The number of killings increased by over 119% last year, from 2,183 in 2022 to 4,789 in 2023, according to the UN Integrated Office in Haiti (BINUH).<sup>70</sup> The numbers are likely to be even higher in 2024 – BINUH reported 1,660 people killed as a result of violence by armed groups between January 1 and March 31, a 53% increase compared to the previous quarter.<sup>71</sup> At least six large-scale attacks during the first three months of the year resulted in the deaths of 1,174 people.<sup>72</sup>
- Armed groups' use of brutal tactics to maintain territorial control<sup>73</sup> and, increasingly, to explicitly influence political dynamics,<sup>74</sup> has grown in scale. These include torture and mutilation;<sup>75</sup> indiscriminately shooting at and executing civilians;<sup>76</sup> setting people, dwellings, and entire neighborhoods on fire;<sup>77</sup> using civilians as human shields;<sup>78</sup> and destroying and looting property.<sup>79</sup> Armed groups sometimes target civilians with violence just for living in areas controlled by a rival group<sup>80</sup> or for suspected collaboration with the police.<sup>81</sup> They also continue to use sexual violence as a weapon to terrorize and control the population.<sup>82</sup> Haitians' ability to move freely – already severely curtailed due to road blocks and attacks by armed groups along main routes<sup>83</sup> – has diminished further as armed groups secured their hold over roads<sup>84</sup> and waterways<sup>85</sup> and attacked airport facilities.<sup>86</sup> Access

to essential goods and services like food, water, healthcare, and education, as well as life-saving humanitarian aid remains limited.<sup>87</sup>

- Beginning on February 29, a coalition of armed groups under the *Viv Ansanm* banner mounted coordinated attacks in Port-au-Prince.<sup>88</sup> The *Viv Ansanm* coalition targeted numerous state institutions, including police facilities,<sup>89</sup> and airports,<sup>90</sup> forcing the cancellation of all flights in and out of Haiti for nearly a month and an additional two months in and out of the capital.<sup>91</sup> Attacks on Haiti's National Penitentiary and the Croix-des-Bouquets prison on March 2 and 3 allowed over 4,600 people – nearly everyone incarcerated there – to escape.<sup>92</sup> Many of those who escaped were either already members of armed groups or subsequently joined their ranks,<sup>93</sup> further destabilizing the security situation.<sup>94</sup> The violence resulted in the deaths of at least 1,160 people between March 1 and May 20.<sup>95</sup> State authorities announced a state of emergency and curfew on March 3,<sup>96</sup> but were unable to quell the violence.<sup>97</sup> Related attacks on healthcare centers, schools, and businesses,<sup>98</sup> as well as heightened violence against the population,<sup>99</sup> brought daily life to a near stand-still and exacerbated the already-dire humanitarian situation.<sup>100</sup>
- Internal displacement as a result of insecurity continues to increase.<sup>101</sup> UN agencies estimate that the violence has displaced over 362,000 people,<sup>102</sup> over 200,000 of those just in Port-au-Prince.<sup>103</sup> Between March 8 and April 9, 2024 alone, approximately 95,000 people were displaced.<sup>104</sup> The real numbers are likely much higher.<sup>105</sup> Women and children make up the majority of internally displaced persons (**IDPs**).<sup>106</sup> As violence surges, IDPs are increasingly forced to stay in makeshift shelters instead of with friends or family.<sup>107</sup> The International Organization for Migration (**IOM**) reported that over 90,000 displaced Haitians are living in “deplorable” conditions in 85 improvised shelters in Port-au-Prince,<sup>108</sup> where they lack adequate access to clean water, food, sanitation, and hygiene.<sup>109</sup> Flooding due to heavy rain is exacerbating the already inhumane conditions and raising concerns of a cholera outbreak.<sup>110</sup> Whatever state support or protection for IDPs exists is inadequate.<sup>111</sup> Humanitarian organizations have stepped in to fill the gap, but services are often disrupted by insecurity and, according to UN, approximately half of all IDPs are not receiving any services at all.<sup>112</sup> IDPs also remain extremely vulnerable to violence,<sup>113</sup> including rape,<sup>114</sup> which has resulted in repeated displacement for many.<sup>115</sup> Approximately 60% of IDPs have fled Port-au-Prince for other departments,<sup>116</sup> where many face difficulties adapting to their new environment and sharing resources already strained by prior influxes of IDPs.<sup>117</sup>

### *Continuing kidnapping epidemic*

- Armed groups continue to use kidnapping – already at an all-time high as of IJDH's previous Update<sup>118</sup> – as a key source of income<sup>119</sup> and territorial control.<sup>120</sup> The number of kidnappings increased by 83% last year, from 1,359 in 2022 to 2,490 in 2023, according to official reports<sup>121</sup> that are widely acknowledged to reflect only a fraction of the total kidnappings.<sup>122</sup> According to BINUH, armed groups kidnapped at least 438 people between January and March.<sup>123</sup>
- Although armed groups kidnap people from all segments of the population,<sup>124</sup> those traveling by land along key transportation routes are particularly at risk.<sup>125</sup> Armed groups' tactics have also evolved to target other transportation as civilians have sought alternative routes.<sup>126</sup> Kidnappings are being primarily reported in the Port-au-Prince metropolitan area and the Artibonite Department,<sup>127</sup> where armed groups often hold kidnapping victims in the houses of residents they have displaced.<sup>128</sup>
- Kidnapping victims are frequently at risk of additional violence, including torture, rape,<sup>129</sup> and murder, as armed groups try to extract high ransoms and punish those whose families are unable to pay.<sup>130</sup> Those who resist kidnapping are often killed.<sup>131</sup>

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

- The state remains unable or unwilling to address the rising insecurity, primarily as a result of persistent government incapacity, police ineffectiveness, and collusion with armed groups.<sup>132</sup> Haitians have been demonstrating for years to protest these government failures<sup>133</sup> and to call out the state's virtual absence in the face of their increasingly desperate situation.<sup>134</sup>
- Despite some recent successes in the fight against armed groups<sup>135</sup> and significant foreign assistance aimed at improving police capacity,<sup>136</sup> the PNH continues to lack sufficient personnel, resources, and training to restore the country's security.<sup>137</sup> Haiti's police force continues to shrink,<sup>138</sup> including as a result of the government's persistent failure to ensure adequate and timely pay notwithstanding the



inflow of dedicated aid.<sup>139</sup> BINUH reported that 1,663 officers left the PNH in 2023,<sup>140</sup> with some choosing to emigrate.<sup>141</sup> This has left an active force of an estimated 9,000 to 13,000 officers nationwide.<sup>142</sup> The situation in Port-au-Prince is particularly dire, with only a few hundred officers on duty at a time.<sup>143</sup> Haiti's Coast Guard is reportedly operating with fewer than 200 officers and just one functioning vessel – particularly concerning as armed groups use boats to launch attacks against both other boats and targets on land.<sup>144</sup> Officers who remain face extreme risk, particularly after armed groups escalated their attacks on police personnel and facilities beginning on February 29.<sup>145</sup> Armed groups destroyed at least 30 police stations and sub-stations in metropolitan Port-au-Prince over the course of March, April, and May.<sup>146</sup> Abandoned by the state,<sup>147</sup> police remain unwilling to enter certain areas under the control of armed groups, leaving civilians to fend for themselves.<sup>148</sup>

- The *Bwa Kale*<sup>II</sup> self-protection movement – started in April 2023 by residents of Port-au-Prince as a means of confronting armed group violence in the absence of functioning state institutions<sup>149</sup> – has seen a resurgence in the wake of the coordinated *Viv Ansanm* attacks.<sup>150</sup> Armed civilians have extrajudicially killed at least 620 individuals suspected of belonging to armed groups since April 2023,<sup>151</sup> including children.<sup>152</sup> The killings are increasingly being carried out with the complicity of police or rival armed groups.<sup>153</sup> The increase in *Bwa Kale* actions embodies the state's failure in its responsibility to protect.<sup>154</sup> It also risks exacerbating the violence,<sup>155</sup> harming people unaffiliated with armed groups,<sup>156</sup> and damaging community trust.<sup>157</sup>
- Journalists,<sup>158</sup> human rights defenders,<sup>159</sup> and civil society organizations<sup>160</sup> remain under significant threat from armed groups. In April, armed groups vandalized and looted the offices of the National Press (which publishes the official government newspaper, *Le Moniteur*) and *Le Nouvelliste* (Haiti's oldest newspaper).<sup>161</sup> *Le Nouvelliste*, which had already experienced two or three attempted break-ins in March, was forced to suspend its work as a result.<sup>162</sup> Other media outlets have had to relocate or shut down due to similar threats.<sup>163</sup> Journalists covering anti-government demonstrations in February were attacked by supporters of the government.<sup>164</sup> Women journalists are particularly at risk.<sup>165</sup> With few exceptions,<sup>166</sup> the de facto authorities continue to fail to protect against, investigate, and prosecute such threats and attacks.<sup>167</sup> The extreme danger has forced many journalists and human rights defenders to self-censor, limit or suspend their work, or flee the country entirely.<sup>168</sup>

### **III. Government misconduct, including institutionalized violence & corruption**

Persistent government and police collusion with armed groups is a principal driver of Haiti's insecurity crisis.<sup>169</sup> Widespread corruption continues to weaken state institutions.<sup>170</sup> Police brutality against the civilian population, especially those criticizing or challenging the government, contributes to further distrust of state institutions and the shrinking of civic space.<sup>171</sup>

- Government collusion with armed groups remains a primary driver of Haiti's deepening insecurity.<sup>172</sup> Political elites continue to finance armed groups' criminal activities.<sup>173</sup> Groups affiliated with the PHTK party, which has extensively documented connections to armed groups, hold three voting seats on the TPC.<sup>174</sup> Political actors continue to be implicated in weapons trafficking schemes and kidnappings.<sup>175</sup> Findings by the UN Office on Drugs and Crime (UNODC)<sup>176</sup> and a series of foreign sanctions<sup>177</sup> against political elites who are alleged to be complicit in armed groups' criminal activities indicate the issue is ongoing. Widespread collusion between corrupt police officers – including in PNH leadership<sup>178</sup> – and armed groups<sup>179</sup> continues to undermine efforts to address the rising insecurity.<sup>180</sup>
- Even as it fails to protect, the PNH continues to use excessive force against civilians<sup>181</sup> to repress anti-government demonstrations, including tear gas, rubber bullets, and live ammunition.<sup>182</sup> During anti-government demonstrations in February, police shot and injured at least five journalists and damaged or seized reporters' equipment.<sup>183</sup> Police engaging in anti-gang operations have reportedly killed many people not involved with any armed groups.<sup>184</sup> They have also violently evicted IDPs sheltering on government property.<sup>185</sup> BINUH and the General Inspectorate of the PNH documented at least 47 incidents of human rights violations by police officers between October 2023 and March 2024.<sup>186</sup> Efforts by Haitian authorities to investigate and prosecute such violations remain limited<sup>187</sup> and are hampered by continued insecurity.<sup>188</sup> Government officials, particularly Miragoâne government prosecutor Jean

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<sup>II</sup> Translated from Haitian Creole, "*Bwa Kale*" literally means "peeled stick" or "club." In slang, it means "no mercy." Jonathan M. Katz, *The U.S. Is Preparing an Outsourced Invasion of Haiti*, Foreign Policy (Nov. 7, 2023), <https://foreignpolicy.com/2023/11/07/haiti-kenya-invasion-gang-war-united-states/>.

Ernest Muscadin,<sup>189</sup> continue to be implicated in extrajudicial killings of individuals suspected of engaging in armed group activity.<sup>190</sup>

- Government corruption is another principal driver of Haiti's protracted crisis.<sup>191</sup> The embezzlement of over US \$2 billion from the PetroCaribe development fund by high-ranking government officials between 2008 and 2016 – and the corresponding lack of accountability<sup>192</sup> – is emblematic.<sup>193</sup> Haiti's Anti-Corruption Unit (ULCC) reported that corruption in Haiti led to the loss of approximately four billion gourdes (nearly US \$30.5 million) in government revenue in the 2022-2023 fiscal year.<sup>194</sup> Approximately 50% of the budget allocated to the Haitian Prison Administration has reportedly been diverted due to corruption.<sup>195</sup> The UNODC reported suspected incidences of money-laundering by non-profit organizations established by public officials.<sup>196</sup> Efforts by Haitian authorities to address corruption have continued, but are impeded by under-resourcing, judicial dysfunction, and corruption,<sup>197</sup> and rarely result in convictions.<sup>198</sup> In early May, the Secretary General of the Haitian Senate was arrested on suspicion of corruption and mismanagement of state assets.<sup>199</sup> Judicial authorities summoned five former senators for questions as part of an investigation launched in November 2023, but only two appeared.<sup>200</sup> In January, judicial authorities issued subpoenas to 40 high-ranking political actors – including two former Presidents<sup>201</sup> and eight former Prime Ministers<sup>202</sup> – as part of ULCC investigation into allegations of misappropriation of public property.<sup>203</sup> After all but two failed to appear, the judge issued domestic, then international, warrants for their arrest and travel bans.<sup>204</sup> So far, just one of those summoned has been arrested.<sup>205</sup>

#### **IV. Lack of access to justice & chronic impunity**

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Haiti's justice sector – already virtually non-functional due to systematic dismantling by successive corrupt governments<sup>206</sup> and chronic neglect and under-funding<sup>207</sup> – remains extremely vulnerable to the acute insecurity crisis.<sup>208</sup> Entrenched corruption and politicization of the judiciary leave the majority of Haitians unable to access justice.<sup>209</sup> They also promote a culture of impunity,<sup>210</sup> which in turn feeds the cycle of violence and corruption.<sup>211</sup> Continuing high rates of pretrial detention and inhumane prison conditions amount to distinct grave human rights violations.<sup>212</sup> Long-term under-resourcing has made Haiti's prisons dysfunctional in other ways, exemplified by the March attack by armed groups on two of Haiti's largest prisons resulting in thousands escaped.<sup>213</sup> The underlying due process violations and security risks raise serious concerns about the ability of any foreign mission to Haiti to detain individuals in accordance with applicable law.<sup>214</sup> These are challenges that must be comprehensively considered and addressed by Haiti's transitional government in tackling chronic impunity and restoring an independent and functional judiciary. They will be especially significant to the TPC's mandate to create a Truth, Justice, and Reparations Commission.<sup>215</sup>

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

- Widespread insecurity continues to undermine court operations.<sup>216</sup> Multiple courts in Port-au-Prince – including the country's only dedicated juvenile court<sup>217</sup> – and in the Artibonite Department remain non-operational due to attacks by armed groups.<sup>218</sup> Attacks against other courthouses by armed groups<sup>219</sup> and anti-government demonstrators<sup>220</sup> have impeded judicial function further.<sup>221</sup> Insecurity prevents some judicial actors from physically reaching courthouses, rendering them effectively non-operational.<sup>222</sup> Threats, violence, and intimidation against judicial actors by armed groups continue to undermine judicial independence.<sup>223</sup>
- Judicial function is likewise impeded by chronic under-resourcing and government failings, reflecting both long-standing challenges and acute impacts of the current crisis.<sup>224</sup> Court personnel were on strike for over six months, from November 20, 2023 to May 27, 2024, to demand better pay and working conditions, freezing court operations across the country where they were not already forestalled by violence.<sup>225</sup> The lack of constitutional government has allowed judicial terms to expire without replacements, resulting in additional judicial delays.<sup>226</sup>
- Corruption and politicization remain deeply entrenched.<sup>227</sup> Individuals accused of crimes with links to political actors, access to money, or affiliations with armed groups are often not arrested<sup>228</sup> or are released arbitrarily.<sup>229</sup> In February, the *Réseau National de Défense des Droits Humains (RNDDH)* accused Judge Al Duniel Dimanche, who had been presiding over high-profile corruption cases, of demanding bribes from suspects and usurping his title after he failed to step down when his mandate expired.<sup>230</sup> Efforts to address these challenges have been limited and controversial.<sup>231</sup>

- The Haitian investigation into the assassination of former President Jovenel Moïse has seen some developments but on the whole remains slow and ineffectual.<sup>232</sup> On February 19, Judge Walter Voltaire formally charged 51 people – including Moïse’s widow, former Prime Minister Claude Joseph, and former Director General of the PNH Léon Charles – in connection with the assassination.<sup>233</sup> The judge’s order, called an “*ordonnance*,” skirts the issue of who masterminded the assassination and why,<sup>234</sup> and has been criticized for relying on contradictory witness statements<sup>235</sup> and being published after the expiry of Judge Voltaire’s mandate.<sup>236</sup> Judge Voltaire declined to charge de facto Prime Minister Henry – with no explanation – despite significant evidence of his involvement in the assassination,<sup>237</sup> leading to concerns that the case is politicized.<sup>238</sup> Judge Voltaire’s *ordonnance* refrained from charging eight people who had been arrested in the case, who were subsequently freed.<sup>239</sup>
- The challenges described above impede access to justice for most Haitians, with grave human rights abuses and other crimes going unaddressed.<sup>240</sup> For example, there has been virtually no progress in a number of high-profile cases, including the 2018 La Saline massacre;<sup>241</sup> the assassinations of former Port-au-Prince Bar Association President Monferrier Dorval,<sup>242</sup> political activist Antoinette Duclair, journalist Diego Charles,<sup>243</sup> and LGBTQI+ activist Charlot Jeudy;<sup>244</sup> or the investigation into the PetroCaribe corruption scandal.<sup>245</sup> In May, five years after journalist Néhémie Joseph was murdered, eight people, including a former Senator and acting mayor, were finally charged in connection with the crime.<sup>246</sup> Joseph had reported on anti-government demonstrations in the wake of the PetroCaribe corruption scandal. This is a positive development, but the overall lack of accountability for these crimes is emblematic of the broader culture of impunity in Haiti.<sup>247</sup>

### *Inhumane prison conditions*

- Haiti’s pretrial detention rate remains deplorable at 82%.<sup>248</sup> This is a slight reduction from 84% in September 2023,<sup>249</sup> some of which may be attributed to government efforts to reduce the pretrial detention population.<sup>250</sup> The escape of over 4,600 incarcerated persons after the *Viv Ansanm* attack on Haiti’s two largest prisons in early March is likely the primary cause.<sup>251</sup> Even with the escapes, prisons remain overcrowded, with cells at 287% capacity as of March 31, 2024.<sup>252</sup>
- Deepening insecurity and chronic under-resourcing continue to impact prison security and administration.<sup>253</sup> The National Penitentiary in Port-au-Prince and the Croix-des-Bouquets prison have been non-operational since the March attacks by armed groups.<sup>254</sup> Prison authorities were unable to prevent or keep incarcerated persons and staff safe during these attacks.<sup>255</sup> In late May, armed groups used heavy equipment to demolish the Croix-des-Bouquets prison and the women’s prison in Titanyen.<sup>256</sup> The women’s prison in Cabaret – which was reportedly overtaken by armed groups in January<sup>257</sup> – has been non-operational since May 2023 due to repeated attacks.<sup>258</sup> Prison guards went on strike in late April to demand better working conditions and two years of back pay, exacerbating existing challenges with prison security.<sup>259</sup>
- Authorities have made some effort to improve prison conditions by increasing the Prison Administration’s budget,<sup>260</sup> but the impact is negligible and incarcerated persons still lack access to adequate food, clean water, sanitation, and medical care.<sup>261</sup> Medical care is provided almost exclusively by one non-governmental organization, which lacks capacity to treat life-threatening conditions and prevent the spread of communicable diseases.<sup>262</sup> Incarcerated individuals report being given moldy food and forced to drink the same water they use to bathe.<sup>263</sup> Food deliveries were suspended during the April strike by prison guards, leading to a protest at the Hinche civil prison that resulted in the death of one incarcerated person.<sup>264</sup> Incidence of malnutrition is increasing.<sup>265</sup> BINUH reported that 28 individuals died while incarcerated between January and March 2024, most from malnutrition-related diseases.<sup>266</sup> Two persons incarcerated in the civil prison in Jérémie died in March, reportedly due to malnutrition and dehydration.<sup>267</sup>
- The absence of sufficient dedicated facilities for women and minors puts them at heightened risk of violence.<sup>268</sup> Adults incarcerated in the women’s prison in Cabaret and the National Penitentiary have been moved to the only juvenile detention center in Port-au-Prince, resulting in massive overcrowding and putting the children incarcerated there at risk of sexual violence.<sup>269</sup> In early March, men incarcerated in Jacmel’s prison broke into the women’s section of the prison and raped several women.<sup>270</sup> The victims were denied access to healthcare.<sup>271</sup>
- The Haitian government has still not complied with the May 6, 2008 Inter-American Court of Human Rights order requiring it to develop, within two years, a Plan of Action to bring Haiti’s miserable prison conditions up to the minimum international human rights standards.<sup>272</sup>

## V. Lack of equal rights & protections

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Haiti's acute insecurity and humanitarian crises continue to impact individuals with marginalized identities disproportionately.<sup>273</sup> Women and girls in particular remain at heightened risk of gender-based violence<sup>III</sup> (GBV),<sup>274</sup> especially from members of armed groups.<sup>275</sup> Vulnerable individuals experience greater difficulty accessing resources and protection, despite continued efforts by Haitian grassroots organizations and women leaders – who are themselves vulnerable and lack government support<sup>276</sup> – to provide assistance and advocate for better policies.<sup>277</sup> Underlying this dynamic are structural inequalities and their causes, which remain unaddressed because successive corrupt, repressive, and exclusionary governments have impeded any possibility of progress.<sup>278</sup> A salient example is the gross underrepresentation of women in the transition process to date. There are no women among the seven members of the TPC with voting power<sup>279</sup> and only men were interviewed for the position of interim Prime Minister.<sup>280</sup> The exclusion of Haitian women from these foundational initiatives violates their well-established right to non-discrimination and equality, including in public affairs,<sup>281</sup> as well as the strict Constitutional requirement that at least 30% of public and political roles be reserved for women.<sup>282</sup> This failure to allow the equitable participation by women and other under-represented groups in the transition process further undermines its effectiveness and sustainability.<sup>283</sup>

- Already widespread GBV has reached unprecedented levels.<sup>284</sup> *Médecins Sans Frontières (MSF)* estimated that its staff treated 42% more survivors of GBV in 2023 than in 2022 (some 3,700 victims).<sup>285</sup> The Global Protection Cluster reported 3,056 cases of rape from January to August 2023, a 49% increase from 2022.<sup>286</sup> A 2023 survey conducted by RNDDH found that 34% of women respondents in the neighborhoods of Carrefour-Feuilles, Cité Soleil, and Bel-Air had been raped.<sup>287</sup> The Platform of Women Organized for the Development of Artibonite recorded over 1,370 cases of rape in the Artibonite Department between April 2023 and March 2024.<sup>288</sup> Chronic under-reporting of GBV – driven by fear of retaliation and social exclusion, distrust of the judicial system, and insufficient resources for victims – indicates that these numbers likely reflect only a fraction of actual violence against women.<sup>289</sup>
- Armed groups' use of brutal sexual violence as a tool for holding territory, punishing people living under the control of rival armed groups, and instilling fear in the population continues to increase.<sup>290</sup> Members of armed groups rape women and girls in their homes, on the street, and on public transportation.<sup>291</sup> Sometimes rapes occur in broad daylight<sup>292</sup> and in front of the victim's family members,<sup>293</sup> often with multiple perpetrators involved.<sup>294</sup> Some victims are beaten, mutilated, or killed after being raped.<sup>295</sup> Members of armed groups have circulated videos of the abuse online.<sup>296</sup> Age does not protect from sexual violence – armed groups commonly target girls as young as three and elderly women.<sup>297</sup> Women and girls made up over half of all kidnapping victims in January and February,<sup>298</sup> and are extremely vulnerable to sexual violence, including rape and sexual slavery, during the course of kidnappings.<sup>299</sup> Members of armed groups have also forced women into sexual relationships with them, threatening to kill them if they refuse.<sup>300</sup> Continued attacks on women traveling to work, especially to sell good at markets, exacerbate women's economic insecurity<sup>301</sup> and increase pressures on women and girls to engage in survival sex.<sup>302</sup> Women and girls displaced by the violence are also at a heightened risk of sexual exploitation and abuse.<sup>303</sup>
- Victims of GBV continue to face systemic barriers to accessing critical services and judicial recourse.<sup>304</sup> Even when GBV is reported, perpetrators are rarely prosecuted or convicted,<sup>305</sup> and sentences are often lenient.<sup>306</sup> Healthcare and psychosocial services for survivors of GBV likewise remain inadequate.<sup>307</sup> Increased violence by armed groups, reduced hospital operations and supply shortages due to insecurity, a lack of referral pathways, and stigma associated with seeking care further complicate victims' access to medical and psychosocial care.<sup>308</sup> There are very few shelters for victims of sexual violence.<sup>309</sup> Whatever dedicated services are available for victims are primarily provided by local and humanitarian organizations rather than the state.<sup>310</sup>
- The collapse of the healthcare system<sup>311</sup> continues to have a distinct impact on women, especially pregnant women.<sup>312</sup> Some have reportedly died because they were unable to reach a hospital.<sup>313</sup> Nearly 3,000 pregnant women – including many victims of sexual violence or survival sex<sup>314</sup> – are at risk of

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<sup>III</sup> According to the UN, GBV is “violence simply because of [an individual’s] sex or gender.” GBV includes, but is not limited to, “sexual, physical, mental and economic harm inflicted in public or in private” as well as “threats of violence, coercion and manipulation.” UN High Commissioner for Refugees (UNHCR), *Gender-based violence*, <https://www.unhcr.org/us/what-we-do/protect-human-rights/protection/gender-based-violence>.

losing access to essential healthcare<sup>315</sup> as maternity clinics are forced to cut back services or close entirely due to insecurity.<sup>316</sup> The insecurity-related fuel shortages have resulted in some hospitals requiring pregnant women to provide fuel in order to receive care.<sup>317</sup> A network of healthcare organizations working in Haiti reported that one woman died during a C-section because the hospital generator ran out of fuel, causing a power outage in the middle of her surgery. Despite these challenges, the humanitarian basket for maternal healthcare is grossly inadequate.<sup>318</sup> Abortion remains illegal under all circumstances,<sup>319</sup> and contraception is difficult to access.<sup>320</sup> Women seeking abortion – some after being raped<sup>321</sup> – are thus forced to undergo clandestine procedures, putting them at increased risk of complications.<sup>322</sup> Enduring stigma against menstruation complicates access to feminine hygiene products, especially for displaced women and girls.<sup>323</sup>

- The ongoing deterioration of the security situation is profoundly impacting children in particular.<sup>324</sup> Armed groups continue to kill children and babies as young as three months old,<sup>325</sup> with the first quarter of 2024 the most violent on record for children.<sup>326</sup> Children – many unaccompanied<sup>327</sup> – make up approximately half of all persons displaced by the violence.<sup>328</sup> Armed groups coerce children into joining their ranks by promising them food or money, and have killed those who try to leave.<sup>329</sup> Children are also highly vulnerable to sexual exploitation by members of armed groups.<sup>330</sup> According to the UN Children’s Fund, at least one-third of all victims of sexual violence in 2023 were children.<sup>331</sup> The deepening insecurity has deprived approximately 200,000 children of their education,<sup>332</sup> leaving them at increased risk of recruitment by armed groups,<sup>333</sup> as well as poverty and related harmful coping mechanisms.<sup>334</sup> Children remain especially vulnerable to and impacted by malnutrition<sup>335</sup> and cholera.<sup>336</sup> School closures have prevented the distribution of school meals to hundreds of thousands,<sup>337</sup> exacerbating the impacts of more generalized food insecurity. A significant number of children remain in pretrial detention:<sup>338</sup> in overcrowded conditions<sup>339</sup> and at increased risk of violence.<sup>340</sup> Children living in orphanages<sup>341</sup> and working as domestic workers (known as *restavèks*)<sup>342</sup> are disproportionately vulnerable to trafficking and forced labor.<sup>343</sup>
- Haiti’s rural farmers, “*peyizan*,” remain vulnerable to attacks by armed groups, violent land grabs, and theft.<sup>344</sup> Armed groups reportedly control irrigation systems in the Artibonite Valley, diverting irrigation canals and forcing farmers to pay “taxes” to water their crops.<sup>345</sup> As a result, many *peyizan* have been forced to abandon their land.<sup>346</sup> Chronic government neglect of rural communities and the practice of expropriating *peyizan* land for the benefit of Haitian elites and foreign corporations compound these acute challenges.<sup>347</sup>
- Other marginalized groups continue to face significant social stigma, exclusion, and discrimination.<sup>348</sup> Haiti remains extremely dangerous for LGBTQI+ persons, who are not protected under the law.<sup>349</sup> There were at least 13 known cases of violence against LGBTQI+ individuals in 2023,<sup>350</sup> as well as instances of “corrective” rape by armed groups.<sup>351</sup> LGBTQI+ youth are particularly vulnerable to trafficking and lack resources and protection.<sup>352</sup> While persons with disabilities are protected under the law, those protections are not enforced.<sup>353</sup> They are often denied access to essential services, including medical care, and face physical accessibility challenges.<sup>354</sup>

## **VI. Collapse of economic & social rights**

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Haiti’s social and economic landscape remains dire, marked by a worsening food crisis,<sup>355</sup> widespread closures of schools and medical facilities,<sup>356</sup> and a lack of access to basic necessities.<sup>357</sup> The deepening insecurity and government collapse continue to fuel the catastrophic humanitarian situation.<sup>358</sup> The over-centralization of services and trade activities – itself a product of past foreign interference<sup>359</sup> – means that while the situation is especially dire around Port-au-Prince,<sup>360</sup> other parts of the country are still experiencing adverse impacts.<sup>361</sup> Environmental impacts and the climate crisis contribute to vulnerability.<sup>362</sup> These challenges are collectively rooted in long-term under-development and institutional dysfunction,<sup>363</sup> including as a result of persistent foreign interference and extraction,<sup>364</sup> as well as corruption and mismanagement by Haitian officials.<sup>365</sup> Meaningful solutions to Haiti’s intersecting crises require addressing these structural drivers of social and economic fragility. This includes reparations for past foreign harms, including especially restitution for the debt imposed on Haiti by France in 1825 in exchange for Haiti’s independence, which has played an outsized role in undermining Haiti’s development.<sup>366</sup> Consideration of economic justice and sustainable development must also be core to the transition and thoughtfully addressed as part of any demobilization, reintegration, and reconstruction efforts.

## *Economy in decline*

- Haiti's economy remains in its sixth consecutive year of decline,<sup>367</sup> with approximately 63% of Haitians living in poverty.<sup>368</sup> Inflation has been rising since January and remains high at 27.3% as of April.<sup>369</sup> Haiti's Gross Domestic Product (**GDP**) – steadily declining since 2013 – decreased by 3% in the last year,<sup>370</sup> making Haiti one of the world's fastest declining economies.<sup>371</sup> The cost of many food staples – including rice, corn, and meat – is over 30% higher than one year ago.<sup>372</sup> As a result, Haitians are increasingly unable to afford food and are forced to resort to coping strategies that perpetuate the cycle of poverty.<sup>373</sup> Diminishing remittances from abroad – which represent approximately 25% of Haiti's GDP – also contribute to the economic decline.<sup>374</sup>
- Deepening insecurity exacerbates the long-term structural drivers of Haiti's economic decline.<sup>375</sup> Extortion and violence by armed groups – including a local self-defense group<sup>376</sup> – along key transportation routes continue to disrupt the flow of goods through Haiti,<sup>377</sup> driving up prices even as they increase revenues for armed groups, thereby feeding the cycle of violence.<sup>378</sup> Because the majority of goods are imported through Port-au-Prince, the effects are felt acutely throughout the country.<sup>379</sup> Armed groups also impose monthly “protection taxes” on truckers and business owners.<sup>380</sup> In practice, even payment of the tax does not always guarantee safety.<sup>381</sup> Rampant kidnapping, destruction of private property, and looting by armed groups also contribute to increased poverty.<sup>382</sup> The escalation in violence beginning on February 29, in particular, caused the price of food items<sup>383</sup> and fuel<sup>384</sup> to rise sharply. The high cost of fuel – as much as 2,800 gourdes (approximately US \$21) per gallon<sup>385</sup> – compounds challenges for earning a living.<sup>386</sup> The closure of the Varreux oil terminal on April 22 due to repeated attacks by armed groups exacerbated the situation.<sup>387</sup> Insecurity also continues to impact foreign trade and economic activity, leading to increased unemployment.<sup>388</sup>
- The persistent economic decline remains a principal driver of recruitment by armed groups, as poor Haitians – particularly children<sup>389</sup> – see joining an armed group as their only means of survival.<sup>390</sup>

## *Access to water*

- Access to drinking water, as well as basic hygiene and sanitation, remains limited,<sup>391</sup> aggravating the spread of cholera and other waterborne diseases.<sup>392</sup> Much of the population relies on bottled water,<sup>393</sup> which exposes them to dangerous nanoplastics<sup>394</sup> and increases vulnerability to insecurity-related supply issues.<sup>395</sup> Displacement further reduces access to clean water.<sup>396</sup> The UN promised to address chronic issues with access to water, sanitation, and hygiene infrastructure in 2016 as part of its plan to eliminate UN-introduced cholera,<sup>397</sup> but has failed to do so.<sup>398</sup>
- Insecurity continues to exacerbate longstanding problems with water access rooted in government failures to build, maintain, and oversee infrastructure<sup>399</sup> and heightened by environmental and climate challenges.<sup>400</sup> Armed groups reportedly use access to water (and food) as a means of control over the population<sup>401</sup> and impose “taxes” on public water services.<sup>402</sup> Port-au-Prince's largest aquifer, which provides water to over 1.5 million people, has been under the control of armed groups since November.<sup>403</sup>

## *Access to food*

- Haiti's hunger crisis has reached unprecedented levels,<sup>404</sup> with the World Food Programme (**WFP**) listing it among the five countries of highest concern for food insecurity globally in 2024.<sup>405</sup> The number of acutely food insecure Haitians has increased to 4.97 million – nearly half the population.<sup>406</sup> Of those, 3.32 million and 1.64 million are facing crisis- and emergency-level food insecurity,<sup>IV</sup> respectively.<sup>407</sup> Approximately 250,000 children are impacted by acute malnutrition,<sup>408</sup> with half of those at immediate risk of severe wasting.<sup>409</sup> The most severely affected areas include the Artibonite valley, the West department (which includes Port-au-Prince), and rural parts of Grand'Anse in the South.<sup>410</sup> Within the Port-au-Prince metropolitan area, neighborhoods and communes under the control of armed groups – like Croix-des-Bouquets and Cité Soleil – are particularly impacted.<sup>411</sup> According

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<sup>IV</sup> Crisis-level food insecurity refers to households that are living with high or above-usual acute malnutrition or are barely able to meet their food needs through depleting essential livelihood assets or crisis-coping strategies. Emergency-level food crisis refers to households either living with very high acute malnutrition and excess mortality or only able to meet their food needs by resorting to emergency livelihood strategies and asset liquidation. Famine Early Warning Systems, *What is the IPC?*, <https://fews.net/about/integrated-phase-classification>.

the WFP, 65% of households in the Port-au-Prince metropolitan area are unable to meet their nutritional needs.<sup>412</sup>

- Insecurity and inflated food prices are the primary immediate drivers of Haiti's acute food crisis.<sup>413</sup> Attacks by armed groups on food depots and containers, roadblocks, and related looting complicate food distribution – including by humanitarian organizations<sup>414</sup> – and reduce the amount of food available to the population.<sup>415</sup> The main seaport in Port-au-Prince was closed for at least two months after armed groups looted shipping containers filled with food,<sup>416</sup> stranding essential supplies and forcing aid organizations that rely on the seaport for access to other parts of the country to temporarily suspend their operations.<sup>417</sup> The combined impact with the closure of the airport<sup>418</sup> significantly disrupted the flow of critical food supplies and humanitarian aid into Haiti, exacerbating countrywide shortages.<sup>419</sup> Threats and violence against farmers in the Artibonite Department, Haiti's main agricultural region, continue to impact food production.<sup>420</sup> Armed groups also continue to kidnap and rape women – who play a vital role in Haiti's food distribution network<sup>421</sup> – on their way to market.<sup>422</sup> The closure of the Haitian-Dominican border last year<sup>423</sup> further contributed to food shortages and increased prices.<sup>424</sup>
- Longer-term drivers of Haiti's protracted food insecurity include agricultural policy failures and neglect,<sup>425</sup> persistent foreign interference with Haiti's food sovereignty,<sup>426</sup> inadequate humanitarian support,<sup>427</sup> and environmental challenges impacting the food sector.<sup>428</sup>

### *Access to healthcare*

- Targeted violence by armed groups against hospitals and healthcare workers has increased since IJDH's previous Update,<sup>429</sup> pushing Haiti's collapsing healthcare system to new lows.<sup>430</sup> MSF suspended its work at the Turgeau Emergency Centre in Port-au-Prince for three months (December 2023 to March 2024) after armed individuals pulled a wounded patient from an ambulance and killed him.<sup>431</sup> Looting by armed groups and violence that prevents staff from getting to work have forced more than half of all medical facilities in Port-au-Prince and the Artibonite Department to close or reduce operations.<sup>432</sup> These include the State University Hospital (Haiti's largest public hospital)<sup>433</sup> and the St. Francis de Sales Hospital, which houses the only oncology unit in southern Haiti.<sup>434</sup> As of mid-May, the *Hôpital Universitaire de la Paix* is the only public health facility in the Port-au-Prince metropolitan area with the capacity to manage mass casualties<sup>435</sup> – particularly concerning as increased violence drives up emergency healthcare needs.<sup>436</sup> The closures, combined with the influx of patients injured by the violence, has left Haitians with other serious health concerns unable to get care.<sup>437</sup>
- Even where hospitals are operational, violence, looting, and roadblocks by armed groups continue to impede access to healthcare.<sup>438</sup> Most people are too afraid to leave their homes to seek medical care or are unable to do so because of surging fuel prices or violence blocking their route.<sup>439</sup> Acute shortages and increased costs of oxygen, blood, medication, and other critical supplies persist,<sup>440</sup> leaving many patients unable to get the help they need.<sup>441</sup> For example, in April, the MSF hospital in Cité Soleil ran out of many medications used to treat diabetes, high blood pressure, and asthma.<sup>442</sup> Rural healthcare facilities not directly impacted by insecurity are facing severe challenges related to the large numbers of people displaced by the violence and reduced access to essential supplies and medications.<sup>443</sup> Hospitals are experiencing more frequent electricity outages<sup>444</sup> and struggle to keep the generators running amid the acute fuel crisis.<sup>445</sup> These challenges – together with chronic under-resourcing<sup>446</sup> – have driven up to 20% of Haitian medical professionals to emigrate, amplifying staffing shortages that reduce access to healthcare.<sup>447</sup> Those who remain are left with higher burdens in continuing to deliver care.<sup>448</sup>
- Haiti's protracted insecurity crisis is also taking a profound psychological toll on Haitians.<sup>449</sup> Children are particularly impacted<sup>450</sup> as a result of being continuously exposed to horrific violence<sup>451</sup> and, in some cases, forced to commit extremely violent acts.<sup>452</sup> Pervasive sexual violence against women and girls also has serious psychological consequences, with survivors explicitly emphasizing the need for mental health support.<sup>453</sup> Healthcare workers, educators, and psychological services providers are making efforts to destigmatize mental health issues – previously a taboo subject – and provide support to people in need.<sup>454</sup> Nevertheless, mental health care remains grossly inadequate.<sup>455</sup> Providers themselves also report experiencing psychological trauma, which impacts their ability to provide care.<sup>456</sup>
- Cholera, introduced to Haiti by UN peacekeepers' reckless disposal of human waste in 2010, reemerged in October 2022<sup>457</sup> and remains a daily threat.<sup>458</sup> The Pan American Health Organization has recorded

at least 82,885 suspected cases of cholera, 4,836 confirmed cases, and 1,270 deaths between October 2, 2022 and April 11, 2024.<sup>459</sup> In January, women and children under the age of five accounted for 80% of all cases.<sup>460</sup> The number of suspected cases declined in January and February, but these figures are impacted by insecurity-related under-reporting,<sup>461</sup> and the World Health Organization warns of an impending flare-up as fuel and medical supply shortages continue.<sup>462</sup> The onset of the rainy season also threatens to increase the risk of cholera and other water-borne diseases, particularly in displacement sites.<sup>463</sup> Spread of infection is driven by long-standing problems with Haiti's water, sanitation, and hygiene infrastructure,<sup>464</sup> and exacerbated by insecurity-related deterioration of sanitary conditions and water supply.<sup>465</sup>

### *Access to education*

- Attacks by armed groups against schools, which increasingly involve arson and looting, and ever-growing displacement continue to restrict access to education,<sup>466</sup> primarily in the Port-au-Prince metropolitan area and the Artibonite Department.<sup>467</sup> By the end of January, the violence had forced at least 900 schools in the Port-au-Prince metropolitan area to close, impacting approximately 200,000 students.<sup>468</sup> Many other schools were forced to close after armed groups escalated their attacks on the city on February 29.<sup>469</sup> Some schools began reopening in May,<sup>470</sup> while others remained shuttered.<sup>471</sup> Nearly a quarter of all schools in the Artibonite Department have been closed due to violence since 2022.<sup>472</sup> According to the IOM, 35 schools are now nonoperational because they are being used as informal displacement sites,<sup>473</sup> while others are occupied by armed groups.<sup>474</sup>
- Even where schools remain operational, they are not necessarily safe. For example, 3,500 students were trapped for four days inside their school in Port-au-Prince when fighting between armed groups prevented them from leaving.<sup>475</sup> For others, the physical journey to get to school is either impossible or extremely stressful due to the widespread insecurity,<sup>476</sup> and children who do make it to the classroom often have difficulty concentrating.<sup>477</sup>
- Chronic under-resourcing,<sup>478</sup> a lack of public schools, and general dysfunction further disrupt access to education. Even when fully operational, the school system reportedly excludes 500,000 children from the classroom.<sup>479</sup> Poor children have always faced disproportionate challenges to accessing education due to the lack of public institutions,<sup>480</sup> but rising poverty, combined with the economic impacts of looting by armed groups, have increased the number of families unable to pay to send their children to school.<sup>481</sup> A shortage of qualified teachers as a result of years of inadequate pay and poor working conditions – especially in public schools<sup>482</sup> – exacerbates these challenges.<sup>483</sup>

## **VII. Emigration pressures**

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The above-described challenges continue to drive Haitians to emigrate.<sup>484</sup> They are being met with policies aimed at restricting asylum and preventing migration that are grounded in anti-Black racism.<sup>485</sup> Foreign states still repatriate Haitians seeking refuge at their borders,<sup>486</sup> even as they evacuate their own citizens from Haiti.<sup>487</sup> U.S. immigration policies continue to have the effect of excluding the most vulnerable Haitians from safety while allowing in Haitians who have developed advanced skills, thereby exacerbating “brain drain.”<sup>488</sup>

- The number of Haitians seeking to escape the catastrophic humanitarian crisis and escalating violence in Haiti – who embark on dangerous and often deadly journeys over land and sea to do so<sup>489</sup> – continues to increase.<sup>490</sup> Approximately 338,486 Haitians fled Haiti last year.<sup>491</sup> U.S. Customs and Border Protection encountered 207,818 Haitian migrants at U.S. land borders in 2023, more than triple the number encountered in 2022.<sup>492</sup> Haitians seeking to flee in search of protection remain extremely vulnerable to trafficking.<sup>493</sup>
- Despite the deteriorating insecurity situation, foreign states continue to target Haitian migrants who reach their borders for removal.<sup>494</sup> The UN High Commissioner for Refugees,<sup>495</sup> U.S. lawmakers,<sup>496</sup> and human rights organizations<sup>497</sup> have criticized the removals as hypocritical, inhumane, and, in many cases, illegal. BINUH reported that countries forcibly returned over 28,000 Haitians between January and March.<sup>498</sup> According to the IOM, 13,000 deportations took place in March alone, a 46% increase from the previous month that is especially concerning given the escalation of violence during that period.<sup>499</sup> The Dominican Republic – responsible for 97% of all removals – expelled over 208,000 Haitians in 2023.<sup>500</sup> Anti-Haitian and anti-Black prejudice fuels these mass expulsions;<sup>501</sup> Dominican migration authorities are reportedly targeting communities with a high concentration of Haitian



migrants and Dominicans of Haitian descent – regardless of their immigration status – for illegal raids, arbitrary detention, extortion, and violence, including sexual abuse.<sup>502</sup> Dominican authorities also continue to detain and remove pregnant women, with severe consequences for maternal health.<sup>503</sup> Despite the U.S. government’s repeated acknowledgment of the severity of the insecurity and humanitarian crises in Haiti,<sup>504</sup> evacuation of U.S. citizens because of the danger,<sup>505</sup> and the continued closure of Haiti’s principal international airport at the time,<sup>506</sup> the U.S. government resumed deportation flights in April.<sup>507</sup> Repatriations of Haitians interdicted at sea, who are particularly at risk of abuses during repatriation,<sup>508</sup> also continued.<sup>509</sup>

- Foreign states are still taking measures to deter migration and prevent Haitians from reaching their borders.<sup>510</sup> The Dominican Republic’s closure of its land border with Haiti on September 17 continues to prevent all regular migration between the two countries.<sup>511</sup> Construction of a border wall between the two to prevent any irregular migration continues.<sup>512</sup> Following the March attack on Haiti’s two largest prisons, the Dominican Republic and the Bahamas instituted additional security measures to block any Haitian migration.<sup>513</sup>
- The U.S. government’s humanitarian parole program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV), which offers lawful entry into the United States based on humanitarian need to a limited number of migrants (shared without allocation among the four nationalities),<sup>514</sup> continues to provide a pathway for many Haitians to settle in the United States.<sup>515</sup> But the cancellations of all flights out of Haiti at the beginning of March<sup>516</sup> and ongoing exorbitant costs<sup>517</sup> have prevented many Haitians who were approved for the program from leaving the country.<sup>518</sup> As described in IJDH’s previous Update, even when functioning as intended, fundamental flaws in the CHNV program have the effect of excluding the most vulnerable Haitians<sup>519</sup> and leave many feeling as though irregular migration is their only option for safety.<sup>520</sup> Illegal limitations on asylum compound the resulting lack of access to protection for the most vulnerable.<sup>521</sup> Another program that offers critical protection to Haitian migrants already in the United States, known as Temporary Protected Status, is set to expire on August 3.<sup>522</sup>
- Haitian migrants who are returned to Haiti are particularly vulnerable to violence,<sup>523</sup> including because the majority are returned alone and may lack social safety networks.<sup>524</sup> Systems for ensuring that unaccompanied child returnees are reunited with family members are inadequate, lack oversight, and often fail, leaving children vulnerable to trafficking.<sup>525</sup> Assistance to returnees, primarily provided by the IOM, remains limited.<sup>526</sup> Haitians repatriated from the Dominican Republic are often unable to return to their regions of origin due to insecurity and the high cost of fuel, and are forced to stay in border towns where they are at risk of hunger and violence.<sup>527</sup> Similarly, the U.S. government is returning Haitians to Cap-Haïtien (a city in the far north of the country),<sup>528</sup> forcing them to travel long distances along dangerous routes controlled by armed groups to be reunited with their families.<sup>529</sup> Returnees with prior criminal records remain at risk of incarceration upon arrival, despite having already served their sentences in the United States,<sup>530</sup> and many report that they are denied their medications and the small sum of money for transportation to which they are entitled upon arrival.<sup>531</sup> They are also commonly required to pay exorbitant sums of money to receive medical treatment, increasing their vulnerability.<sup>532</sup>

## **VIII. Failures of the international community to respect the rights of Haitians**

The role of the international community in the present moment remains ambiguous. On the one hand, Haiti’s crisis – including as a product of long-term foreign interference<sup>533</sup> – has become so desperate that many Haitians themselves say that they want and need outside help with tackling the immense security, humanitarian, and development challenges described in IJDH’s Updates.<sup>534</sup> On the other hand, international actors continue to engage in ways that are disruptive to Haiti’s long-term stability, democracy, and human rights,<sup>535</sup> leaving many Haitians concerned that past patterns of harmful foreign interference will be repeated.<sup>536</sup> These patterns include extractive policies (France’s extortion of the Independence Debt being a salient example<sup>537</sup>); military occupation and interventions resulting in a myriad of grave harms;<sup>538</sup> and persistent support for successive undemocratic and illegitimate regimes that have deliberately weakened Haiti’s government structures.<sup>539</sup> The harmful patterns seem to be continuing in the form of foreign manipulation of the ongoing transitional process<sup>540</sup> and support for the MSS even as it lacks the resources, personnel, and planning to effectively support Haitians in restoring security.<sup>541</sup> Meanwhile, humanitarian assistance policies remain inadequate at best<sup>542</sup> and damaging at worst.<sup>543</sup> They are further undercut by the international community’s failure to stem the flow of foreign – mostly U.S. – weapons into Haiti.<sup>544</sup>

- Henry’s international backers were finally forced to withdraw support for him in March,<sup>545</sup> but their underlying policy of supporting the very same actors responsible for the present crisis and overriding Haitian sovereignty appears the same. The decisions regarding which groups would name TPC representatives to replace the outgoing Henry regime were made at meetings hosted by CARICOM with U.S. support, through a process that reportedly included discussions from which Haitians were excluded.<sup>546</sup> Three of the groups thus selected – the January 30 Collective, the December 21 Agreement, and EDE/RED – are dominated by the same PHTK-affiliated actors that the United States has been backing for years even as they dismantled Haiti’s democracy.<sup>547</sup> CARICOM reportedly advocated strongly – with the support of PHTK President Liné Balthazar – for the inclusion of the latter, as well as of *Pitiit Desalin*.<sup>548</sup> Together, these four groups formed the “indissoluble” voting bloc that attempted to coopt the transitional process in April,<sup>549</sup> representing a concerning through-line in terms of who is placed closest to power with foreign backing. International actors also conditioned membership in the TPC on endorsing the MSS, disregarding Haitian civil society opposition to the MSS as proposed.<sup>550</sup> If left unchecked, such continued foreign intrusion into Haiti’s transition, notwithstanding accompanying rhetoric purporting to center Haitian leadership, will entrench the very actors and systems responsible for Haiti’s crisis.<sup>551</sup>
- The international community has continued to push for the urgent deployment of the MSS.<sup>552</sup> Despite U.S. preparation on the ground in Haiti – including starting to build barracks and procuring basic supplies<sup>553</sup> – any formal deployment has been delayed until mid-June at the time of writing.<sup>554</sup> Stated reasons include critical equipment and infrastructure shortages,<sup>555</sup> but other significant issues with the Mission abound.<sup>556</sup> Kenya is still planning to lead,<sup>557</sup> but continues to face legal challenges to deployment.<sup>558</sup> While multiple countries have pledged financial<sup>559</sup> and in-kind support,<sup>560</sup> the commitments – and especially disbursements – remain low relative to those assessed by MSS architects as necessary in order for the Mission to be successful.<sup>561</sup> While the UN Security Council resolution authorizing the MSS excludes the Mission from UN accountability mechanisms, it still explicitly calls for the “highest standards of transparency” and strong measures to prevent harms to civilians and ensure accountability, as well as fully articulated rules of engagement that adhere to international law.<sup>562</sup> Eight months later, Kenya has yet to deliver any information regarding corresponding rules or policies.<sup>563</sup> Almost nothing is known about the Mission’s rules of engagement.<sup>564</sup> This void elicits serious concerns about the potential for abuses<sup>565</sup> – particularly given the Kenyan police’s troubling human rights record<sup>566</sup> and its role in violent counterinsurgency operations elsewhere.<sup>567</sup> Finally, the MSS has committed to working through the PNH, but has articulated no clear plan for doing so effectively given known corruption and armed group collusion that plagues Haiti’s police.<sup>568</sup> These challenges may pose problems for renewal of the MSS’s mandate, which currently expires on October 2, 2024 and is up for review on July 2.<sup>569</sup>
- High volume arms trafficking, including of military-grade weapons,<sup>570</sup> is a primary driver of Haiti’s insecurity.<sup>571</sup> The vast majority of weapons are coming from the United States.<sup>572</sup> Initiatives by the U.S. government to address trafficking<sup>573</sup> remain inadequate<sup>574</sup> and have had very little impact.<sup>575</sup> Efforts by Haitian authorities to intercept arms shipments<sup>576</sup> are impeded by widespread corruption among public officials<sup>577</sup> and capacity constraints.<sup>578</sup>
- Foreign states have continued to sanction Haitian individuals accused of corruption or collusion with armed groups,<sup>579</sup> though a recent UN report found that the impact of foreign sanctions on armed groups is negligible.<sup>580</sup> The U.S. government has refrained from sanctioning many of the key actors ultimately responsible for Haiti’s current crises.<sup>581</sup>
- Notwithstanding strong statements of concern regarding the crisis in Haiti, humanitarian aid remains grossly underfunded and inadequate to meet ever-growing needs.<sup>582</sup> At the time of writing, the humanitarian aid basket for Haiti was only 22% funded.<sup>583</sup> The rising insecurity is complicating aid delivery and endangering staff, exacerbating funding challenges.<sup>584</sup> Long-standing harmful aid practices – including channeling aid overwhelmingly through foreign contractors instead of local government or civil society organizations<sup>585</sup> – continue to impede Haiti’s development, even as they purport to help.<sup>586</sup>
- BINUH’s current mandate expires July 15, 2024<sup>587</sup> but will almost certainly be renewed. Mounting insecurity in March forced 149 BINUH personnel to evacuate, leaving the mission understaffed, operationally limited, and thus lacking capacity to fulfil its mandate.<sup>588</sup>

## Notes

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<sup>1</sup> See, e.g., Michael Wilner & Jacqueline Charles, *Haiti prime minister's hold on power is 'untenable,' State Department says*, Miami Herald (Mar. 8, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article286436725.html>.

<sup>2</sup> See, e.g., Juhakenson Blaise, *TPC holds secret swearing-in ceremony at Haiti's National Palace, as Ariel Henry's government officially departs*, Haitian Times (Apr. 25, 2024), <https://haitiantimes.com/2024/04/25/haiti-installation-tpc-henry-resigned/>.

<sup>3</sup> See, e.g., Jacqueline Charles, *When are Kenyan cops arriving in Haiti? Here's what you need to know about the mission*, Miami Herald (Jun. 4, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article288977750.html>. See also *infra* notes 553-561, 568.

<sup>4</sup> Nathalye Cotrino, *Kenya-Led Security Mission Prepares for Deployment in Haiti*, Human Rights Watch (HRW) (May 28, 2024), <https://www.hrw.org/news/2024/05/28/kenya-led-security-mission-prepares-deployment-haiti>; Amnesty International, *Haiti: human rights safeguards and transparency must guide security mission deployment* (Jun. 4, 2024), <https://www.amnesty.org/en/latest/news/2024/06/haiti-human-rights-safeguards-and-transparency-must-guide-security-mission-deployment/>. See also *infra* notes 562-567.

<sup>5</sup> Pierre Espérance, *How to Take on Haiti's Gangs: America Can Do More to Create Stability and Foster Democracy*, Foreign Affairs (Apr. 2, 2024), <https://www.foreignaffairs.com/haiti/how-take-haitis-gangs> (Pierre Espérance, the Executive Director of the Réseau National de Défense des Droits Humains (RNDDH), says that “this could also be a moment of transformative change in Haiti. . . . After years of frustration and despair, there is hope that Haiti could finally create a government that is committed to the country's democratic future. But this opportunity can be realized only if the United States, which has long had a deciding role in Haitian politics, works with Haitian democrats carefully and constructively, and avoids repeating the mistakes it has made in the past.”); Marcela Garcia, *Haitians cling to hope as their country prepares to install a transitional council*, Boston Globe (Apr. 23, 2024), <https://www.bostonglobe.com/2024/04/23/opinion/haiti-transitional-council-violence/>; *Haiti: Ariel Henry's U.S.-Backed "Criminal Regime" Faces Gang Uprising; U.N. Set to Deploy Kenyan Police*, Democracy Now! (Mar. 5, 2024), [https://www.democracynow.org/2024/3/5/haiti\\_state\\_of\\_emergency](https://www.democracynow.org/2024/3/5/haiti_state_of_emergency) (Senior Research Associate at the Center for Economic and Policy Research (CEPR) Jake Johnston discusses the crisis and transition: “[I]n a lot of ways, what we're seeing right now is a fight between protecting the status quo, trying to put the train back on the tracks, so to speak, or actually building something new . . . refounding the state and rebuilding that social contract that has been broken.”).

<sup>6</sup> AP News, *Meet the members of a transitional council tasked with choosing new leaders for beleaguered Haiti* (Apr. 25, 2024), <https://apnews.com/article/haiti-transitional-council-members-cfc792b231cd245fa704e4bcc86beb81>. See also *infra* notes 279-283.

<sup>7</sup> @rtvgalaxie, X (May 28, 2024), <https://x.com/rtvgalaxie/status/1795556756501696780>.

<sup>8</sup> See *infra* notes 27-30.

<sup>9</sup> These patterns, along with other short- and long-term drivers of Haiti's crises, are extensively documented in IJDH's prior Updates. See generally IJDH, *News and Resources Publications: Human Rights Updates*. They are also manifestations of longer-standing dynamics of foreign interference and extraction in Haiti dating back to its independence. See Democracy Now!, *"Empire's Laboratory": How 2004 U.S.-Backed Coup Destabilized Haiti & Led to Current Crisis* (Mar. 11, 2024), [https://www.democracynow.org/2024/3/11/haiti\\_update](https://www.democracynow.org/2024/3/11/haiti_update); Brian Concannon Jr. et al., *Restitution for Haiti, Reparations for All: Haiti's Place in the Global Reparations Movement*, 55 Univ. Miami Inter-Am. L. Rev. 80 (Dec. 13, 2023), <https://repository.law.miami.edu/cgi/viewcontent.cgi?article=2673&context=umialr>.

<sup>10</sup> See, e.g., Beatrice Lindstrom, *With Haiti on the Brink of Collapse, a Reckoning for US Policy on Haiti*, Just Security (Mar. 9, 2024), <https://www.justsecurity.org/93193/with-haiti-on-the-brink-of-collapse-a-reckoning-for-us-policy-on-haiti/>; Brian Concannon, *US should let Haiti reclaim its democracy*, Responsible Statecraft (Mar. 8, 2024), <https://responsiblestatecraft.org/haiti-henry/>; CEPR, *Haiti PM RESIGNS After GANGS Overrun Government*, YouTube (Mar. 14, 2024), <https://www.youtube.com/watch?v=VJTjL1mYA60>.

<sup>11</sup> Henry committed to resigning on March 11, but did not do so formally until the TPC was sworn in on April 25. CBS News, *Haitian Prime Minister Ariel Henry agrees to resign, bowing to international and internal pressure* (Mar. 12, 2024), <https://www.cbsnews.com/news/haiti-prime-minister-ariel-henry-resigning-once-transitional-council-formed/> (“Haitian Prime Minister Ariel Henry announced early Tuesday that he would resign once a transitional presidential council is created, capitulating to international pressure that seeks to save the country overwhelmed by violent gangs that some experts say have unleashed a low-scale civil war.”); Blaise, *TPC holds secret swearing-in ceremony at Haiti's National Palace, as Ariel Henry's government officially departs*, Haitian Times (Apr. 25, 2024).

<sup>12</sup> Haiti Libre, *Haiti – Politic: PM Henry in Puerto Rico seeks to return to Haiti* (Mar. 6, 2024), <https://www.haitilibre.com/en/news-41819-haiti-politic-pm-henry-in-puerto-rico-seeks-to-return-to-haiti.html>; Vanessa Buschschlüter, *Haiti gang leader threatens 'civil war' if PM does not resign*, BBC News (Mar. 6, 2024), <https://www.bbc.com/news/world-latin-america-68486536>.

<sup>13</sup> See Wilner & Charles, *Haiti prime minister's hold on power is 'untenable,' State Department says* (Mar. 8, 2024); Joshua Goodman, *'They messed it up': Biden's backing for Haiti's unpopular leader digs US into deeper policy hole*, AP News (Mar. 7, 2024), <https://apnews.com/article/haiti-violence-gangs-biden-ariel-henry-crisis->

[c79d6c330f2074e44c08decaca2bc1f1](#) (“When Haitian Prime Minister Ariel Henry filled the void left by the assassination of the country’s president in 2021, he did so over the protest of wide segments of the population but with the full-throated support of the Biden administration. . . . ‘They messed it up deeply,’ James Foley, a retired career diplomat and former U.S. ambassador to Haiti, said in an interview about the Biden administration’s support for Henry. ‘They rode this horse to their doom. It’s the fruit of the choices we made.’”).

<sup>14</sup> Brian Concannon, *Commentary – Finally, it’s time for the US to stop pulling strings in Haiti*, *Dorchester Reporter* (Mar. 19, 2024), <https://www.dotnews.com/2024/commentary-finally-it-s-time-us-stop-pulling-strings-haiti>.

<sup>15</sup> The Core Group – made up of representatives from the United States, Brazil, Canada, France, Germany, Spain, the European Union, the Organization of American States, and the UN – effectively installed Henry as Prime Minister via a press release following the assassination of his predecessor, President Jovenel Moïse, then maintained him in power. UN Integrated Office in Haiti (BINUH), *Communiqué du Core Group* (Jul. 17, 2021), <https://binuh.unmissions.org/fr/communiqu%C3%A9-du-core-group-4>; Evens Sanon et al., *Haitian PM arrives in Puerto Rico after long absence as he struggles to get home to quell violence*, *AP News* (Mar. 5, 2024), <https://apnews.com/article/haiti-violence-prison-break-curfew-0116d2ebac1b14a587baa176818055cb>; Goodman, *‘They messed it up’: Biden’s backing for Haiti’s unpopular leader digs US into deeper policy hole* (Mar. 7, 2024). See also Rafael Bernal, *Rush to deploy multinational force sets conditions on Haiti*, *The Hill* (Mar. 15, 2024), <https://thehill.com/policy/international/4533212-multinational-force-haiti-ariel-henry/>; Francklyn B. Geffrard, *‘Ariel Henry doit démissionner ou être évincé pour permettre à Haïti de progresser’*, *- Daniel Foot*, *RHI News* (Feb. 4, 2024), <https://www.rhinews.com/actualites/ariel-henry-doit-demissionner-ou-etre-evince-pour-permettre-a-haiti-de-progresser-daniel-foote/>; HRW, *Haiti: Urgent Action Needed Amid Growing Lawlessness* (Mar. 8, 2024), <https://www.hrw.org/news/2024/03/08/haiti-urgent-action-needed-amid-growing-lawlessness> (“Haitian human rights and civil society groups have called for Haiti’s international partners, especially the United States, to stop propping up Henry’s government.”).

<sup>16</sup> Becky Sullivan, *As its only remaining elected officials depart, Haiti reaches a breaking point*, *NPR* (Jan. 18, 2023), <https://www.npr.org/2023/01/18/1149556481/haiti-last-elected-official-political-crisis>.

<sup>17</sup> Haitians have been protesting Henry’s misrule – often in the face of violent police repression – since the Core Group installed him in 2021, as documented in IJDH past Updates. See IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, June through November 2023*, pp. 1, 4 (Dec. 2023), <https://www.ijdh.org/wp-content/uploads/2023/12/IJDH-HRU-Dec.-2023-12.11-FINAL.pdf>; IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, June through November 2022*, pp. 1, 4 (Dec. 2022), <https://www.ijdh.org/wp-content/uploads/2022/12/HRU-December-2022-FINAL.pdf>; IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, December 2021 through May 2022*, pp. 1, 3 (Jun. 2022), <https://www.ijdh.org/wp-content/uploads/2022/06/IJDH-Human-Rights-Update-June-2022.pdf>; IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, June through November 2021*, p. 1 (Dec. 2021), <https://www.ijdh.org/wp-content/uploads/2021/12/IJDH-Human-Rights-Update-November-2021.pdf>.

This pattern continued in the reporting period, with particularly strong anti-government protests taking place across Haiti in January and February. See BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024*, p. 9 (Apr. 19, 2024), [https://binuh.unmissions.org/sites/default/files/2024\\_q1\\_human\\_rights\\_quarterly\\_report\\_en\\_19.04.2024.pdf](https://binuh.unmissions.org/sites/default/files/2024_q1_human_rights_quarterly_report_en_19.04.2024.pdf) (“From 11 January to 7 February, anti-government demonstrations and public disturbances . . . took place in eight of the country’s ten departments, as well as in the capital.”); BINUH, *Report of the Secretary-General*, ¶ 43 (Apr. 16, 2024), <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/N2409157.pdf> (“The demonstrations, which turned violent on several occasions, led to the closure of public institutions and brought basic services and economic activities to a standstill.”); *AP News*, *Protests erupt across Haiti as demonstrators demand that the prime minister resign* (Feb. 5, 2024), <https://apnews.com/article/haiti-protests-ariel-henry-38c2d114f2df01125d7723c89d0c9f0f>; Caitlin Stephen Hu et al., *Gangs rule Haiti’s capital. Some say they’re ready to overthrow the government too*, *CNN* (Mar. 5, 2024), <https://www.cnn.com/2024/03/04/americas/haiti-ariel-henry-gangs-protests-bsap-intl-latam/index.html>; UN Office for the Coordination of Humanitarian Affairs (OCHA), *Haiti: Impact of civil unrest on the humanitarian response* (Feb. 8, 2024), <https://reliefweb.int/report/haiti/haiti-impact-civil-unrest-humanitarian-response-flash-update-5-7-february-2024>. See also *infra* notes 181-183.

The Haitian Environment Ministry’s Brigade for the Security of Protected Areas (BSAP) – a government agency turned paramilitary group – took part in many of these protests during the reporting period and was responsible for some of the violence that occurred. BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 9 (reporting that “BSAP members not only took part in demonstrations, but also used threats to force businesses and schools to close down[.]” and that casualties were mostly “a result of police interventions to control crowds.”); BINUH, *Situation of human rights in Haiti*, ¶ 17 (Mar. 25, 2024), [https://binuh.unmissions.org/sites/default/files/annual\\_report\\_of\\_the\\_un\\_high\\_commissioner\\_for\\_human\\_rights\\_-\\_situation\\_of\\_human\\_rights\\_in\\_haiti\\_28\\_march\\_2024.pdf](https://binuh.unmissions.org/sites/default/files/annual_report_of_the_un_high_commissioner_for_human_rights_-_situation_of_human_rights_in_haiti_28_march_2024.pdf) (reporting “at least 25 casualties (eight killed and 17 injured)” as a result of demonstrations involving the BSAP); Harold Isaac et al., *Five armed Haiti environment agents killed in clash with police*, *Reuters* (Feb. 7, 2024), <https://www.reuters.com/world/americas/five-armed-haiti-environment-agents-killed-clash-with-police-2024-02-08/>; *AP News*, *Haiti cracks down on heavily armed environmental agents after clashes with police* (Jan. 29, 2024), <https://apnews.com/article/haiti-bsap-environmental->

[officers-guy-philippe-5e1f6cb6c9aa2fe5b23a1951c76b82ca](https://www.miamiherald.com/news/nation-world/world/americas/haiti/article285226567.html); Johnny Fils-Aimè, *Anti-government protests in Haiti turn deadly*, Miami Herald (Feb. 8, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article285226567.html>; Haiti Libre, *Haiti- FLASH: Exchange of fire between BSAP agents and PNH units* (Jan. 25, 2024), <https://www.haitilibre.com/en/news-41511-haiti-flash-exchange-of-fire-between-bsap-agents-and-pnh-units.html> (reporting that after police stopped protesters in Ouanaminthe, including BSAP agents, from invading a customs office, BSAP agents “ordered business owners on RN #6 to close their doors and announced and fired in all directions, spreading panic among the population.”). See also *infra* note 49.

<sup>18</sup> Caribbean Community (CARICOM), *Outcome Declaration of CARICOM, International Partners and Haitian Stakeholders* (Mar. 11, 2024), <https://caricom.org/outcome-declaration-of-caricom-international-partners-and-haitian-stakeholders/>; U.S. Department of State, *The United States Welcomes Establishment of Haiti’s Transitional Presidential Council*, Press Statement (Apr. 12, 2024), <https://www.state.gov/the-united-states-welcomes-establishment-of-haitis-transitional-presidential-council/>. The TPC was formally sworn in on April 25. The installation was reportedly delayed due to changes in the member groups’ nominees, internal power struggles, and generalized insecurity. See Blaise, *TPC holds secret swearing-in ceremony at Haiti’s National Palace, as Ariel Henry’s government officially departs* (Apr. 25, 2024); Jacqueline Charles, *Haitian politician allied with a coup leader rejects offer to join U.S.-backed transition*, Miami Herald (Mar. 13, 2024), <https://www.miamiherald.com/news/nation-world/americas/haiti/article286650320.html>; BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 7; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 5; Juhakenson Blaise & Fritznél D. Octave, *Haiti’s Transitional Presidential Council faces major hurdles in installation process*, Haitian Times (Apr. 6, 2024), <https://haitiantimes.com/2024/04/06/haiti-caricom-tpc-struggling/>.

<sup>19</sup> Jake Johnston, *Haitian Prime Minister Henry Agrees to Resign as CARICOM Announces Formation of Presidential Council*, CEPR (Mar. 12, 2024), <https://www.cepr.net/haitian-prime-minister-henry-agrees-to-resign-as-caricom-announces-formation-of-presidential-council/> (reporting that the transition proposal was “agreed to by those foreign powers and accepted by a number of Haitian political parties and civil society organizations who participated via Zoom”); @Neges\_Mawon, X (Mar. 20, 2024), [https://twitter.com/Neges\\_Mawon/status/1770427379531321721](https://twitter.com/Neges_Mawon/status/1770427379531321721) (Haitian feminist organizations denounced “CARICOM and a fringe of the international community, who believe they have the right to impose conditions on Haitians to integrate their own presidential council.”); Democracy Now!, *Haitians Resist Foreign Intervention as U.S. Pushes for Unelected “Transition Council” to Rule Island* (Apr. 3, 2024), [https://www.democracynow.org/2024/4/3/haiti\\_crisis\\_pierre\\_ives](https://www.democracynow.org/2024/4/3/haiti_crisis_pierre_ives) (Haitian-American scholar Jemima Pierre: “The second thing that we have to talk about, then, is this supposed presidential council that the U.S. is putting together, using CARICOM as the front-facing party . . . to basically say that they have a supposedly Haitian-led solution for a transition in Haiti. The problem with that so-called Haitian-led solution is that it’s the U.S., France and Canada, which, as we’ve known before, are the major forces that have destabilized Haiti, at least in the past 20 years. They’re the ones leading the discussion . . . along with the Caribbean Community.”). See also *infra* notes 545-551.

<sup>20</sup> The members of the TPC are Smith Augustin (representing EDE/RED), Edgard Leblanc Fils (representing the January 30 Collective), Louis Gérald Gilles (representing the December 21 Agreement), Fritz Alphonse Jean (representing the Montana Accord), Laurent Saint-Cyr (representing the private sector), Emmanuel Vertilaire (representing *Pitit Desalin*), and Leslie Voltaire (representing *Fanmi Lavalas*), plus two non-voting observers: Régine Abraham (representing civil society) and Frinel Joseph (representing the inter-faith community). AP News, *Meet the members of a transitional council tasked with choosing new leaders for beleaguered Haiti* (Apr. 25, 2024), <https://apnews.com/article/haiti-transitional-council-members-cfc792b231cd245fa704e4bcc86beb81>.

<sup>21</sup> The December 21 Agreement is based on an accord negotiated by long-time PHTK ally de facto Prime Minister Henry in December 2022; the January 30 Collective represents parties including the PHTK; and EDE/RED was founded by Claude Joseph, who served as interim Prime Minister under President Moïse and allegedly represents “the second version of the [Pati Ayisyen] Tèt [K]ale regime.” Dánica Coto, *The unexpected announcement of a prime minister divides Haiti’s newly created transitional council*, AP News (May 1, 2024), <https://apnews.com/article/haiti-new-prime-minister-council-fritz-belizaire-349b763af8984203db9dabe740399131>; David Abdulah et al., *Open letter to CARICOM Heads on the situation in Haiti*, Kaieteur News (Feb. 29, 2024), <https://www.kaieteurnewsonline.com/2024/02/29/open-letter-to-caricom-heads-on-the-situation-in-haiti/>; Amitié FM, *Former PHTK regime officials and allies form new alliance named United Front*, Canada-Haiti Information Project (Oct. 25, 2023), <https://canada-haiti.ca/content/former-phtk-regime-officials-and-allies-form-new-alliance-named-united-front>.

<sup>22</sup> The Montana Accord (also known as the Commission to Search for a Haitian Solution to the Crisis) is a broad-based civil society initiative that has been working since March 2021 towards restoring democratic order in Haiti. The Montana Accord, *A Unique National Movement*, <https://akomontana.ht/en/agreement/> (last visited Jun. 3, 2024). See also Georges A. Fauriol, *Haiti: Betting on the Montana Accord*, Center for Strategic & International Studies (Feb. 18, 2022), <https://www.csis.org/analysis/haiti-betting-montana-accord>.

<sup>23</sup> *Fanmi Lavalas*, founded by Haiti’s first democratically elected president Jean-Bertrand Aristide, is a “grassroots political organization. . . . [that] works with the poorest, marginalized people, in a shared struggle for a better life, dignity, justice and freedom.” Haiti Action Committee, *The Crisis in Haiti: Perspectives from the Leadership of*

Fanmi Lavalas (Apr. 25, 2024), <https://www.counterpunch.org/2024/04/25/the-crisis-in-haiti-perspectives-from-the-leadership-of-fanmi-lavalas/>.

<sup>24</sup> *Pitit Desalin's* leader, Moïse Jean-Charles, had initially rejected the CARICOM-brokered transition proposal and formed an alliance with former rebel leader Guy Philippe and his three-member transition proposal. Charles, *Haitian politician allied with a coup leader rejects offer to join U.S.-backed transition* (Mar. 13, 2024); Germina Pierre Louis, *Ex-Senator Jean-Charles Moïse Forms Alliance with Guy Philippe to Overthrow Current Government*, *Le Nouvelliste* (Feb. 9, 2024), <https://lenouvelliste.com/en/article/246770/ex-senator-jean-charles-moise-forms-alliance-with-guy-philippe-to-overthrow-current-government>. See also *infra* note 49.

<sup>25</sup> *Accord Politique Pour Une Transition Pacifique et Ordonnée* (Apr. 3, 2024), <https://www.haitilibre.com/docs/accord-politique-pour-une-transition-pacifique-et-ordonnee.pdf>.

<sup>26</sup> The Truth, Justice, and Reparations Commission (TJRC) prescribed by the Transition Accord has a mission “to shed light on the blood crimes, financial crimes, the numerous massacres and the multiple collective rapes perpetrated in the country in recent years, in order to provide the justice system and the Executive the necessary elements to take action.” The Transition Accord assigns the TPC, in concert with the Prime Minister, the task of naming the commission, “in consultation with national and international human rights organizations.” The TJRC has significant potential to document crimes, engage Haiti’s citizens in a process of truth telling and forming recommendations for the complex policy responses to the insecurity situation. It will not fulfill this potential unless the Commission is led by a team with demonstrated commitment to human rights and supported by Haitian human rights organizations. The Commission must be provided with a budget adequate to its tasks, and enjoy complete independence, including from past and current Haitian officials and the international community. *Accord Politique Pour Une Transition Pacifique et Ordonnée* (Apr. 3, 2024), Art. 40.

<sup>27</sup> In a document titled “Constitution of an Indissoluble Majority Bloc within the Presidential Council,” the four members claimed their bloc which aims address the “risk that the absence of a clearly constituted and stable majority within the Presidential Council poses to the transition and the success of its mission.” See Jacqueline Charles, *Haiti presidential council reverses decision on a prime minister, but crisis continues*, *Miami Herald* (May 2, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article288224225.html>.

<sup>28</sup> Coto, *The unexpected announcement of a prime minister divides Haiti's newly created transitional council* (May 1, 2024) (noting that some observers believe Moïse Jean-Charles, who does not sit on the TPC but is the leader of the *Pitit Desalin* party, was ultimately behind the designation). The bloc also designated one of the majority bloc members, Edgard Leblanc Fils, as TPC President. Dánica Coto, *Haiti's transitional council names a new prime minister in the hopes of quelling stifling violence*, *AP News* (Apr. 30, 2024), <https://apnews.com/article/haiti-transitional-council-leader-1a6dd7f6180fd3489c4d4179b294bdf6>.

<sup>29</sup> The sidelined members of the TPC issued strong condemnations. See Jean Junior Celestin, *CPT: Fanmi Lavalas Rejects Agreement Leading to the April 30th Majority*, *Le Nouvelliste* (May 2, 2024), <https://lenouvelliste.com/en/article/247939/cpt-fanmi-lavalas-rejects-agreement-leading-to-april-30th-majority> (*Fanmi Lavalas* called the bloc’s actions a “charade orchestrated to ensure power for the PHTK and its allies” and part of a “series of underhanded political maneuvers aimed at perpetuating the tradition of corruption and neglect that has kept the country in the chains of poverty.”); @BSA\_Montana3008, X (Apr. 30, 2024), [https://x.com/BSA\\_Montana3008/status/1785451759999009279](https://x.com/BSA_Montana3008/status/1785451759999009279) (“The political and economic mafia forces have decided to take control of the presidential council and the government so that they can continue to control the state.”); Robenson Geffrard, *Leslie Voltaire, Fritz Alphonse Jean and Laurent St-Cyr shun a meeting with Caricom and demand respect for the April 3 agreement*, *Le Nouvelliste* (May 2, 2024), <https://www.lenouvelliste.com/en/article/247958/leslie-voltaire-fritz-alphonse-jean-and-laurent-st-cyr-boycott-caricom-meeting-call-for-adherence-to-april-3-agreement>.

<sup>30</sup> Jacqueline Charles, *Trying to avert crisis, Haiti's presidential council makes concessions to minority bloc*, *Miami Herald* (May 8, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article288387545.html>.

<sup>31</sup> @rtvgalaxie, X (May 28, 2024). See also *infra* notes 279-283.

<sup>32</sup> @Frantzduval, X (May 30, 2024), <https://x.com/frantzduval/status/1796224653498745337>. See also Jacqueline Charles, *UN expert, former prime minister is named to lead Haiti's transitional government*, *Miami Herald* (May 28, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article288810415.html>; Jake Johnston, *Aid State: Elite Panic, Disaster Capitalism, and the Battle to Control Haiti*, pp. 118-19, 146-49 (2024); *infra* note 202 (Conille was one of eight former Prime Ministers subpoenaed in January in connection with a corruption scandal).

<sup>33</sup> TPC members were criticized for failing to make public their selection criteria and the process for determining the list of candidates, and for failing to consult with the sectors that they purport to represent. Charles, *UN expert, former prime minister is named to lead Haiti's transitional government* (May 28, 2024) (“Also worrying critics: Some candidates with previous government experience were dismissed, while others were not.”); @BSA\_Montana3008, X (May 28, 2024), [https://x.com/BSA\\_Montana3008/status/1795529599088296155](https://x.com/BSA_Montana3008/status/1795529599088296155).

<sup>34</sup> See, e.g., Charles, *Trying to avert crisis, Haiti's presidential council makes concessions to minority bloc* (May 8, 2024).

<sup>35</sup> See *infra* Section VIII.

<sup>36</sup> See Widlore Mérancourt et al., *U.S. tries to downplay role in Haiti, but it's hard to hide the planes*, Washington Post (May 24, 2024), <https://www.washingtonpost.com/world/2024/05/24/haiti-kenya-security-force/> (“‘Nobody favors amnesty,’ [TPC member Leslie] Voltaire said. But he said he plans to suggest the creation of a truth and justice committee and a system that would encourage gang members to demobilize, appear before victims ‘and repent.’”); Maria Abi-Habib, *Haiti’s Gangs Grow Stronger as Kenyan-Led Force Prepares to Deploy*, NY Times (May 21, 2024), <https://www.nytimes.com/2024/05/21/world/americas/haiti-gangs-weapons.html> (“[O]fficials with knowledge of the negotiations to appoint a new Haitian prime minister say that . . . allies [of PHTK founder and former President Michel Martelly] on the transitional council have quietly floated a proposal that immunity should be given to the gangs, the officials said, possibly as part of a wider immunity for previous government officials who could be accused of corruption. . . . ‘The idea of an amnesty could add fuel to the fire if Haitians are not consulted,’ said Romain Le Cour, a Haiti security analyst at the Global Initiative Against Transnational Organized Crime, ‘considering the inability of politicians to come together in this moment of crisis and given that the gangs have committed severe human rights violations.’”); Harold Isaac, *Calm in Haitian capital extends into second day as US, UN withdraw staff*, Reuters (Mar. 13, 2024), <https://www.reuters.com/world/americas/calm-haitian-capital-extends-into-second-day-us-eyes-transition-soon-2024-03-13/> (“James Boyard, a security expert at the State University of Haiti, said calls from some sectors in Haiti for an amnesty for gang leaders constituted ‘a deliberate strategy to make this idea more morally acceptable.’ If such an amnesty were issued, he said, this could see gangs’ alleged financial backers, who have been subjected to international sanctions, off the hook.”).

<sup>37</sup> See UN Security Council (UNSC), *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council*, ¶ 5 (Apr. 19, 2024), <https://undocs.org/Home/Mobile?FinalSymbol=S%2F2024%2F320&Language=E&DeviceType=Desktop&LangRequested=False>; Romain Le-Cour-Grandmaison, *Violence in Haiti: A continuation of politics by other means?*, Global Initiative Against Transnational Organized Crime (Mar. 25, 2024), <https://globalinitiative.net/analysis/violence-in-haiti-politics-crime-gangs/> (describing the coalition as “an unprecedented, united front against the state” and “a strategic moment of cooperation in an ocean of inter-group mistrust”); Hu et al., *Gangs rule Haiti’s capital. Some say they’re ready to overthrow the government too* (Mar. 5, 2024).

Armed groups first banded together as *Viv Ansanm* in September 2023, but that truce was short-lived. Abi-Habib, *Haiti’s Gangs Grow Stronger as Kenyan-Led Force Prepares to Deploy* (May 21, 2024) (reporting that armed groups originally formed the coalition was formed to “overcome the obstacles that the border closure posed to their drug-smuggling operations”); Jillian Kestler-D’Amours, *Who are Haiti’s gangs and what do they want? All you need to know*, Al Jazeera (Mar. 13, 2024), <https://www.aljazeera.com/news/2024/3/13/who-are-haitis-gangs-and-what-do-they-want-all-you-need-to-know> (according to a senior adviser at the International Crisis Group, armed groups formed the coalition to prevent the possibility of a multinational security mission being deployed to Haiti).

<sup>38</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶¶ 11-14; Widlore Mérancourt & Wethzer Piercin, *Construction work underway at Village de Dieu. Viv Ansanm is tearing down the lower part of Port-au-Prince*, AyiboPost (Apr. 15, 2024), <https://ayibopost.com/construction-work-underway-at-village-of-god-viv-ansanm-is-tearing-down-the-lower-part-of-the-town/>; HRW, *Haiti: Urgent Action Needed amid Growing Lawlessness* (Mar. 8, 2024); Hu et al., *Gangs rule Haiti’s capital. Some say they’re ready to overthrow the government too* (Mar. 5, 2024); Frances Robles, *Who Are the Gangs That Have Overrun Haiti’s Capital*, New York Times (Mar. 7, 2024), <https://www.nytimes.com/2024/03/07/world/americas/haiti-gangs-explainer.html> (also reporting that the armed groups sought to prevent the deployment of the MSS).

<sup>39</sup> Frantz Duval, *The February 29 Boost*, Le Nouvelliste (Feb. 29, 2024), <https://lenouvelliste.com/en/article/247028/the-february-29-boost>; BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶¶ 11-14. See also *infra* notes 88-100.

<sup>40</sup> See *infra* notes 90-91.

<sup>41</sup> See *infra* notes 92-94, 254-255.

<sup>42</sup> Buschschlüter, *Haiti gang leader threatens ‘civil war’ if PM does not resign* (Mar. 6, 2024).

<sup>43</sup> Romain Le Cour Grandmaison et al., *A Critical Moment: Haiti’s Gang Crisis and International Responses*, Global Initiative Against Transnational Organized Crime, pp. 7-8, 13 (Feb. 2024), <https://globalinitiative.net/wp-content/uploads/2024/02/Romain-Le-Cour-Grandmaison-Ana-Paula-Oliveira-and-Matt-Herbert-A-critical-moment-Haitis-gang-crisis-and-international-responses-GI-TOC-February-2024.pdf> (“Increasingly, however, Haiti’s gang leaders have begun to emerge via hierarchic advancement within the gangs themselves[.] . . . These ‘young veterans’, as one interviewee called them, have learned from mistakes made by their former bosses, and thus run much more sophisticated organizations than their predecessors. They resemble – in their ability to administer territories, extract resources, conduct well-designed military-type operations, and organize, deploy and pay hundreds of men – relatively sophisticated drug cartels, militias, or paramilitary groups, rather than the low-capacity gangs that operated in Haiti in the 2000s and early 2010s. . . . The operational capacity of gangs has also been buttressed by tactical training. Ex-soldiers and policemen have been recruited both as fighters and trainers, transforming the ability of gangs to operate.”); Kestler-D’Amours, *Who are Haiti’s gangs and what do they want? All you need to know* (Mar. 13, 2024).

<sup>44</sup> Jay Weaver & Jacqueline Charles, *There’s an arms race in Haiti, and it’s fueled by Florida’s pipeline of weapons of war*, Miami Herald (May 21, 2024), <https://www.miamiherald.com/news/nation->

[world/world/americas/haiti/article288416015.html](https://www.nytimes.com/world/world/americas/haiti/article288416015.html); Christiaan Triebert et al., *How a Haitian Gang Is Trying to Turn Itself Into a Militia*, NY Times (May 21, 2024), <https://www.nytimes.com/interactive/2024/05/21/world/americas/haiti-gangs-segonn-5.html>. See also *infra* notes 570-578.

<sup>45</sup> Abi-Habib, *Haiti's Gangs Grow Stronger as Kenyan-Led Force Prepares to Deploy* (May 21, 2024). See also *infra* note 572.

<sup>46</sup> See Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), p. 3 (“Over the past five years, gangs have undergone a radical evolution, going from rather unstructured actors dependent on resources provided by public or private patronage to violent entrepreneurs who have been able to convert their territorial power into governance capabilities.”); Abi-Habib, *Haiti's Gangs Grow Stronger as Kenyan-Led Force Prepares to Deploy* (May 21, 2024) (“‘The gangs had been making their money from kidnappings and extortion and from payouts from politicians during elections and the business elites in between,’ said William O’Neill, the United Nations-appointed human rights expert for Haiti. ‘But the gangs are now much more autonomous and don’t need the old guard’s financial support,’ he added. ‘They have created a Frankenstein that is beyond anyone’s control.’”); Kestler-D’Amours, *Who are Haiti’s gangs and what do they want? All you need to know* (Mar. 13, 2024).

<sup>47</sup> See Dánica Coto & Evens Sanon, *Haiti is preparing itself for new leadership. Gangs want a seat at the table*, AP News (Mar. 12, 2024), <https://apnews.com/article/haiti-henry-resignation-prime-minister-violence-28acaec1d80d993c99fe43a5e1e1f7f>; Kestler-D’Amours, *Who are Haiti’s gangs and what do they want? All you need to know* (Mar. 13, 2024).

<sup>48</sup> See Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), p. 3; Le-Cour-Grandmaison, *Violence in Haiti: A continuation of politics by other means?* (Mar. 25, 2024) (“[The *Viv Ansanm* attacks] may be the result of the relationships that still bind them to their political bosses, who could be setting (fluid) red lines without renouncing the use of violence for political ends. . . . Although the gangs’ financial autonomy has increased (through drug trafficking, extortion and kidnapping), this does not free them from political allegiances and negotiations. Far from behaving like insurgents, Haitian criminal groups are more interested in integrating or navigating the system than in overthrowing it. Indeed, the gangs’ activities are not merely parasitic: through violence, they have been able to position themselves in control of crucial commercial activities and extract profits from extortion that made them particularly powerful.”). See also *infra* Sections III, IV.

<sup>49</sup> AlterPresse, *Criminalité : L’Opc exige des changements au niveau du haut commandement de la Police nationale d’Haiti* (May 27, 2024), <https://www.alterpresse.org/spip.php?article30481> (Haiti’s human rights ombudsman and two police unions demand a change of PNH leadership, saying that leadership is overwhelmed and complicit in armed groups’ criminal activities); Eyder Peralta, *In Haiti, Kenyan police arrive in a nation that’s been out of control since 2021*, NPR (May 23, 2024), <https://www.npr.org/2024/05/23/nx-s1-4973769/in-haiti-kenyan-police-arrive-in-a-nation-thats-been-out-of-control-since-2021> (A police officer interviewed by NPR said, “[t]he gangs . . . were created by the powerful to protect their business interests. On many occasions, he says, he has witnessed police commanders giving gangs a heads-up on their operations. And now that the powerful have lost control of the gangs, he says, they are using the police as their new armed wing.”). See also *infra* note 178.

The PNH’s leadership crisis is emblematic of government corruption and armed group collusion more generally, which continue to undermine state institutions and erode government control. The paramilitarization of the BSAP, an armed division of the National Agency for Protected Areas, is another salient example. The division is formally a government agency supposed to operate under the umbrella of the Haitian Environment Ministry, officially tasked with protecting environmentally sensitive areas. Since de facto Prime Minister Henry fired the BSAP’s leader in January, however, the division has been operating largely outside of the law. It is unclear who is controlling or funding the BSAP, but many of its members have aligned themselves with Guy Philippe, a former police officer who was repatriated to Haiti in November 2023 after serving a sentence in U.S. prison for money laundering in connection with drug trafficking, and who emerged at the start of the year as a strong anti-government voice. Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), pp. 16-17 (“The mobilization of the BSAP, the inability of Haitian politicians to say who controls it, and the connections to Philippe are all troubling. They point to a risk that the BSAP could be shifting towards a hybrid-type group – nominally part of the government, but largely operating outside of the control of public officials. . . . [T]hey pose a major challenge to the weakened authority of the Haitian government, and a different type of challenge than the gangs to the prospective MSS mission and the international community.”); Frances Robles, *An Unlikely New Threat to Haiti's Stability: An Armed Environmental Group*, NY Times (Mar. 6, 2024), <https://www.nytimes.com/2024/01/25/world/americas/haiti-political-instability-bsap.html>; Rolph Louis-Jeune & Jabin Phontus, *Guy Philippe at all costs: the BSAP is strengthening and says it is ready for the fight*, AyiboPost (Jan. 16, 2024), <https://ayibopost.com/guy-philippe-at-all-cost-the-bsap-is-growing-stronger-and-says-it-is-ready-to-fight/>; Jude Martinez Clairidor, “*BSAP: Une menace pour la sécurité nationale*”, RHI News (Jan. 22, 2024), <https://www.rhinews.com/actualites/18407/> (the Haitian Minister of Justice and Public Security declared the BSAP a national security threat). See also The Intercept, *A New Haitian Revolution?* (Mar. 15, 2024), <https://theintercept.com/2024/03/15/deconstructed-new-haitian-revolution/> (discussing Guy Philippe’s history of political involvement).



<sup>50</sup> See, e.g., Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), pp. 21, 33. See also *infra* note 568.

<sup>51</sup> UNSC, Resolution 2699 (2023) ¶ 1, UN Doc. S/RES/2699 (2023) (Oct. 2, 2023), <https://digitallibrary.un.org/record/4022890?ln=en&v=pdf>.

<sup>52</sup> Press Release, UN Office of the High Commissioner for Human Rights (OHCHR), *Haiti: Türk warns of deepening human rights crisis following most violent month in two years* (Feb. 9, 2024), <https://www.ohchr.org/en/press-releases/2024/02/haiti-turk-warns-deepening-human-rights-crisis-following-most-violent-month> (“[F]igures showed that January was the most violent month in more than two years,” with the total number of people killed or injured in January 2024 “three times the number recorded in January 2023.”).

<sup>53</sup> Tom Phillips, *Top UN expert warns of deteriorating situation in Haiti: 'It's apocalyptic'*, The Guardian (Apr. 4, 2024), <https://www.theguardian.com/world/2024/apr/04/un-expert-haiti-gang-violence>.

<sup>54</sup> Duval, *The February 29 Boost* (Feb. 29, 2024). See also *infra* notes 88-100.

<sup>55</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023*, pp. 3, 5 (Feb. 1, 2023), [https://binuh.unmissions.org/sites/default/files/quarterly\\_report\\_on\\_the\\_human\\_rights\\_situation\\_in\\_haiti\\_oct\\_-\\_dec\\_2023.pdf](https://binuh.unmissions.org/sites/default/files/quarterly_report_on_the_human_rights_situation_in_haiti_oct_-_dec_2023.pdf) (the fourth quarter of 2023 “saw an 8% increase in the number of victims of violence” and an 18% increase in kidnappings as compared with the third quarter); BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 31.

<sup>56</sup> See *infra* Section VI.

<sup>57</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 5.

<sup>58</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 43 (“Gangs have also benefitted from a power vacuum, especially in impoverished areas characterized by the absence of State services.”); Robles, *Who Are the Gangs That Have Overrun Haiti's Capital?* (Mar. 7, 2024) (“‘We’ve seen Chérizier and the G-9 evolve in last couple of weeks into more political rhetoric,’ [UN researcher on Haiti] Mr. Muggah said. ‘In addition to calling for rebellion and threatening civil war if their demands aren’t met, they are looking to propose solutions where they would maintain their power if, at the very least, they were absolved and given amnesty for all the crimes they have committed.’”); Kestler-D’Amours, *Who are Haiti's gangs and what do they want? All you need to know* (Mar. 13, 2024) (“[Haiti expert Robert] Fatton summarised the gangs’ long-term goals as one of enduring influence in Haiti’s leadership. ‘It’s not just, ‘Let me do what I want in terms of criminal activity.’ It’s more, ‘I want a piece of power.’ Period.”). See also *supra* notes 43-46.

<sup>59</sup> See *infra* Section III.

<sup>60</sup> See *infra* notes 135-148.

<sup>61</sup> See *infra* Section IV: Justice sector dysfunction and chronic impunity.

<sup>62</sup> See, e.g., Press Release, OHCHR, *Haiti: Türk warns of deepening human rights crisis following most violent month in two years* (Feb. 9, 2024). See also AlterPresse, *Haiti-Violences des gangs: Vives inquiétudes et tirs signalés dans plusieurs quartiers de Port-au-Prince* (Apr. 8, 2024), <https://www.alterpresse.org/spip.php?article30281> (according to the UN Expert on Human Rights in Haiti, violence by armed groups represents “the number one challenge at present in Haiti”); Phillips, *Top UN expert warns of deteriorating situation in Haiti: 'It's apocalyptic'* (Apr. 4, 2024) (“The UN’s top expert on human rights in Haiti has warned the Caribbean country is rapidly moving towards becoming ‘like Somalia in the worst of its times’. . . . ‘I know someone who lost half her family to [former dictator] François Duvalier’s execution squads and she said she’s never seen it this bad. Uncles, cousins, brothers killed – and she said it’s never been this bad.’”).

<sup>63</sup> Kestler-D’Amours, *Who are Haiti's gangs and what do they want? All you need to know* (Mar. 13, 2024) (reporting that approximately half of the 200 or so armed groups operating in Haiti “have a presence in Port-au-Prince”); Dánica Coto, *There’s chaos in Haiti. Powerful gangs are attacking key targets like prisons as alliances shift*, AP News (Mar. 4, 2024), <https://apnews.com/article/haiti-violence-prison-break-curfew-6341d1cda5f02f6c66d351ad2d206e7b> (“An estimated 200 gangs exist in Haiti, with 23 main ones believed to be operating in the metropolitan area of Port-au-Prince.”); David C. Adams & Andre Paultre, *Haiti's Police Are 'Begging for Help' in Battle Against Ruthless Gangs*, NY Times (May 3, 2024), <https://www.nytimes.com/2024/05/03/world/americas/haiti-police-gangs-port-au-prince.html> (reporting “up to 200 gangs across the country, with about two dozen operating in Port-au-Prince”). See also Juhakenson Blaise, *Unrelenting gang violence continues to grip Haiti's capital as nighttime curfew extended*, Haitian Times (Mar. 21, 2024), <https://haitiantimes.com/2024/03/21/haiti-pap-gang-curfew-vitelhomme-pnh/> (reporting 300 armed groups active in Haiti, 95 of those in the capital); Congressional Research Service (CRS), *Haiti: Recent Developments and U.S. Policy*, p. 6 (Feb. 1, 2024), <https://crsreports.congress.gov/product/pdf/R/R47394> (“The U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA) estimates that there are at least 300 criminal groups operating in Haiti. However, some local sources suggest the number of criminal groups is closer to 750, including self-defense groups.”); Hu et al., *Gangs rule Haiti's capital. Some say they're ready to overthrow the government too* (Mar. 5, 2024) (reporting “nearly 100 growing gangs in the metropolitan area”).

<sup>64</sup> G9 and G-Pép are the two historically rival coalitions of armed groups operating in the Port-au-Prince metropolitan area, although they united in late February as part of the larger *Viv Ansanm* coalition. G9 is led by former police officer Jimmy “Barbecue” Chérizier, who has been implicated in several civilian massacres. Chérizier has appeared as the public face of the *Viv Ansanm* coalition, although analysts have questioned how powerful he

actually is. See Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), pp. 7-9; UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶¶ 5-6; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 5; Robles, *Who Are the Gangs That Have Overrun Haiti's Capital?* (Mar. 7, 2024); The Intercept, *A New Haitian Revolution?* (Mar. 15, 2024).

<sup>65</sup> *Kraze Baryé* is led by Vitel'Homme Innocent and operates primarily in the Tabarre neighborhood of Port-au-Prince. Caitlin Stephen Hu et al., *Gangs forced out Haiti's government. This FBI 'Most Wanted' gang leader claims they're liberating the country*, CNN (Apr. 30, 2024), <https://www.cnn.com/2024/04/29/americas/haiti-gang-vitelhomme-innocent-kraze-barye-intl-latam/index.html>; Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), p. 9.

<sup>66</sup> *5 Segonn* is led by Johnson "Izo" André and is based in the Village de Dieu and Mariani neighborhoods of Port-au-Prince. Since March, André has been "openly declaring himself a cartel leader and the head of a new 'tactical corps.'" Hu et al., *In a city cut off from the world, guns and drugs keep flowing*, CNN (May 15, 2024), <https://www.cnn.com/2024/05/13/americas/haiti-mss-unodc-guns-drugs-intl-latam/index.html>; Triebert et al., *How a Haitian Gang Is Trying to Turn Itself Into a Militia* (May 21, 2024).

<sup>67</sup> According to most estimates, armed groups control 80 to 90% of Port-au-Prince. Vanessa Buschshlüter, *Haiti situation 'catastrophic' and growing worse, UN warns*, BBC (Apr. 23, 2024), <https://www.bbc.com/news/world-latin-america-68880579>; Save the Children, *More Than One Million Children Trapped as Gang Violence Rages in Haiti* (Mar. 14, 2024), <https://www.savethechildren.net/news/more-one-million-children-trapped-gang-violence-rages-haiti>; Phillips, *Top UN expert warns of deteriorating situation in Haiti: 'It's apocalyptic'* (Apr. 4, 2024); Coto, *There's chaos in Haiti. Powerful gangs are attacking key targets like prisons as alliances shift* (Mar. 4, 2024); Hu et al., *Gangs rule Haiti's capital. Some say they're ready to overthrow the government too* (Mar. 5, 2024). See also BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 4 (between January and March, "the highest number of victims of killings and injuries continued to be documented in the capital (79%)"); OHCHR, *Haiti: Türk warns of deepening human rights crisis following most violent month in two years* (Feb. 9, 2024) ("Gang violence is affecting all communes in the Port-au-Prince metropolitan area.").

<sup>68</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 3 (9% of all murder and injury victims between October and December 2023 were in the Artibonite, where "for the second quarter running, kidnappings . . . continued to exceed those recorded in the Ouest department," where Port-au-Prince is located); BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 36; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 5.

<sup>69</sup> See, e.g., Pierre-Richard Luxama & Odelyn Joseph, *Gangs unleash new attacks on upscale areas in Haiti's capital, with at least a dozen killed nearby*, AP News (Mar. 18, 2024), <https://apnews.com/article/haiti-killed-gangs-laboule-thomassin-c1f4d1b367b15253cbd28ae9be886440> (reporting on a rampage by armed groups in March "in the communities of Laboule and Thomassin . . . which had remained largely peaceful despite a surge in violent gang attacks across Port-au-Prince that began on Feb. 29."); BINUH, *Report of the Secretary-General on Haiti*, ¶ 10 (Jan. 15, 2024), [https://binuh.unmissions.org/sites/default/files/report\\_of\\_the\\_un\\_secretary\\_general\\_on\\_haiti\\_binuh\\_-\\_15\\_january\\_2024.pdf](https://binuh.unmissions.org/sites/default/files/report_of_the_un_secretary_general_on_haiti_binuh_-_15_january_2024.pdf) ("Within the metropolitan area of Port-au-Prince, gang influence expanded at an alarming rate into previously less affected areas, such as Carrefour-Feuilles, Solino, Bon Repos, Mariani and Léogâne."); Jean Daniel Sénat, *Pétion-Ville Besieged by Armed Criminals*, Le Nouvelliste (Mar. 21, 2024), <https://www.lenouvelliste.com/en/article/247310/petion-ville-besieged-by-armed-criminals> (reporting on recent violence in Pétion-Ville, a city in the Port-au-Prince metropolitan area "which still had some semblance of normalcy"); AlterPresse, *Haiti-Criminalité: Horreur persistante à Delmas et Pétionville, où sont jonchés plusieurs corps sans vie* (Mar. 22, 2024), <https://www.alterpresse.org/spip.php?article30223>.

<sup>70</sup> BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 11. But see RNDDH, *A catastrophic human rights situation from January to March 2024: RNDDH alerts the public*, ¶ 7 (Apr. 10, 2024), <https://web.rnddh.org/wp-content/uploads/2024/04/4-Rap-Situation-DH-janv-mars-2024.10Avr2024.ENG.pdf> (reporting 1,047 people killed in 2023). See also Press Release, Médecins Sans Frontières (MSF), *New survey reveals extreme levels of violence in Port-au-Prince* (Mar. 7, 2024), <https://www.msf.org/new-survey-reveals-extreme-levels-violence-haiti> (finding that Haiti's "crude mortality rate [the number of deaths per 10,000 people per day] is . . . similar [to] mortality rates in the Islamic State group's north Syria stronghold in 2017 among people exposed to the group's terror regime and bombardment by the international coalition, and among Rohingya refugees in the months immediately preceding the campaign of violence launched against them by the Burmese army").

<sup>71</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 31 (noting that this was the "most violent [three-month] period since BINUH established its human rights monitoring mechanism in early 2022"). See also BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 15 (reporting 1,312 intentional homicides between January 1 and February 29, a marked increase from the 995 deaths recorded in the previous two-month period); OHCHR, *Haiti: Türk warns of deepening human rights crisis following most violent month in two years* (Feb. 9, 2024) (reporting at least 1,108 people – including 806 civilians and 300 members of armed groups – killed or injured in January 2024, "more than three times the number recorded in January 2023."). But see RNDDH, *A catastrophic human rights situation from January to March 2024: RNDDH alerts the public* (Apr. 10, 2024), ¶ 7 (reporting 208 people killed from January to March).

<sup>72</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 5-6. See also BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 32 (reporting that violent clashes between rival armed groups in January resulted in the deaths of at least 460 people).

<sup>73</sup> Phillips, [Top UN expert warns of deteriorating situation in Haiti: 'It's apocalyptic'](#) (Apr. 4, 2024) (the UN Expert on Human Rights in Haiti noted “a level of intensity and cruelty in the violence that is simply unprecedented.”); BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 30; BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 30.

<sup>74</sup> Le-Cour-Grandmaison, [Violence in Haiti: A continuation of politics by other means?](#) (Mar. 25, 2024); Kestler-D'Amours, [Who are Haiti's gangs and what do they want? All you need to know](#) (Mar. 13, 2024). See also *supra* note 46.

<sup>75</sup> Hu et al., [Gangs rule Haiti's capital. Some say they're ready to overthrow the government too](#) (Mar. 5, 2024) (“[T]he most-shared online videos are often torture footage, recorded and posted by gangs to spread horror and hasten ransom payments for thousands of kidnapping victims. . . . the latest cruel footage – a bound woman twisting away from flames as her kidnappers jeered.”); Etienne Côté-Paluck & Tom Phillips, *The gangs are in charge: Haiti's outgunned police fight a desperate rear defence*, *The Guardian* (May 16, 2024), <https://www.theguardian.com/world/article/2024/may/16/the-gangs-are-in-charge-haitis-outgunned-police-fight-a-desperate-rear-defence>; U.S. Department of State, *Haiti 2023 Human Rights Report*, p. 16 (2024) [https://www.state.gov/wp-content/uploads/2024/02/528267\\_HAITI-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_HAITI-2023-HUMAN-RIGHTS-REPORT.pdf).

<sup>76</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶¶ 31-33 (“Some victims were targeted and killed while others were hit by bullets in the streets when gangs burst into their neighborhoods or intentionally fired into residences. . . . Positioned on the rooftops of elevated buildings, gang members, armed with military-grade weapons, used sniper fire and indiscriminate mass shootings to kill and injure men, women and children while they were heading to work or to school, or while inside their homes.”); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), pp. 5-6.

<sup>77</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 32 (“[G]angs deliberately set fire to . . . residences where entire families burned to death. . . . More than 600 public and private buildings, including residences, schools, churches and businesses, were vandalized, looted and set on fire by gangs throughout the capital.”); Juhakenson Blaise, *Nearly 20 found killed or burned near Port-au-Prince since year started*, *Haitian Times* (Jan. 10, 2024), <https://haitiantimes.com/2024/01/10/haiti-insecurity-gangs-mariana-pnh/>; AlterPresse, *Haiti-Violences des gangs : Plusieurs dizaines de morts et de nombreux déplacés en plaine du Cul-de-Sac* (Feb. 15, 2024), <https://www.alterpresse.org/spip.php?article30080>; Dánica Coto, *Gangs in Haiti launch fresh attacks, days after a new prime minister is announced*, *AP News* (May 2, 2024), <https://apnews.com/article/haiti-gang-attack-delmas-5abb3cb1276f71bf2328ea3c3ba3166b4> (a resident of Delmas 18 said “[t]he gangs started burning everything in sight” during an attack on the Port-au-Prince neighborhoods of Solino and Delmas 18, 20, and 24); Harold Isaac, *Haiti's capital under gang attacks ahead of government transition*, *Reuters* (Apr. 21, 2024), <https://www.reuters.com/world/americas/haitis-capital-under-gang-attacks-ahead-government-transition-2024-04-22/> (Voice recordings allegedly captured armed group leader Jimmy Chérizier “ordering his soldiers to burn houses down in Lower Delmas. . . . ‘Continue burning the houses. Make everybody leave,’ a man says in the first audio recording. In another, he says he has sent jugs of gasoline: ‘No need to know which house. Burn every house you find. Set the fire,’ he says.”); Jean Feguens Regala & Junior Legrand, *Les gangs ont défiguré le bas de la ville de Port-au-Prince*, *AyiboPost* (Mar. 27, 2024), <https://ayibopost.com/photos-les-gangs-ont-defigure-le-bas-de-la-ville-de-port-au-prince/> (“[H]eavily armed bandits spread columns of fire, ransacking infrastructure at the bottom of the city of Port-au-Prince.”); AlterPresse, *Haiti-Criminalité : Horreur persistante à Delmas et Pétionville, où sont jonchés plusieurs corps sans vie* (Mar. 22, 2024); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 20 (reporting that armed groups burned entire families alive in their homes during attacks in Carrefour-Feuilles).

<sup>78</sup> RNDDH, *Carrefour-Feuilles, Cité Soleil and Bel-Air: areas plagued by recurring armed violence and a population destroyed but forgotten* (Feb. 20, 2024), ¶ 68 [https://web.rnddh.org/wp-content/uploads/2024/02/2-Rap-Enquete-Violence-armee-CF-CS-B.20Fev2024.ENG\\_.pdf](https://web.rnddh.org/wp-content/uploads/2024/02/2-Rap-Enquete-Violence-armee-CF-CS-B.20Fev2024.ENG_.pdf); Espérance, [How to Take on Haiti's Gangs: America Can Do More to Create Stability and Foster Democracy](#) (Apr. 2, 2024).

<sup>79</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 8 (Between January and March, “at least 957 homes were damaged or looted by gang members, almost double the number of homes attacked during the previous quarter. More than half (59%) of these attacks took place in the Port-au-Prince and Croix-des-Bouquets communes during or immediately after gang attacks. Almost 130 private business[es] and 650 vehicles were also attacked.”); AlterPresse, *Haiti: Une situation sécuritaire « très délicate », reconnaît la Pnh* (Apr. 10, 2024), <https://www.alterpresse.org/spip.php?article30292>; @Radio\_Metronome, X (Mar. 17, 2024), [https://twitter.com/Radio\\_Metronome/status/1769389730901213476](https://twitter.com/Radio_Metronome/status/1769389730901213476) (reporting that armed groups looted over 260 containers belonging to humanitarian organizations that contained essential supplies); Roberson Alphonse, *Des bâtiments du parc industriel de Digneront incendiés par des bandits*, *Le Nouvelliste* (Apr. 1, 2024), <https://lenouvelliste.com/article/247454/des-batiments-du-parc-industriel-de-digneront-incendies-par-les-bandits> (reporting that armed groups set fire to a warehouse in the Digneront industrial park and destroyed offices and machinery); Pierre Richard Luxama & Odelyn Joseph, *Gangs unleash new attacks on upscale areas in Haiti's capital, with at least a dozen killed nearby*, *AP News* (Mar. 18, 2024), <https://apnews.com/article/haiti-killed-gangs-laboule-thomassin-c1f4d1b367b15253cbd28ae9be886440> (reporting that armed groups “destroyed or rendered

completely dysfunctional” four power stations and “seized important documents, cables, inverters, batteries and other items”); OCHA, *Haiti Emergency Situation Report No. 4* (Mar. 8, 2024), <https://reliefweb.int/report/haiti/haiti-emergency-situation-report-no-4-8-march-2024> (reporting significant looting by armed groups at Haiti’s main port, through which the majority of goods and products transit, in February); News Wires, *Haiti transitional council plan appears to crumble after political parties reject it*, France24 (Mar. 14, 2024), <https://www.france24.com/en/americas/20240314-haiti-transitional-council-plan-crumble-political-parties-reject-tension> (“As of March 10, gunmen attacked, looted or torched at least 30 state institutions, more than 600 homes and private businesses and nearly 500 public and private vehicles.”).

<sup>80</sup> See @JakobJohnston, X (Apr. 24, 2024), <https://x.com/JakobJohnston/status/1783145596691378647> (“On April 2, [Jimmy Chérizier alias] Barbecue blamed residents in Delmas 3 & 5 for the death of some of his men. For the last 3 weeks, attacks on the neighborhood have continued. Homes burned, families forced to flee. ‘I don’t care whose house it is, burn all of the homes, set them on fire!’ he said.”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), pp. 4, 6 (“Gangs continued to use sexual violence to attack residents living in “rival” neighborhoods. . . . [A]t least 66 residents of the Brooklyn neighborhood were targeted by sniper fire simply because they lived in a territory controlled by a rival gang. . . . In the context of . . . clashes [between the *La Saline* and *Wharf Jérémie* armed groups] . . . five people were shot dead in the Wharf Jérémie neighborhood because they were residents of La Saline. They had come to the neighborhood to celebrate a friend’s birthday.”).

<sup>81</sup> Louis Chadrac, *Saint-Marc: Alleged Gang Chief Salami's Right-Hand Man Fatally Shot by Police*, Le Nouvelliste (Feb. 29, 2024), <https://lenouvelliste.com/en/article/247020/saint-marc-alleged-gang-chief-salamis-right-hand-man-fatally-shot-by-police>.

<sup>82</sup> See BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 41. See also *infra* notes 290-303.

<sup>83</sup> See IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, June through November 2023* (Dec. 2023), p. 2. See also *infra* notes 377-378, 414-415.

<sup>84</sup> Matt Kelly, *Haiti Expert: Political Solutions Must Deal with Gangs*, UVA Today (Apr. 2, 2024), <https://news.virginia.edu/content/haiti-expert-political-solutions-must-deal-gangs> (“They control virtually all commercial traffic into the capital as well as the most important highways leading to the north and south of the country.”); Jean Elie Fortine et al., #37 - *Life at the Time of “Bwa Kale”: a Year of Popular Resistance*, Haiti Weekly (Apr. 6, 2024), <https://www.haitiweekly.com/p/37-life-at-the-time-of-bwa-kale-a> (reporting that violence has virtually shut down the “Portail Léogane [bus] station, a major hub for road connections to both Haiti’s Grand Sud and all of the capital’s neighborhoods”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 6; BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 36 (“[P]rivate and public vehicles . . . continue to be forcibly and systematically stopped by gang members who robbed, raped, and/or kidnapped the drivers and passengers, and killing anyone who resisted.”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 8; Robles, *Who Are the Gangs That Have Overrun Haiti’s Capital?* (Mar. 7, 2024) (“It has been nearly impossible to drive from Port-au-Prince to northern cities because gangs have seized the north-south highway.”).

<sup>85</sup> See BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 34; Jérôme Wendy Norestyl, *Gangs are increasing attacks on boats off the coast of P-au-P*, AyiboPost (Apr. 8, 2024), <https://ayibopost.com/gangs-are-multiplying-attacks-against-boats-off-the-coast-of-p-au-p/>.

<sup>86</sup> Jean Daniel Sénat, *Flight Cancellations at Port-au-Prince Airport After Gunfire Incident*, Le Nouvelliste (Feb. 29, 2024), <https://lenouvelliste.com/en/article/247015/flight-cancellations-at-port-au-prince-airport-after-gunfire-incident>; News Wires, *Haiti transitional council plan appears to crumble after political parties reject it* (Mar. 14, 2024) (The UN Expert on Human Rights in Haiti referred to Port-au-Prince as “an open-air prison. There is no way to get out: land, air or sea. The airport is still not functioning.”). See also *infra* notes 90-91. Armed groups’ control of major routes and infrastructure also makes it easier for them to acquire weapons, trafficked to Haiti primarily from the United States. Hu et al., *In a city cut off from the world, guns and drugs keep flowing* (May 15, 2024); UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶ 17. See also *infra* notes 570-578.

<sup>87</sup> See Haiti Libre, *Haiti – Demonstrations: The humanitarian response hit hard by civil unrest* (Feb. 9, 2024), <https://www.haitilibre.com/en/news-41632-haiti-demonstrations-the-humanitarian-response-hit-hard-by-civil-unrest.html>; Blaise, *Unrelenting gang violence continues to grip Haiti’s capital as nighttime curfew extended* (Mar. 21, 2024); Press Release, OHCHR, *Haiti: Türk says situation “untenable”, urges swift and decisive action* (Mar. 6, 2024), <https://www.ohchr.org/en/press-releases/2024/03/haiti-turk-says-situation-untenable-urges-swift-and-decisive-action>; Frantz Duval, *Port-au-Prince: No Port, No Airport*, Le Nouvelliste (Apr. 9, 2024), <https://lenouvelliste.com/en/article/247604/port-au-prince-no-port-no-airport> (reporting that with Haiti’s port and airports closed or barely functioning, Port-au-Prince is unable to receive any goods, including aid). See also *infra* Section VI.

<sup>88</sup> Frantz Duval, *The February 29 Boost* (Feb. 29, 2024); BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶¶ 11-14. See also *supra* notes 37-42.

<sup>89</sup> Frantz Duval, *The February 29 Boost* (Feb. 29, 2024); BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶¶ 11-14.

<sup>89</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶¶ 12-13 (reporting that armed groups attacked “strategic State infrastructure, . . . including the national palace, police stations, prisons, hospitals, [and] the National Library”); HRW, *Haiti: Urgent Action Needed amid Growing Lawlessness* (Mar. 8, 2024) (reporting that armed groups “attacked the main port and state offices and several police stations”); Duval, *The February 29 Boost* (Feb. 29, 2024) (“The day’s events began with an attack on the police academy premises.”); AlterPresse, *Haiti-Crise: Inquiétudes persistantes après des assauts de gangs sur plusieurs institutions publiques et privées* (Mar. 5, 2024), <https://www.alterpresse.org/spip.php?article30145>; Jérôme Wendy Norestyl, *Centenary documents under threat from gangs*, AyiboPost (May 22, 2024), <https://ayibopost.com/centenary-documents-under-threat-from-gangs/> (reporting that attacks by the *Viv Ansanm* coalition on Haiti’s heritage libraries threaten the preservation of historical documents); RNDDH, *RNDDH’s position on the chaotic situation in Haiti*, ¶¶ 21-27 (Mar. 6, 2024), [https://web.rnddh.org/wp-content/uploads/2024/03/3-Rap-M-Situation-des-DH-Haiti-6Mar2024.ENG\\_.pdf](https://web.rnddh.org/wp-content/uploads/2024/03/3-Rap-M-Situation-des-DH-Haiti-6Mar2024.ENG_.pdf).

<sup>90</sup> Frantz Duval, *The February 29 Boost* (Feb. 29, 2024); Robles, *Who Are the Gangs That Have Overrun Haiti’s Capital?* (Mar. 7, 2024); Jacqueline Charles & Michael Wilner, *U.S. military flies Marines into Haiti embassy, evacuating some staff in overnight airlift*, Miami Herald (Mar. 11, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article286491620.html>; RNDDH, *RNDDH’s position on the chaotic situation in Haiti* (Mar. 6, 2024), ¶¶ 35-39.

<sup>91</sup> All flights in and out of Port-au-Prince were cancelled on February 29, and flights in and out of the country as a whole were cancelled on March 4. Sénat, *Flight Cancellations at Port-au-Prince Airport After Gunfire Incident* (Feb. 29, 2024); Jacqueline Charles, *Flights to Haiti won’t be starting any time soon; visas to come to the U.S. are on hold*, Miami Herald (Apr. 18, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article287737915.html>. One airline – Sunrise Airways – resumed flights in and out of Cap-Haïtien and Port-au-Prince on March 26 and May 20, respectively. Onz Chéry, *Haitians breathe a sigh of relief as commercial flights resume*, Haitian Times (Mar. 26, 2024), <https://haitiantimes.com/2024/03/26/cap-haitien-international-flights-resume/>; Dánica Coto, *Haiti’s main international airport reopens nearly three months after gang violence forced it to close*, Daily Gazette (May 20, 2024), [https://www.dailygazette.com/ap/world/haiti-s-main-international-airport-reopens-nearly-three-months-after-gang-violence-forced-it-closed/article\\_bf09a8d4-383e-547e-ad9e-677ad4306617.html](https://www.dailygazette.com/ap/world/haiti-s-main-international-airport-reopens-nearly-three-months-after-gang-violence-forced-it-closed/article_bf09a8d4-383e-547e-ad9e-677ad4306617.html). American Airlines resumed service on May 30, and other airlines are expected to resume on June 5. Lequotidien509, *Tarifs et reprise des vols de American Airlines, Jet Blue et Spirit* (May 30, 2024), <https://lequotidienhaiti.com/reprise-des-vols-de-american-airlines-jet-blue-et-spirit/>.

<sup>92</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 13; @opchaiti, X (Mar. 4, 2024), <https://x.com/opchaiti/status/1764788107616956790> (reporting that 3,700 escaped from the National Penitentiary and 1,033 from the Croix-des-Bouquets prison); AlterPresse, *Haiti-Crise: Inquiétudes persistantes après des assauts de gangs sur plusieurs institutions publiques et privées* (Mar. 5, 2024) (reporting that more than 5,000 escaped); EFE, *Unos 3.600 presos huyeron de la cárcel de Puerto Príncipe tras el ataque de las bandas* (Mar. 3, 2024), <https://efe.com/mundo/2024-03-03/carcel-civil-de-haiti/> (reporting that 3,597 out of 3,696 individuals incarcerated in the National Penitentiary escaped); AlterPresse, *Escalade dans la terreur des gangs à Port-au-Prince* (Mar. 3, 2024), <https://www.alterpresse.org/spip.php?article30138> (reporting that only about 40 persons remained incarcerated in the National Penitentiary after the attacks).

<sup>93</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 11; BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 13. In May, police issued wanted notices for over 80 of “the most dangerous escapees.” Juhakenson Blaise, *Haitian police issues first wanted list of over 80 fugitives, two months after prison breakouts*, Haitian Times (May 8, 2024), <https://haitiantimes.com/2024/05/08/pnh-launches-wanted-notices-against-escapees/>.

<sup>94</sup> Onz Chéry, *Raised alert in Haiti’s northern city after mass prison break*, Haitian Times (Mar. 5, 2024), <https://haitiantimes.com/2024/03/05/cap-haitien-police-force-patrolling/>; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 11; UN News, *Haiti: UN officials say ‘we are running out of time’ amid escalating crises* (Mar. 6, 2024), <https://news.un.org/en/story/2024/03/1147317> (referring to the breakout as a “‘lethal threat’ to national security”). See, e.g., Jacqueline Charles, *Young American couple, killed by armed gangs in Haiti, devoted lives to missionary work*, Miami Herald (May 29, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article288710090.html> (reporting an attack on a non-profit in May carried out by one of the escapees); Triebert et al., *How a Haitian Gang Is Trying to Turn Itself Into a Militia* (May 21, 2024) (reporting that one of the escapees, Dimitri Hérard, is now working with the 5 *Segonn* armed group).

<sup>95</sup> Maria Abi-Habib, *Why Do Aid Groups Stay in Lawless Haiti?*, NY Times (May 25, 2024), <https://www.nytimes.com/2024/05/25/world/americas/haiti-gang-violence-aid-groups.html>.

<sup>96</sup> @MCHaiti, X (Mar. 3, 2024), <https://twitter.com/MCHaiti/status/1764470290237546622>; Press Release, République d’Haiti, *Communiqué No 3 relatif au prolongement du couvre-feu et aux interdictions de manifestations sur la voie publique durant la période de l’Etat d’urgence* (Mar. 11, 2024), <https://www.primature.gouv.ht/communiqué-no-3-relatif-au-prolongement-du-couvre-feu-et-aux-interdictions-de-manifestations-sur-la-voie-publique-durant-la-période-de-letat-durgence/>; AlterPresse, *Criminalité: État d’urgence et couvre-feu de 72 heures dans l’Ouest d’Haïti, décrète le gouvernement de facto* (Mar. 4, 2024), <https://www.alterpresse.org/spip.php?article30139>. The state of emergency and curfew have been extended a

number of times. See @Frantzduval, X (May 21, 2024), <https://x.com/Frantzduval/status/1793079962859192827> (the latest state of emergency was announced on May 20, extended through June 20); Crisis24, *Haiti: Officials extend curfew in Ouest Department until April 24 as gang violence continues / update 14* (Apr. 18, 2024), <https://crisis24.garda.com/alerts/2024/04/haiti-officials-extend-curfew-in-ouest-department-until-april-24-as-gang-violence-continues-update-14> (the curfew was extended until April 24 in the Ouest Department, where Port-au-Prince is located).

<sup>97</sup> See Dánica Coto & Evens Sanon, *Haiti extends a state of emergency and nighttime curfew to try and repel widespread gang attacks*, AP News (Mar. 7, 2024), [https://apnews.com/article/haiti-violence-curfew-emergency-gangs-b936625f91ab7c828a212fe46a360c81?utm\\_source=copy&utm\\_medium=share](https://apnews.com/article/haiti-violence-curfew-emergency-gangs-b936625f91ab7c828a212fe46a360c81?utm_source=copy&utm_medium=share) (reporting that armed groups “continued to attack police stations and other state institutions at night as Haiti’s National Police struggles to contain the violence with limited staff and resources”); Blaise, *Unrelenting gang violence continues to grip Haiti’s capital as nighttime curfew extended* (Mar. 21, 2024); Isaac, *Haiti’s capital under gang attacks ahead of government transition* (Apr. 21, 2024); Dánica Coto, *Haitians demand the resignation and arrest of the country’s police chief after a new gang attack*, AP News (May 11, 2024), <https://apnews.com/article/haiti-gang-attack-gressier-gresye-4420aa9dd4a1a08f3f0b65bd0d676f85>.

<sup>98</sup> See RNDDH, *RNDDH’s position on the chaotic situation in Haiti* (Mar. 6, 2024), ¶¶ 9-20 (the *Viv Ansanm* coalition vandalized at least 21 “institutions, commercial enterprises, and small and medium-sized businesses”); Blaise, *Unrelenting gang violence continues to grip Haiti’s capital as nighttime curfew extended* (Mar. 21, 2024) (“[M]ajor banks such as the National Credit Bank, Unibank, Capital Bank, Sogebank, and Sogebel are currently inaccessible to customers. . . . due to reported incidents of looting and vandalism at several branches.”); Press Release, UN Children’s Fund (UNICEF), *UNICEF condemns school arson by armed groups in downtown Port-au-Prince* (Mar. 27, 2024), <https://www.unicef.org/haiti/en/press-releases/unicef-condemns-school-arson-armed-groups-downtown-port-au-prince>; Isaac, *Haiti’s capital under gang attacks ahead of government transition* (Apr. 21, 2024); Duval, *The February 29 Boost* (Feb. 29, 2024).

<sup>99</sup> See BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 61; Mérancourt & Piercin, *Construction work underway at Village de Dieu. Viv Ansanm is tearing down the lower part of Port-au-Prince* (Apr. 15, 2024). Threats against journalists and human rights defenders also increased after the *Viv Ansanm* attacks. BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 8; Jacqueline Charles, *Haiti’s oldest newspaper forced to stop printing after armed gangs attack premises*, Miami Herald (Apr. 29, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article288118660.html>.

<sup>100</sup> AlterPresse, *Haïti-Crise: Inquiétudes persistantes après des assauts de gangs sur plusieurs institutions publiques et privées* (Mar. 5, 2024); HRW, *Haiti: Urgent Action Needed amid Growing Lawlessness* (Mar. 8, 2024); BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 61; Le-Cour-Grandmaison, *Violence in Haiti: A continuation of politics by other means?* (Mar. 25, 2024); Blaise, *Unrelenting gang violence continues to grip Haiti’s capital as nighttime curfew extended* (Mar. 21, 2024). See also *infra* Section VI.

<sup>101</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 62. See also BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 5 (reporting that armed groups are using “scorched earth” tactics in certain areas, with the deliberate intention of “driving away large numbers of people and preventing them from returning to their homes”).

<sup>102</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 62 (reporting 362,551 displaced, representing a 15% increase from the end of 2023); International Organization for Migration (IOM), *Haiti* (Mar. 2024), <https://dtm.iom.int/haiti>; OCHA, *Haiti Emergency Situation Report No. 4* (Mar. 8, 2024); AlterPresse, *Crise: Risques d’un génocide en Haïti, craint le représentant permanent d’Haïti auprès de l’Onu* (Apr. 4, 2024), <https://www.alterpresse.org/spip.php?article30272> (in early April, the permanent representative of Haiti to the UN estimated the number of internally displaced persons (IDPs) to be around 400,000).

<sup>103</sup> Kestler-D’Amours, *Who are Haiti’s gangs and what do they want? All you need to know* (Mar. 13, 2024).

<sup>104</sup> Press Release, Save the Children, *Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence* (Apr. 24, 2024), <https://www.savethechildren.net/news/haiti-600-children-daily-dodging-gunfire-they-flee-haitian-capital-month-violence> (over 19,300 of those were children). Approximately 50,000 people were displaced between January and March. BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 62; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 8 (reporting over 54,000, more than half of whom were children). See, e.g., Fritzel D. Octave, *Escalating violence in Haiti’s capital causes exodus to provinces*, Haitian Times (Mar. 23, 2024), <https://haitiantimes.com/2024/03/23/haiti-capital-provinces-migration/>; AlterPresse, *Haïti-Violences des gangs : Déplacement forcé de plus de 53 mille personnes en 20 jours à Port-au-Prince, notamment vers le grand Sud d’Haïti* (Apr. 3, 2024), <https://www.alterpresse.org/spip.php?article30259>; AlterPresse, *Haïti-Violences des gangs : Plus de trois mille personnes déplacées en 6 jours à Pernier et Cité Soleil, selon l’Oim* (Feb. 1, 2024), <https://www.alterpresse.org/spip.php?article30050>; Germina Pierre Louis, *10,000 internally displaced people in one week*, Le Nouvelliste (Feb. 16, 2024), <https://lenouvelliste.com/en/article/246803/10000-internally-displaced-people-in-one-week>; AlterPresse, *Haïti-Violences des gangs : 10 mille personnes déplacées en 9 jours, selon l’Oim* (Feb. 15, 2024), <https://www.alterpresse.org/spip.php?article30078>; OCHA, *Haiti Emergency Situation Report No. 4* (Mar. 8, 2024) (counting 15,000 IDPs between Feb. 29 and Mar. 8); AlterPresse, *Haïti-Violences des gangs : Plus de 2,600 personnes déplacées de nouveau en 7 jours à Carrefour, Cité Soleil et Tabarre, selon l’Oim* (Feb. 13,

2024), <https://www.alterpresse.org/spip.php?article30075>; Haitian Times, *Gang clashes and carnival both underway in Haiti* (Feb. 13, 2024), <https://haitiantimes.com/2024/02/13/gang-clashes-and-carnival-both-underway-in-haiti-images/>.

<sup>105</sup> Save the Children, *Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence* (Apr. 24, 2024).

<sup>106</sup> Dánica Coto, *Violence is traumatizing Haitian kids. Now the country's breaking a taboo on mental health services*, AP News (May 13, 2024), <https://apnews.com/article/haiti-gang-violence-trauma-mental-health-eae1e0bc7c0143a1f58da7d58ff29eed>.

<sup>107</sup> Frances Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools*, NY Times (May 10, 2024), <https://www.nytimes.com/2024/05/08/world/americas/haiti-gangs-refugees-crisis.html> (“The U.N.’s International Office for Migration started tracking IDPs in November and found that about 70 percent were staying with friends or relatives. Now 60 percent are in one of 86 homeless sites, as people run out of safe places to take cover.”); Save the Children, *Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence* (Apr. 24, 2024); RNDDH, *A catastrophic human rights situation from January to March 2024: RNDDH alerts the public* (Apr. 10, 2024), ¶¶ 168-74.

<sup>108</sup> IOM, *Haiti — Update on the displacement situation in sites of the Metropolitan Area of Port-au-Prince (as of 20 April 2024)* (Apr. 23, 2024), <https://dtm.iom.int/reports/haiti-update-displacement-situation-sites-metropolitan-area-port-au-prince-20-april-2024> (the IOM reported that 35 of those displacement sites were in schools, 19 in churches or temples, 12 in covered and fenced areas, 11 in uncovered and fenced areas, 7 in uncovered and unfenced areas, and 1 in a community center); Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024).

<sup>109</sup> See IOM, *Haitians Face Deepening Crisis as Siege in Port-au-Prince Stretches on* (Apr. 4, 2024), <https://www.iom.int/news/haitians-face-deepening-crisis-siege-port-au-prince-stretches>; Press Release, CARE, *As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive* (May 30, 2024), <https://www.care.org/news-and-stories/press-releases/as-violence-and-hunger-persist-haitians-struggle-to-adapt-and-survive/> (noting in particular the difficulty of menstrual hygiene management); Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024).

<sup>110</sup> CARE, *As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive* (May 30, 2024) (reporting that cases of cholera have already been recorded in displacement camps); Save the Children, *Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence* (Apr. 24, 2024) (reporting that overcrowding heightens the risk of water-borne diseases, including cholera). See also *infra* note 463.

<sup>111</sup> See Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024) (“The Haitian government agency whose job it is to help refugees normally focuses on natural disasters, not a disaster caused by widespread gang violence.” The IOM’s head of emergency operations in Haiti noted the response “‘has not been the best.’”); U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), p. 21.

<sup>112</sup> Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024).

<sup>113</sup> See, e.g., BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 32 (“[G]angs deliberately set fire to improvised internally displaced persons sites.”).

<sup>114</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 7; Press Release, OHCHR, *Women and girls bear the brunt of crisis ravaging Haiti, say UN experts* (May 6, 2024), <https://www.ohchr.org/en/press-releases/2024/05/women-and-girls-bear-brunt-crisis-ravaging-haiti-say-un-experts>. See also *infra* note 303.

<sup>115</sup> See Save the Children, *Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence* (Apr. 24, 2024) (“Almost two-thirds of people who left Port-au-Prince in the past month have been displaced before, with over half of these having been forced to flee at least twice.”); Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024) (“Entire Port-au-Prince neighborhoods emptied out as gangs took over. People who found safe spaces were repeatedly driven out as time and again they found themselves in mortal peril.”). See, e.g., IOM, *Haiti — Emergency Tracking Tool 41.2 — Updates on the displacement following attacks in Delmas (25 April to 07 May 2024)* (May 7, 2024), <https://dtm.iom.int/reports/haiti-emergency-tracking-tool-41-2-updates-displacement-following-attacks-delmas-25-april-07?close=true> (5,178 internally IDPs were displaced from 6 sites in Delmas after attacks from April 25 to May 7); IOM, *Haiti — Emergency Tracking Tool 42 — Displacement following attacks in the municipality of Gressier (11-12 May 2024)* (May 13, 2024), <https://dtm.iom.int/reports/haiti-emergency-tracking-tool-42-displacement-following-attacks-municipality-gressier-11-12?close=true> (4,463 IDPs were displaced again after an attack in Gressier on May 11).

<sup>116</sup> CARE, *As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive* (May 30, 2024). See also OCHA, *Haiti Emergency Situation Report No. 17 (As of 12 April 2024)* (Apr. 13, 2024), <https://reliefweb.int/report/haiti/haiti-emergency-situation-report-no-17-12-april-2024> (“Nearly 95,000 people have fled the capital Port-au-Prince for other departments in the last month.”); IOM, *Haiti — Populations Flow Monitoring — Impact of insecurity on movements of people from the capital to provinces #5 (08 March — 09 April 2024)* (Apr. 12, 2024), <https://dtm.iom.int/reports/haiti-populations-flow-monitoring-impact-insecurity-movements-people-capital-provinces-5-08> (94,821 people left the Port-au-Prince metropolitan area between March 8 and April 9, primarily headed for Jérémie, Les Cayes, and Léogâne).

<sup>117</sup> Onz Chéry, *Strangers: Displaced Haitians from capital try to adapt to province life*, Haitian Times (Apr. 5, 2024), <https://haitiantimes.com/2024/04/05/displaced-haitians-to-provinces-challenges/> (“Nearly two-thirds of those displaced have sought refuge in the south, which is already home to some 116,000 residents” and is “are ill-equipped to handle the influx, lacking the infrastructure and resources to adequately support the displaced.”); Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024); CARE, *As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive* (May 30, 2024) (noting that although displacement puts a huge strain on host communities, “the local solidarity we are witnessing is heartwarming”). The demographic of those fleeing Port-au-Prince shifted in March and April, which the IOM attributes to the sharp increase in violence: “[A]s of 10 March, 86% of people leaving the MAPAP [metropolitan area of Port-au-Prince] were [already] IDPs. One month later, this percentage dropped to 60%, while almost 40% were those who had never fled their residence and who decide to leave it and seek refuge in provinces. This further describes the deterioration of the situation in the capital, given that leaving the capital could be a relatively quicker decision to make for a person who was already displaced than for someone who was still in their residence and decides to leave it for seek refuge in provinces.” IOM, *Haiti — Populations Flow Monitoring — Impact of insecurity on movements of people from the capital to provinces #5 (08 March — 09 April 2024)* (Apr. 12, 2024).

<sup>118</sup> See IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, June through November 2023* (Dec. 2023), fn. 87.

<sup>119</sup> Hu et al., *Gangs rule Haiti’s capital. Some say they’re ready to overthrow the government too* (Mar. 5, 2024); Kestler-D’Amours, *Who are Haiti’s gangs and what do they want? All you need to know* (Mar. 13, 2024). See also, e.g., Blaise, *Pope Francis calls for Haitian nuns’ release after kidnappers demand \$3M*, Haitian Times (Jan. 22, 2024), <https://haitiantimes.com/2024/01/22/haiti-gang-kidnapping-catholic/>; RHI News, *Kidnapping collectif en Haïti : 45 passagers pris en otage par le gang armé de Tibwadòm* (Jan. 15, 2024), <https://www.rhinews.com/actualites/kidnapping-collectif-en-haiti-45-passagers-pris-en-otage-par-le-gang-arme-de-tibwadom/> (reporting that kidnappers demanded several million dollars in ransom).

<sup>120</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 8 (reporting that attacks by armed groups in late 2023 were “aimed at gaining access to areas where they can increase their kidnapping activities”).

<sup>121</sup> BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 11 (the last quarter of 2023 was particularly catastrophic, with 698 people kidnapped).

<sup>122</sup> UN Human Rights Council, *Written statement\* submitted by Centre Europe - tiers monde, a non-governmental organization in general consultative status*, ¶ 5 (Mar. 27, 2024),

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F55%2FNGO%2F321&Language=E&DeviceType=Desktop&LangRequested=False>; teleSUR, *Haiti: Rival Gangs, Riots Keep Some Areas in Panic* (Jan. 30, 2024), <https://www.telesurenglish.net/news/Haiti-Rival-Gangs-Riots-Keep-Some-Areas-in-Panic-20240130-0015.html>; U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), p. 15.

<sup>123</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 4. See also BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 15 (reporting 504 kidnappings between January 1 and February 29).

<sup>124</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 37; RNDDH, *A catastrophic human rights situation from January to March 2024: RNDDH alerts the public* (Apr. 10, 2024), ¶¶ 76-92; Blaise, *Pope Francis calls for Haitian nuns’ release after kidnappers demand \$3M* (Jan. 22, 2024). See also, e.g., @Radio\_Metronome, X (Mar. 30, 2024), [https://twitter.com/Radio\\_Metronome/status/1774154052458135709](https://twitter.com/Radio_Metronome/status/1774154052458135709); Jacqueline Charles, *A group of nuns has been kidnapped in Haiti. The church is asking for prayers*, Miami Herald (Jan. 19, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article284453100.html>; Blaise, *Pope Francis calls for Haitian nuns’ release after kidnappers demand \$3M* (Jan. 22, 2024); AlterPresse, *Haïti-Kidnapping : Les 8 personnes dont six religieuses libérées, de nombreuses victimes dont Douglas Pape toujours captives* (Jan. 25, 2024), <https://www.alterpresse.org/spip.php?article30027>; RHI News, *Kidnapping collectif en Haïti : 45 passagers pris en otage par le gang armé de Tibwadòm* (Jan. 15, 2024); AlterPresse, *Haïti-Criminalité : 1 pêcheur kidnappé et une douzaine de moteurs de bateaux de pêche emportés par des pirates haïtiens et d’autres caribéens sur les côtes Sud-Ouest d’Haïti* (Mar. 28, 2024), <https://www.alterpresse.org/spip.php?article30245>; AlterPresse, *Haïti-Criminalité : Un couple assassiné et plusieurs autres personnes kidnappées à Mowo Pèy / Artibonite* (Dec. 15, 2023), <https://www.alterpresse.org/spip.php?article29932>; @Radio\_Metronome, X (Apr. 14, 2024), [https://x.com/Radio\\_Metronome/status/1779524089599709238](https://x.com/Radio_Metronome/status/1779524089599709238).

<sup>125</sup> See BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 13 (“Business owners, government officials and everyday commuters travelling on public transportation are at the highest risk of abduction for ransom by armed gangs.”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 7 (“Kidnappings of people traveling from the capital to the Southern departments of the country also increased compared with the previous quarter.”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (2023), pp. 5, 7 (reporting in December that “mass kidnappings of people travelling in public transport vehicles on main roads” had become frequent); Jonasson Odigène, *Status Update on National Roads Amidst Crisis*, Le Nouvelliste (Mar. 21, 2024), <https://lenouvelliste.com/article/247319/le-point-sur-les-routes-nationales-en-ces-temps-de-troubles>; BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 36.

<sup>126</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), pp. 6-7 (“[The Grand Ravine armed group] intercepted several boats carrying local residents attempting to bypass the



National Road 2 under their control. Dozens of people, including children, were kidnapped or killed by gunshot or machetes when using these boats. . . . [Between January and March] at least 80 people were abducted while traveling in small boats.”); BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 34; @Radio\_Metronome, X (Apr. 7, 2024), [https://twitter.com/Radio\\_Metronome/status/1776956552013897807](https://twitter.com/Radio_Metronome/status/1776956552013897807) (reporting that armed groups kidnapped ten people traveling by boat from Port-au-Prince to Cap-Haïtien); Norestyl, [Gangs are increasing attacks on boats off the coast of P-au-P](#) (Apr. 8, 2024) (“At least 53 people fell victim to piracy during the quarter. This represents 35.33% of kidnapping cases in the country during this period.”).

<sup>127</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 4 (“At least 438 persons were kidnapped for ransom during the same period, all of them in the West and Artibonite departments”); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (2023), p. 5 (reporting that 63% of kidnappings in the fourth quarter of 2023 occurred in the Lower Artibonite region).

<sup>128</sup> Robles, [How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools](#) (May 8, 2024). See also BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 6 (reporting that armed groups fighting in the Solino neighborhood of Delmas because it “offers a strategic route for quickly transporting kidnapping victims from their place of abduction in the Delmas commune to buildings in the Village de Dieu and Grand Ravine neighborhoods, where hostages are usually held while ransom negotiations are carried out.”).

<sup>129</sup> Women and girls who are kidnapped are particularly vulnerable to sexual violence. Tibisay Zea, *In Haiti, sexual violence is devastating women and girls*, The World (Jan. 18, 2024), <https://theworld.org/stories/2024/01/18/haiti-sexual-violence-devastating-women-and-girls>. See also *infra* notes 298-299.

<sup>130</sup> @Radio\_Metronome, X (Feb. 18, 2024), [https://twitter.com/Radio\\_Metronome/status/1759397077002387851](https://twitter.com/Radio_Metronome/status/1759397077002387851); BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 37; Hu et al., [Gangs rule Haiti’s capital. Some say they’re ready to overthrow the government too](#) (Mar. 5, 2024).

<sup>131</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 7.

<sup>132</sup> See HRW, *Haiti Events of 2023* (2024), <https://www.hrw.org/world-report/2024/country-chapters/haiti>; Le Cour Grandmaison et al., [A Critical Moment: Haiti’s Gang Crisis and International Responses](#) (Feb. 2024), p. 3; HRW, [Haiti: Urgent Action Needed amid Growing Lawlessness](#) (Mar. 8, 2024); Harold Isaac & Ralph Tedy Erol, *Haiti gang leader killed as transition council nears completion*, Reuters (Mar. 22, 2024), <https://www.reuters.com/world/americas/un-welcomes-reports-haiti-transition-council-nearly-ready-conflict-flares-2024-03-21/> (“The state has been largely absent during the violence and police are ill-equipped against heavily armed criminal groups seeking to expand their territorial control of the capital city.”); Louis Chadrac, *A shootout claims several lives in Drouet, Artibonite*, Le Nouvelliste (Apr. 8, 2024), <https://www.lenouvelliste.com/en/article/247563/a-shootout-claims-several-lives-in-drouet-artibonite> (“Human rights organizations and regional media are extremely critical of departmental authorities. ‘These are authorities who only observe the damage like ordinary citizens. Enjoying all the privileges of the state, they deny the responsibilities of the state. They repress law-abiding people who demand their rights but cannot do anything against gangsters who impose their law.’”). See also *infra* Section III.

<sup>133</sup> See Onz Chéry, *Protesters view Haitian PM possible resignation as win against U.S.*, Haitian Times (Mar. 7, 2024), <https://haitiantimes.com/2024/03/07/protesters-ariel-henry-possible-resignation/>; Vanessa Buschschlüter, *Haiti leader urges calm as protestors call for his resignation*, BBC (Feb. 8, 2024), <https://www.bbc.com/news/world-latin-america-68239332>. See also *supra* note 17.

<sup>134</sup> See HRW, [Haiti: Urgent Action Needed amid Growing Lawlessness](#) (Mar. 8, 2024) (“‘We are abandoned to our own fate; nothing works in the country,’ a 23-year-old mechanic in Port-au-Prince told Human Rights Watch by phone on February 19. ‘There is no state, the police are scared, and they have no way to defend us from the gangs that shoot, kill, kidnap, rape women, and take away everything from us on a daily basis.’”); RNDDH, [RNDDH’s position on the chaotic situation in Haiti](#) (Mar. 6, 2024), ¶ 51 (“[T]he government authorities have resigned. The streets of the capital and the entire West department are given over to armed bandits. And the Haitian population has simply been abandoned to its fate.”); RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶ 2 (referring to the population as having “been handed over to armed bandits by the state authorities”); @opchaiti, X (Mar. 4, 2024) (the Haitian government’s own human rights ombudsman criticized the “total indifference of the highest state authorities” in the wake of the prison attacks).

<sup>135</sup> See, e.g., BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 30 (“There have recently been several police operations against gangs, albeit limited given the high level of threats posed by gangs.”); Hu et al., [Gangs rule Haiti’s capital. Some say they’re ready to overthrow the government too](#) (Mar. 5, 2024); Adams & Paultre, [Haiti’s Police Are ‘Begging for Help’ in Battle Against Ruthless Gangs](#) (May 3, 2024) (“[P]olice have helped ease the stranglehold gangs had on the capital’s airport, allowing military aircraft to land. . . . And on Wednesday, the police also retook control of access roads to Port-au-Prince’s port from gangs, providing a chance for ships to dock and unload.”).

<sup>136</sup> See BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 30; Adams & Paultre, [Haiti’s Police Are ‘Begging for Help’ in Battle Against Ruthless Gangs](#) (May 3, 2024) (“The Biden administration, which has given Haiti’s police about \$200 million in assistance in recent years, is spending an additional \$10 million on training and equipment, including weapons, ammunition, bullet-resistant vests and helmets. . . . A team of 14 advisers and

trainers from the U.S. State Department is embedded with the Haitian police to provide support, including tactical advice. Senior Haitian police officers have also received training through the Inter-American Defense College in Washington, which is part of the Organization of American States.”); Juhakenson Blaise, *Haitian National Police boosted with fresh batch of equipment*, Haitian Times (Apr. 27, 2024), <https://haitiantimes.com/2024/04/27/pnh-gang-haiti-lenouvelliste%E2%80%9090tpc/> (reporting that the PNH received new materials and equipment on April 24, delivered with the help of the U.S. government); Charles & Wilner, *U.S. military flies Marines into Haiti embassy, evacuating some staff in overnight airlift* (Mar. 11, 2024) (“To help in the fight against gangs, the U.S. government recently provided the police with additional ammunition.”). See also Robles, *Who Are the Gangs That Have Overrun Haiti’s Capital?* (Mar. 7, 2024) (“While the United States has poured nearly \$200 million into the department, it is notoriously outgunned and understaffed.”); BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 15 (“Although the mobility of the Haitian National Police increased in October with the delivery of 20 soft-skin patrol vehicles and 250 motorcycles . . . its capacity to launch anti-gang operations remains limited. Only 21 of the 47 armoured vehicles were operational as at [sic] 15 November.”).

<sup>137</sup> BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 16 (“The national police remains overwhelmed by rampant gang violence. The temporary anti-gang unit is still underresourced and understaffed in large part, with tangible shortcomings in operational planning and in the management of public resources.”); BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 31 (“[T]he HNP still face multiple challenges, including the lack of adequate capabilities to deter, arrest and disarm heavily armed gangs, often with superior firepower, including protection gear, weaponry, ammunition, vehicles, and other tactical equipment.”); Adams & Paultre, *Haiti’s Police Are ‘Begging for Help’ in Battle Against Ruthless Gangs* (May 3, 2024) (“Haiti’s police are at a disadvantage, experts say, because they lack good intelligence capability and equipment, like armored patrol vehicles, helicopters or drones, to target heavily fortified gang bases.”); Wethzer Piercin, *Gangs hack into Haitian National Police communication radios*, AyiboPost (Apr. 10, 2024), <https://ayibopost.com/gangs-hack-haitian-national-police-communication-radios/> (the PNH lacks sufficient technology, equipment, and training to use what they do have; police personnel noted that “gangs, as well as other actors in possession of appropriate equipment, regularly listen to police radio communications — which represents a serious threat to the integrity of operations”); Côté-Paluck & Phillips, *The gangs are in charge’: Haiti’s outgunned police fight a desperate rear defence* (May 16, 2024) (the spokesperson for the National Police Union of Haiti acknowledged “Haiti’s national police force was woefully ill-equipped for its battle against outlaws who flaunt their increasingly sophisticated arsenal in slick social media videos resembling those posted by Mexican cartels”).

<sup>138</sup> See Piercin, *Gangs hack into Haitian National Police communication radios* (Apr. 10, 2024) (“In 2022, the institution had a workforce of 15,474 police officers , but thousands of them have since left the country, fleeing insecurity, lack of equipment and underpayment.”); Reuters, *Haiti’s police force shrinks amid gang crisis -union* (Jan. 22, 2024), <https://www.reuters.com/world/americas/haitis-police-force-shrinks-amid-gang-crisis-union-2024-01-22/> (reporting that the PNH has lost nearly 3,300 officers over the last three years); BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 82 (“I am alarmed by the rapid rate at which the national police workforce continues to shrink. The record number of national police officers who left the institution in 2023 is a grim indicator of the security challenges confronting the country.”); Adams & Paultre, *Haiti’s Police Are ‘Begging for Help’ in Battle Against Ruthless Gangs* (May 3, 2024) (“Since January, at least 24 officers have been killed and another five disappeared after being ambushed by gangs, according to [Director General of the PNH] Mr. Elbé. About 220 officers have resigned and 170 abandoned the ranks without explanation, he added.”); BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 15.

<sup>139</sup> See Côté-Paluck & Phillips, *The gangs are in charge’: Haiti’s outgunned police fight a desperate rear defence* (May 16, 2024) (reporting that officers on the frontlines “generally receive no more than \$100 (£79) a week”); @jeffsky\_poincy, X (Dec. 20, 2023), [https://twitter.com/jeffsky\\_poincy/status/1737596641341809004](https://twitter.com/jeffsky_poincy/status/1737596641341809004) (“Last August, Police Union reported that some police officers have not received their salaries for over 8 months, and the PNH’s civilian staff - for more than 17 months.”); CRS, *Haiti: Recent Developments and U.S. Policy* (Feb. 1, 2024), p. 6; Jonasson Odigène, *Police Union Calls on Prime Minister to Assume Responsibility Towards PNH*, Le Nouvelliste (Feb. 8, 2024), <https://www.lenouvelliste.com/en/article/246741/un-syndicat-policier-appelle-le-premier-ministre-a-assumer-ses-responsabilites-envers-la-pnh> (The spokesman for National Police Union of Haiti criticized de facto Prime Minister Henry for doing “‘nothing to pay the police their overdue promotions. . . . There are police officers who have been promoted for four years and have not received the salary for their rank. . . . There are police officers who have fled their homes because of attacks by gangs and end up sleeping in police stations with their wives and children, and the government has never come to the aid of these officers or even granted them a subsidy.”); Le Cour Grandmaison et al., *A Critical Moment: Haiti’s Gang Crisis and International Responses* (Feb. 2024), p. 21. The outgoing government of de facto Prime Minister Henry issued a decree in April offering improved benefits to police officers and their families in an attempt to boost morale. Jean Daniel Sénat, *To change the fate of police officers and soldiers*, Le Nouvelliste (Apr. 29, 2024), <https://lenouvelliste.com/en/article/247913/to-change-the-fate-of-police-officers-and-soldiers>.

<sup>140</sup> BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 15.

<sup>141</sup> Kejal Vyas & Ingrid Arnesen, *Haiti’s Police, Outgunned and Outmanned, Struggle to Thwart Gangs*, Wall Street Journal (Apr. 26, 2024), <https://www.wsj.com/world/americas/haitis-police-outgunned-and-outmanned-struggle-to-thwart-gangs-cf5bcd7f> (“Hundreds left for the U.S. via a humanitarian parole program, escaping hardships such as

months without pay and sleeping in police stations so gangs don't attack their homes.”). See also *infra* notes 488, 514-515.

<sup>142</sup> BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 15; Adams & Paultre, [Haiti's Police Are 'Begging for Help' in Battle Against Ruthless Gangs](#) (May 3, 2024); Iona Cleave, [Vigilantes set gang members on FIRE & cut victims' hands off in 'world's most dangerous city' as bodies pile up in Haiti](#), U.S. Sun (Mar. 22, 2024), <https://www.the-sun.com/news/10847011/vigilantes-gangs-set-fire-bodies-haiti/>. But see Le Cour Grandmaison et al., [A Critical Moment: Haiti's Gang Crisis and International Responses](#) (Feb. 2024), p. 21 (“In practice, the number of personnel available for active patrolling is around 3 300, less than a quarter of the overall force.”). In March, BINUH reported that Haiti had “a police-to-population ratio of 1.3 officers per 1,000 citizens, falling far short of the United Nations benchmark of one officer for every 450 individuals.” However, this data is from 2022; the real ratio is closer to 1.1 to 1,000. See BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 31; Widlore Mérancourt, [Police officers desert the streets of Port-au-Prince](#), AyiboPost (Mar. 8, 2024), <https://ayibopost.com/police-officers-desert-the-streets-of-port-au-prince/>.

<sup>143</sup> Adams & Paultre, [Haiti's Police Are 'Begging for Help' in Battle Against Ruthless Gangs](#) (May 3, 2024). One close observer with links to Haiti's security sector shared that the true number of police across specialized and other units in Port-au-Prince materially engaged in confronting armed groups is around 750.

<sup>144</sup> Le Cour Grandmaison et al., [A Critical Moment: Haiti's Gang Crisis and International Responses](#) (Feb. 2024), p. 21.

<sup>145</sup> See, e.g., Côté-Paluck & Phillips, ['The gangs are in charge': Haiti's outgunned police fight a desperate rear defence](#) (May 16, 2024) (“[F]ive officers were killed when armed criminals stormed a police station in the city's north on 29 February. Videos of the mutilated victims spread on social media, . . . ‘the corpse of a policeman is seen lying on a wheelbarrow, his uniform soaked in blood’. Another shows an officer being beheaded. In a brazen show of defiance, criminals later returned to the station to demolish it with a Chinese front-end loader.”); Adams & Paultre, [Haiti's Police Are 'Begging for Help' in Battle Against Ruthless Gangs](#) (May 3, 2024) (“Gangs stormed the neighborhood of Haiti's police chief, Frantz Elbé, in March, broke into his house, set it afire and killed his dog. . . . [T]he attack . . . sent a chilling message through police ranks and to residents. . . . ‘that no one was safe.’”); Robenson Geffrard, [Gangs Empty Police Stations and Kill Seven in Carrefour](#), Le Nouvelliste (Apr. 18, 2024), <https://lenouvelliste.com/en/article/247750/gangs-empty-police-stations-and-kill-seven-in-carrefour> (reporting that armed groups took over the main police station in Carrefour in April, freeing people detained there and taking police officers' weapons); Fortine et al., [#37 - Life at the Time of "Bwa Kale": a Year of Popular Resistance](#) (Apr. 6, 2024); Blaise, [Haitian National Police boosted with fresh batch of equipment](#) (Apr. 27, 2024); @Jacquiecharles, X (May 22, 2024), <https://x.com/Jacquiecharles/status/1793345883104248173>; AlterPresse, [Haiti-Violences des gangs: Vives inquiétudes et tirs signalés dans plusieurs quartiers de Port-au-Prince](#) (Apr. 8, 2024). See also BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 13 (reporting that attacks against police in March “aimed to reduce the ability of the national police to respond effectively to simultaneous gang attacks”).

<sup>146</sup> Coto, [Haitians demand the resignation and arrest of the country's police chief after a new gang attack](#) (May 11, 2024); Adams & Paultre, [Haiti's Police Are 'Begging for Help' in Battle Against Ruthless Gangs](#) (May 3, 2024) (reporting 22 police precincts destroyed over the course of several weeks in April).

<sup>147</sup> See Mérancourt, [Police officers desert the streets of Port-au-Prince](#) (Mar. 8, 2024).

<sup>148</sup> See, e.g., RNDDH, [Carrefour-Feuilles, Cité Soleil and Bel-Air: areas plagued by recurring armed violence and a population destroyed but forgotten](#) (Feb. 20, 2024), ¶ 73; Jonasson Odigène, [Vanishing State Presence in Croix-des-Bouquets and Surrounding Western Municipalities](#), Le Nouvelliste (Apr. 5, 2024), <https://www.lenouvelliste.com/en/article/247551/vanishing-state-presence-in-croix-des-bouquets-and-surrounding-western-municipalities> (reporting that in Croix-des-Bouquets, Tabarre, and Bon-Repos, “[t]he police are nowhere to be seen, and to date no attempt has been made to recover the sites occupied by the bandits”); Côté-Paluck & Phillips, ['The gangs are in charge': Haiti's outgunned police fight a desperate rear defence](#) (May 16, 2024); Mérancourt, [Police officers desert the streets of Port-au-Prince](#) (Mar. 8, 2024) (“The police largely deserted the streets of Port-au-Prince on March 7, 2024, a few days after the spectacular escape of several thousand prisoners in the country's two largest prison centers. . . . Within police stations in the metropolitan region, dozens of officers do not respond to calls.”); Jérôme Wendy Norestyl & Wetherzer Piercin, [Artibonite: an agricultural area turned into a valley of crime](#), AyiboPost (Apr. 7, 2024), <https://ayibopost.com/artibonite-an-agricultural-area-turned-into-a-valley-of-crime/> (reporting that police completely abandoned two police stations in the Artibonite Department); HRW, [Children Are Among the Hardest Hit by Haiti's Violence](#) (Jun. 5, 2024), <https://www.hrw.org/news/2024/06/05/children-are-among-hardest-hit-haitis-violence> (Describing an attack by the G9 armed group alliance, a 17-year-old boy told HRW: “‘We saw the smoke [. . .] it was the Carrefour L' Aéroport police station. They had attacked the police station and set it on fire.’ HRW later confirmed that, after several hours of fending off the G9 attackers, the police officers realized they were outnumbered and outgunned, and evacuated to safety.”). See also Adams & Paultre, [Haiti's Police Are 'Begging for Help' in Battle Against Ruthless Gangs](#) (May 3, 2024) (“The police are focused on protecting key government buildings and infrastructure, experts say, leaving residential parts of the capital exposed to hit-and-run attacks by the gangs in what one U.S. official compared to a game of Whac-a-Mole.”); Reuters, [Haiti's police force shrinks amid gang crisis - union](#) (Jan. 22, 2024) (according to a report by the spokesperson for the Haitian police union, nearly 90% of officers who have left the force in the last three years “were sacked for abandoning their posts”); Blaise,

[Unrelenting gang violence continues to grip Haiti's capital as nighttime curfew extended](#) (Mar. 21, 2024) (describing residents in Pétiön-Ville as “making desperate calls for law enforcement assistance amid the sound of gunfire”); BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 14 (reporting that armed groups carry out “[s]equential attacks against police stations, with many rendered inoperable and burned to the ground, . . . aimed at removing police presence from these areas”).

<sup>149</sup> See IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, December 2022 through May 2023*, p. 3 (Jun. 2023), [https://www.ijdh.org/wp-content/uploads/2023/08/HRU-June-2023-FINAL\\_updated-8.14.pdf](https://www.ijdh.org/wp-content/uploads/2023/08/HRU-June-2023-FINAL_updated-8.14.pdf).

<sup>150</sup> Reuters, [Haiti gang leader killed as transition council nears completion](#), Deccan Herald (Mar. 22, 2024), <https://www.deccanherald.com/world/haiti-gang-leader-killed-as-transition-council-nears-completion-2948148>; Cleave, [Vigilantes set gang members on FIRE & cut victims' hands off in 'world's most dangerous city' as bodies pile up in Haiti](#) (Mar. 21, 2024). See also Fortine et al., [#37 - Life at the Time of "Bwa Kale": a Year of Popular Resistance](#) (Apr. 6, 2024) (“For the past year, the popular Bwa Kale self-defense movement, synonymous with a ruthless fight against suspected bandits through extrajudicial executions, has continued to gain ground.”); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 6 (reporting that more than half of all killings by self-defense groups in the first quarter of 2024 “occurred in areas outside the capital, indicating a growing fear on the part of the population in these areas of the escalating violence affecting Port-au-Prince”).

<sup>151</sup> See BINUH, *Human rights situation: Main trends, Quarterly report, July – September 2023*, p. 4 (Oct. 2023), [https://binuh.unmissions.org/sites/default/files/2023\\_q3\\_rapport\\_trimestriel\\_droits\\_humains\\_en.pdf](https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf) (reporting 406 deaths between April and September 2023); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), pp. 3, 5 (reporting at least 76 deaths between October and December 2023); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), pp. 4, 6 (reporting 141 deaths between January and March 2024).

<sup>152</sup> OHCHR, [Haiti: Türk warns of deepening human rights crisis following most violent month in two years](#) (Feb. 9, 2024); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 8; BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 6.

<sup>153</sup> See Le Cour Grandmaison et al., [A Critical Moment: Haiti's Gang Crisis and International Responses](#) (2024), pp. 15-16; BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 40 (reporting that some self-defense groups are headed by “former or active police officers”); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 15 (“While some killings appeared to be spontaneous, others were allegedly encouraged, supported, or facilitated by police officers and gang members belonging to the G-9 and allies.”); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 4 (reporting on a self-defense group in Carrefour made up of former and active police officers); Fortine et al., [#37 - Life at the Time of "Bwa Kale": a Year of Popular Resistance](#) (Apr. 6, 2024); Cleave, [Vigilantes set gang members on FIRE & cut victims' hands off in 'world's most dangerous city' as bodies pile up in Haiti](#) (Mar. 21, 2024); Fenel Pélissier et al., [Will the "bwa kale" movement pick up steam?](#), AyiboPost (May 29, 2024), <https://ayibopost.com/will-the-bwa-kale-movement-pick-up-steam/> (After members of a self-defense group called the police to apprehend a man they had stealing, “one of the police officers turned to the crowd with a disapproving look: ‘You have a ravine nearby and you are calling the police for a thief?’”). See also International Crisis Group, [Haiti's Gangs: Can a Foreign Mission Break Their Stranglehold?](#) (Jan. 5, 2024), <https://www.crisisgroup.org/latin-america-caribbean/haiti/b49-haitis-gangs-can-foreign-mission-break-their-stranglehold> (“Experts worry that the multilateral mission’s arrival could . . . foster alliances between these groups and specific gangs, building on partnerships that emerged earlier when vigilantes helped certain gangs fend off rivals.”).

<sup>154</sup> See Le Cour Grandmaison et al., [A Critical Moment: Haiti's Gang Crisis and International Responses](#) (Feb. 2024), p. 15; Reuters, [Haiti gang leader killed as transition council nears completion](#) (Mar. 22, 2024).

<sup>155</sup> International Crisis Group, [Haiti's Gangs: Can a Foreign Mission Break Their Stranglehold?](#) (Jan. 5, 2024); Pélissier et al., [Will the "bwa kale" movement pick up steam?](#) (May 29, 2024) (raising the concern that the deployment of the MSS could accelerate “summary executions of the Bwa Kale type”).

<sup>156</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 40 (reporting that some self-defense groups “killed individuals for not having their personal identification documents with them”); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 15 (reporting that armed civilians also targeted “individuals accused of petty crime”); Fortine et al., [#37 - Life at the Time of "Bwa Kale": a Year of Popular Resistance](#) (Apr. 6, 2024) (reporting that armed civilians in Mirebalais killed a “a plainclothes police officer from the capital suspected of corruption”); Norestyl & Piercin, [Artibonite: an agricultural area turned into a valley of crime](#) (Apr. 7, 2024) (reporting that people are sometimes killed just for living in areas under the control of armed groups); Pélissier et al., [Will the "bwa kale" movement pick up steam?](#) (May 29, 2024). See also Coto & Sanon, [Haiti extends a state of emergency and nighttime curfew to try and repel widespread gang attacks](#) (Mar. 7, 2024) (A shop owner says “[e]veryone is scared of each other now. We don’t know if they’re gang members.”).

<sup>157</sup> The brutality of some of the killings is particularly concerning. See International Crisis Group, [Haiti's Gangs: Can a Foreign Mission Break Their Stranglehold?](#) (Jan. 5, 2024); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 15 (reporting that civilians armed with weapons including high-caliber guns “lynched, stoned,

mutilated, or burned alive” suspects); Fortine et al., [#37 - Life at the Time of “Bwa Kale”: a Year of Popular Resistance](#) (Apr. 6, 2024) (reporting that armed civilians killed suspects on the spot and sometimes even burned them); Cleave, [Vigilantes set gang members on FIRE & cut victims’ hands off in ‘world’s most dangerous city’ as bodies pile up in Haiti](#) (Mar. 21, 2024); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 6; U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 16.

<sup>158</sup> Juhakenson Blaise & Guest Author, [Haiti’s journalists brave unprecedented challenges as capital’s struggle against gangs’ grip](#), Haitian Times (May 2, 2024), <https://haitiantimes.com/2024/05/02/haitis-journalists-brave-unprecedented-challenges-as-capitals-struggle-against-gangs-grip-video/> (“Journalists said they are in a constant state of fear and stress, employing special strategies to navigate hostile environments. They face the dual threat of being targeted by gangs and viewed as a danger by the Haiti National Police during their operation to combat armed criminals.”); Jacqueline Charles, [Haiti’s journalists appeal for help amid increasing threats, country’s unraveling](#), Miami Herald (Apr. 6, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article287731780.html> (“While it’s difficult to assess how many journalists have fled Haiti or been forced to abandon the profession in recent years, there are documented incidents of attacks, injuries and kidnappings.”); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 24. See also Reporters Sans Frontières (RSF), [Haiti’s right to information must be protected, say 90 Haitian journalists and RSF](#) (Apr. 16, 2024), <https://rsf.org/en/haiti-s-right-information-must-be-protected-say-90-haitian-journalists-and-rsf> (“Doing our job has become so dangerous that a daily act of heroism is needed to keep going.”).

<sup>159</sup> See BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 8 (“Following the escape of notorious gang leaders from the capital’s two main prisons on 2 and 3 March, and the attack on the residence of the Director General of the Police on 14 March, threats against human rights defenders increased considerably.”); Haiti 2023, Amnesty International, <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/haiti/report-haiti/> (“In March [2023], the Inter-American Court on Human Rights ordered provisional measures in favour of members of the human rights organization ECCREDHH. The court considered that the group were at risk of suffering irreparable harm to their rights to life and personal integrity. Members of the group had faced harassment and violence by unknown assailants since at least 2015 in a context of generalized violence against human rights defenders.”); U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 24 (reporting that “[g]roups reporting on kidnapping, gang activities, or other human rights concerns were likely to receive threats from armed groups”); Zea, [In Haiti, sexual violence is devastating women and girls](#) (Jan. 18, 2024) (reporting that members of Haitian feminist organization *Nègès Mawon* were facing constant threats from armed groups); Moïse Manoël-Florisse, [Haiti : être un activiste trans au milieu de l’enfer des gangs à Port-au-Prince](#), 76 Crimes (Jan. 2, 2024), <https://76crimesfr.Com/2024/01/02/Haiti-Etre-Un-Activiste-Trans-Au-Milieu-De-Lenfer-Des-Gangs-A-Port-Au-Prince/> (reporting that the *Organisation Trans d’Haiti* is limited to working online).

<sup>160</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 24.

<sup>161</sup> Charles, [Haiti’s oldest newspaper forced to stop printing after armed gangs attack premises](#) (Apr. 29, 2024).

<sup>162</sup> For over a year prior to this attack, increasing insecurity had already forced *Le Nouvelliste* to start moving its operations away from the city center, “[b]ut the [printing] presses were too heavy to move, so it continued to print the paper out of the building at night.” Charles, [Haiti’s oldest newspaper forced to stop printing after armed gangs attack premises](#) (Apr. 29, 2024). See also Blaise & Guest Author, [Haiti’s journalists brave unprecedented challenges as capital’s struggle against gangs’ grip](#) (May 2, 2024).

<sup>163</sup> Blaise & Guest Author, [Haiti’s journalists brave unprecedented challenges as capital’s struggle against gangs’ grip](#) (May 2, 2024).

<sup>164</sup> Michelson Césaire, [Ten Journalists Wounded, One Loses Eye in Anti-Ariel Henry Mobilization](#), *Le Nouvelliste* (Feb. 9, 2024), <https://lenouvelliste.com/en/article/246769/ten-journalists-wounded-one-loses-eye-in-anti-ariel-henry-mobilization>.

<sup>165</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 24.

<sup>166</sup> See, e.g., Jacqueline Charles, [Eight people charged in killing of Haiti journalist, including a former senator](#), Miami Herald (May 8, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article288400890.html>. See also *infra* note 246.

<sup>167</sup> See BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 24 (“In 2023 OHCHR documented four cases of journalists killed, and no investigations were opened as of 29 February regarding these killings.”); RSF, [Haiti’s right to information must be protected, say 90 Haitian journalists and RSF](#) (Apr. 16, 2024) (“We, journalists, are subjected to these abuses with complete impunity, in the absence of the rule of law.”); AlterPresse, [Haiti-Affaire Garry Tess : L’organisation SOS journalistes condamne la libération du suspect Wilkens Thirogène sur une fausse ordonnance du parquet des Cayes](#) (Jan. 4, 2024), <https://www.alterpresse.org/spip.php?article29971>.

<sup>168</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 24; Charles, [Haiti’s oldest newspaper forced to stop printing after armed gangs attack premises](#) (Apr. 29, 2024); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 8.

<sup>169</sup> Le-Cour-Grandmaison, [Violence in Haiti: A continuation of politics by other means?](#) (Mar. 25, 2024) (“Despite the central role played by gangs in Henry’s ousting and the levels of violence observed, the current crisis is not one of gangs seizing power. Rather, it is a case of gangs overthrowing the government, allegedly with the support of political and economic backers.”); Le Cour Grandmaison et al., [A Critical Moment: Haiti’s Gang Crisis and](#)

*International Responses* (Feb. 2024), p. 3 (stating that the evolution of armed groups from “unstructured actors” to “violent entrepreneurs” “has been fuelled by the gangs’ unprecedented access to firearms and the Haitian state’s inability to halt their expansion, professionalization and propensity to impose their rule over ever larger territories, as well as by ongoing collusion by elements of the country’s political and economic elites.”).

<sup>170</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶¶ 43, 60 (“Corruption, impunity, and poor governance, compounded by increasing levels of gang violence, have eroded the rule of law and brought State institutions, which should be the basis of a democratic society, close to collapse.”); UN Office on Drugs and Crime (UNODC), *UNODC Executive Director urges action to confront violence, corruption, and chaos in Haiti* (Apr. 2024), <https://www.unodc.org/unodc/frontpage/2024/April/unodc-executive-director-urges-action-to-confront-violence--corruption--and-chaos-in-haiti.html> (UNODC Executive Director notes that Haiti’s “networks of collusion [between political and business figures and criminal markets] are often linked to financial crimes and illicit financial flows, which undermine security, governance, and development.”).

<sup>171</sup> See, e.g., @Radio\_Metronome, X (Feb. 14, 2024), [https://x.com/Radio\\_Metronome/status/1757766492488192348](https://x.com/Radio_Metronome/status/1757766492488192348).

<sup>172</sup> See Le Cour Grandmaison et al., *A Critical Moment: Haiti’s Gang Crisis and International Responses* (Feb. 2024), p. 3; Ghada Waly, *UN Security Council Briefing on the Situation in Haiti*, UNODC (Apr. 22, 2024), <https://www.unodc.org/unodc/en/speeches/2024/220424-unscc-briefing-haiti.html>; OHCHR, *Women and girls bear the brunt of crisis ravaging Haiti, say UN experts* (May 6, 2024); Robles, *Who Are the Gangs That Have Overrun Haiti’s Capital?* (Mar. 7, 2024).

<sup>173</sup> See Le Cour Grandmaison et al., *A Critical Moment: Haiti’s Gang Crisis and International Responses* (Feb. 2024), p. 38; BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 13.

<sup>174</sup> Representatives of the December 21 Agreement, the January 30 Collective, and EDE/RED are linked to the PHTK, a political party with well-documented ties to former police officer Jimmy Chérizier’s G9 armed group alliance. See *supra* note 21; Robles, *Who Are the Gangs That Have Overrun Haiti’s Capital?* (Mar. 7, 2024); Kestler-D’Amours, *Who are Haiti’s gangs and what do they want? All you need to know* (Mar. 13, 2024); Insight Crime, *G9 and Family* (Dec. 11, 2023), <https://insightcrime.org/haiti-organized-crime-news/g9-family-profile/>.

<sup>175</sup> UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶ 18; Jake Johnston & Chris François, *Transitional Presidential Council Is Sworn in, a President is Selected, but Disagreements Ensurue*, CEPR (May 8, 2024), <https://cepr.net/haiti-news-round-up-16/>; Widlore Mérancourt & Amanda Coletta, *When Haiti’s gangs shop for guns, the United States is their store*, Washington Post (Apr. 5, 2024), <https://www.washingtonpost.com/world/2024/04/05/haiti-gangs-american-guns/>. See also *infra* notes 576-578.

<sup>176</sup> UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶ 10 (“[F]ormer and current lawmakers, public officials and prominent economic actors have leveraged gangs as protectors and enforcers.”).

<sup>177</sup> To date, foreign governments have sanctioned at least eleven Haitian officials for collusion with armed groups. See IJDH, *Foreign Sanctions Against Haitian Individuals (December 2020 – Present)*, [https://docs.google.com/document/d/1RG0k34CaID3QmxHt1XW-S\\_C8Aeyj9Vum1qkhtmiopdo/edit](https://docs.google.com/document/d/1RG0k34CaID3QmxHt1XW-S_C8Aeyj9Vum1qkhtmiopdo/edit) (last visited Jun. 6, 2024). See also *infra* notes 579-581.

<sup>178</sup> Le Cour Grandmaison et al., *A Critical Moment: Haiti’s Gang Crisis and International Responses* (Feb. 2024), p. 21; AlterPresse, *Criminalité : L’Opc exige des changements au niveau du haut commandement de la Police nationale d’Haiti* (May 27, 2024); Peralta, *In Haiti, Kenyan police arrive in a nation that’s been out of control since 2021* (May 23, 2024); Coto, *Haitians demand the resignation and arrest of the country’s police chief after a new gang attack* (May 11, 2024) (the spokesperson for the SPNH-17 police union accused Frantz Elbé, Director General of the PNH “and other high-ranking officials of being complicit with gangs” and called for Elbé’s resignation); Mérancourt, *Police officers desert the streets of Port-au-Prince* (Mar. 8, 2024) (officers complained that “[t]he bandits and the police have the same leaders”); Johnston & François, *Transitional Presidential Council Is Sworn in, a President is Selected, but Disagreements Ensurue* (May 8, 2024) (“Local human rights groups have denounced his [armed group leader Vitel’homme Innocent’s] long-standing relationship with current police chief Frantz Elbe.”). See also *supra* note 49.

<sup>179</sup> CRS, *Haiti: Recent Developments and U.S. Policy* (Feb. 1, 2024), p. 7 (citing “[a] July 2022 International Crisis Group study [that] estimated that 40% of HNP officers had ties to gangs.”).

<sup>180</sup> Le Cour Grandmaison et al., *A Critical Moment: Haiti’s Gang Crisis and International Responses* (Feb. 2024), pp. 21, 34 (“When asked about collusion between gangs and the HNP, one officer said that the phenomenon is ‘obvious’ – ‘you see gangsters arrested and immediately released ... Or you set up an operation, launch it, and realize that the gang had received all the confidential information about it. How can we work like this? How can we guarantee information security? You can’t trust your colleague.”); Dánica Coto, *Experts warn that foreign armed forces headed to Haiti will face major obstacles*, AP News (Jan. 5, 2024), <https://apnews.com/article/haiti-gangs-kenya-force-international-crisis-group-25c739193ba533b3e3d3707db7abf17c>.

<sup>181</sup> See OHCHR, *Haiti: Türk warns of deepening human rights crisis following most violent month in two years* (Feb. 9, 2024) (reporting “persistent concerns about the unnecessary and disproportionate use of force by law enforcement”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19,

2024), pp. 5; @Radio\_Metronome, X (Feb. 14, 2024); RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶¶ 93-98.

<sup>182</sup> OHCHR, [Haiti: Türk warns of deepening human rights crisis following most violent month in two years](#) (Feb. 9, 2024) (reporting at least 16 deaths between January 20 and February 7, and 29 injuries, “mainly in the context of confrontations between protesters and police”); Jabin Phontus, *Police officers kill his son. The Haitian State pays one million gourdes*, AyiboPost (Feb. 19, 2024), <https://ayibopost.com/police-kill-son-haitian-state-one-million/> (reporting that police used rubber bullets to disperse a demonstration in Camp-Perrin in October 2023, killing one); Jordany Junior Verdieu, *Les Cayes vent debout pour exiger le départ du premier ministre Ariel Henry*, Le Nouvelliste (Feb. 8, 2024), <https://lenouvelliste.com/article/246747/les-cayes-vent-debout-pour-exiger-le-depart-du-premier-ministre-ariel-henry> (reporting that police used heavy gunfire to repress an anti-government demonstration in Les Cayes in February, killing one and wounding three others); Gazette Haiti, *Un sit-in de EDE dispersé à coup de Gaz lacrymogène, baptême de feu pour Claude Joseph gaze* (Feb. 5, 2024), <https://gazettehaiti.com/node/10755> (reporting that police used tear gas to disperse an anti-government demonstration in February). See also *supra* 17, 133-134.

<sup>183</sup> @opchaiti, X (Feb. 8, 2024), <https://x.com/opchaiti/status/1755582197325607085>; RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶¶ 99-102; RHI News, *SOS Journalistes condamne les agressions contre des journalistes haïtiens* (Feb. 15, 2024), <https://www.rhinews.com/actualites/sos-journalistes-condamne-les-agressions-contre-des-journalistes-haitiens/> (“Journalists have been assaulted, work equipment broken and repeated acts of intimidation [by police] against members of the press have been recorded.”).

<sup>184</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), pp. 6-7 (also reporting that some of those killed were living with mobility impairments); Catherine Norris Trent, *Exclusive report from Haiti: Inside the brutal war between gangs and police in Port-au-Prince*, France24 (May 27, 2024), <https://www.france24.com/en/tv-shows/focus/20240527-exclusive-report-inside-the-brutal-war-between-gangs-and-police-in-haiti-s-capital> (a reporter embedded with a French-trained Temporary Anti-Gang Unit spoke with an officer who said that “most people have fled, so we don’t need to know if they’re armed or not . . . we just fire”); Dánica Coto, *Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut*, AP News (Apr. 23, 2024), <https://apnews.com/article/haiti-medical-crisis-gangs-medicine-shortage-dc786ed53e66b6081515474b5b310525>. See also Johnston & François, [Transitional Presidential Council Is Sworn in, a President is Selected, but Disagreements Ensur](#) (May 8, 2024) (armed groups allege that police shoot indiscriminately at civilians living in areas under the control of armed groups). There is concern that this dynamic will continue with the MSS. See *infra* notes 565-567.

<sup>185</sup> RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶¶ 173-74 (one such eviction resulted in the death of a 14-year-old child).

<sup>186</sup> BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 42 (BINUH referred six cases to the relevant authorities between October 1 and December 31, 2023); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 9 (BINUH documented 14 incidents involving at least 30 officers between October 1 and December 31, 2023); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 11 (33 investigations involving 39 police officers were opened between January 1 and March 31); BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 48 (31 investigations involving 36 police officers, “including 15 cases of alleged human rights violations committed during the January and February nationwide demonstrations,” were opened between January 1 and March 23).

<sup>187</sup> BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 42 (the General Inspectorate opened 22 investigations between October 1 and December 31, 2023, none of which were concluded); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 9 (the General Inspectorate opened 15 investigations between October 1 and December 31, 2023; only four were concluded, although an additional three officers were administratively sanctioned and two were placed on leaves of absence pending trial); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 11 (the General Inspectorate opened 33 investigations between January 1 and March 31, 2024; “none were concluded, and no recommendations were made . . . for sanctions or judicial follow-up”).

<sup>188</sup> See, e.g., Blaise, [Haitian police issues first wanted list of over 80 fugitives, two months after prison breakouts](#) (May 8, 2024) (reporting that six police officers in custody for misconduct escaped from the Delmas 33 police station shortly after the attack by armed groups on the National Penitentiary and the Croix-des-Bouquets prison).

<sup>189</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 7. See also Jacqueline Charles, *As more Haiti neighborhoods fall to gangs, U.S. sends deportation flight*, Miami Herald (Aug. 31, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article278818774.html> (Muscadin has openly “declared that the Nippes, the regional department where he’s located, ‘is the cemetery for bandits.’”). Muscadin, who has been executing individuals suspected of affiliation with armed groups since October 2022, received an official reprimand from the Ministry of Justice and Public Security in December 2023. See RNDDH, [Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023](#), ¶¶ 64-71 (Oct. 11, 2023), <https://web.rnddh.org/wp-content/uploads/2023/10/8-Rap-Justice-11Oct2023-FR.pdf>; Haiti Libre, *Haiti - Justice : Two Government Commissioners receive a reprimand from the Ministry of Justice* (Dec. 18, 2023), <https://www.haitilibre.com/en/news-41235-haiti-justice-two-government->

[commissioners-receive-a-reprimand-from-the-ministry-of-justice.html](#). See also Rolph Louis-Jeune & Jabin Phontus, *Guy Philippe at all cost: the BSAP is growing stronger and says it is ready to fight*, AyiboPost (Jan. 19, 2024), <https://ayibopost.com/guy-philippe-at-all-cost-the-bsap-is-growing-stronger-and-says-it-is-ready-to-fight/> (alleging a connection between Muscadin and former rebel leader Guy Philippe); *supra* note 49.

<sup>190</sup> U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), p. 2 (reporting at least 18 such killings in Tabarre between April and June 2023).

<sup>191</sup> See UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶¶ 28, 31-32 (“While data are often of poor quality and limited, several priority categories of financial crimes stand out, including: (a) corruption in relation to government contracts and public funds; (b) money - laundering involving private companies; (c) illicit flows associated with illicit drugs and illegal firearms trafficking; and (d) the criminal business model deployed by gangs and other armed groups.”); BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶¶ 43, 60; OHCHR, *Women and girls bear the brunt of crisis ravaging Haiti, say UN experts* (May 6, 2024); Coto, *Experts warn that foreign armed forces headed to Haiti will face major obstacles* (Jan. 5, 2024). To date, foreign governments have sanctioned at least seven Haitian officials for corruption. See IJDH, *Foreign Sanctions Against Haitian Individuals (December 2020 – Present)* (last visited Jun. 6, 2024). See also *infra* notes 579-581.

<sup>192</sup> See *infra* note 245.

<sup>193</sup> Separate reports by the Haitian Senate and Haiti’s Superior Court of Auditors and Administrative Disputes found that multiple Haitian government officials stole \$2 billion in “petrodollars” earmarked for social services and infrastructure under Venezuela’s PetroCaribe petroleum-import finance project. Bureau des Avocats Internationaux (BAI) et al., *Justice Sector Challenges in Haiti*, ¶ 6(c), [https://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti\\_UPR-Submission\\_EN-1.pdf](https://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti_UPR-Submission_EN-1.pdf); Makini Brice, *Haiti Senate report claims graft in use of Venezuela funds*, Reuters (Aug. 19, 2016), <https://www.reuters.com/article/us-haiti-venezuela/haiti-senate-report-claims-graft-in-use-of-venezuela-funds-idUSKCN10V014/>.

<sup>194</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 8. Since Haiti’s anti-corruption law entered into force in 2014, the ULCC “has reported dozens of cases of financial crimes involving government contracts and public funds.” Waly, *UN Security Council Briefing on the Situation in Haiti* (Apr. 22, 2024).

<sup>195</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 38.

<sup>196</sup> Waly, *UN Security Council Briefing on the Situation in Haiti* (Apr. 22, 2024).

<sup>197</sup> Waly, *UN Security Council Briefing on the Situation in Haiti* (Apr. 22, 2024) (“[T]here have been very few convictions in cases of corruption and organized crime. Reasons include limited capacities, acute politicization, and arbitrary judicial fees.”); BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 35 (“In 19 years of existence, and a total of 87 cases transferred to the judicial authorities, only one person has been convicted of corruption.”); BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 40 (citing insecurity-related court closures as a primary impediment).

<sup>198</sup> UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶ 29. See also *infra* Section IV.

<sup>199</sup> Allwitch Joly, *Corruption: arrestation de la secrétaire générale du Sénat haïtien*, Loop News (May 2, 2024), <https://haiti.loopnews.com/content/corruption-arrestation-de-la-secretaire-generale-du-senat-haitien>.

<sup>200</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 8 (they are implicated in acts of corruption affecting “several state institutions, including the National Pensions Office, the National Equipment Center, the Senate of the Republic, the Port Autonome of Saint Marc, the Ministry of National Education and Professional Training, the Ministry of Foreign Affairs, the Ouanaminthe Town Hall and the Haitian State Lottery”). Judicial authorities additionally “imposed travel bans on higher risk suspects.” BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 24.

<sup>201</sup> Michel Martelly and Jocelerme Privert.

<sup>202</sup> Joseph Jouthe, Jean-Max Bellerive, Laurent Salvador Lamothe, Garry Conille, Evans Paul, Jean Henry Ceant, Jean-Michel Lapin, and Jack Guy Lafontant.

<sup>203</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 23; Haiti Libre, *Haiti - FLASH: International arrest warrants (INTERPOL) against 37 senior Haitian political figures* (Jan. 19, 2024), <https://www.haitilibre.com/en/news-41465-haiti-flash-international-arrest-warrants-interpol-against-37-senior-haitian-political-figures.html>.

<sup>204</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 10; Haiti Libre, *Haiti – FLASH: International arrest warrants (INTERPOL) against 37 senior Haitian political figures* (Jan. 19, 2024).

<sup>205</sup> Haiti Libre, *Haiti - Politic : Arrest of former deputy Cholzer Chancy* (Jan. 23, 2024),

<https://www.haitilibre.com/en/news-41495-haiti-politic-arrest-of-former-deputy-cholzer-chancy.html>.

<sup>206</sup> See generally BAI et al., *Justice Sector Challenges in Haiti*.

<sup>207</sup> See generally RNDH, *General Operating Conditions of the Courts of Peace in Haiti: Advocacy for a Healthy and Equitable Distribution of Haitian Justice* (Oct. 4, 2021), <https://web.rnddh.org/general-operating-conditions-of-the-courts-of-peace-in-haiti-advocacy-for-a-healthy-and-equitable-distribution-of-haitian-justice/?lang=en>.



<sup>208</sup> RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶ 153; BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶¶ 34-35.

<sup>209</sup> UNSC, [Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council](#) (Apr. 19, 2024), ¶ 29.

<sup>210</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 35.

<sup>211</sup> In a September 2020 request to the Inter-American Commission on Human Rights for a thematic hearing on the subject of impunity for serious human rights violations and the lack of judicial independence in Haiti, IJDH and BAI linked impunity with patterns of abuse and warned that it “leaves victims without recourse, leaves perpetrators free and emboldened to commit further abuses, and undermines public confidence in the justice system, thus discouraging victims from coming forward.” BAI & IJDH, [Request for a thematic hearing on impunity for serious human rights violations and the lack of judicial independent in Haiti](#) (Sep. 23, 2020), [https://www.ijdh.org/wp-content/uploads/2020/12/Thematic-Hearing-Request-178th-Period-of-Sessions\\_EN.pdf](https://www.ijdh.org/wp-content/uploads/2020/12/Thematic-Hearing-Request-178th-Period-of-Sessions_EN.pdf).

<sup>212</sup> UNSC, [Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council](#) (Apr. 19, 2024), ¶ 23; BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 38; BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 11.

<sup>213</sup> Blaise, [Haitian police issues first wanted list of over 80 fugitives, two months after prison breakouts](#) (May 8, 2024); Jacqueline Charles, [There’s no more room in Haiti’s prisons. Where would Kenyan-led force put gang leaders?](#), Miami Herald (Jan. 25, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article284661950.html> (referring to the prisons themselves as a “security risk”). See also *supra* notes 92-94.

<sup>214</sup> Coto, [Experts warn that foreign armed forces headed to Haiti will face major obstacles](#) (Jan. 5, 2024) (“[International Crisis Group’s Diego] Da Rin said he interviewed a Haitian security expert who did not want to be identified for fear of retaliation whom he quoted as saying, ‘Where are the prison facilities to put thousands of gang members? Is the international community suggesting that we kill thousands of lads? What structures are in place to reintegrate these young people into society? I’m appalled by what’s left unsaid.’”); Le Cour Grandmaison et al., [A Critical Moment: Haiti’s Gang Crisis and International Responses](#) (Feb. 2024), p. 34. See also Charles, [There’s no more room in Haiti’s prisons. Where would Kenyan-led force put gang leaders?](#) (Jan. 25, 2024).

<sup>215</sup> See *supra* note 26.

<sup>216</sup> RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶ 153. Nevertheless, some cases are proceeding as part of an effort to reduce the number of people in pretrial detention. BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 37. See also *infra* note 250.

<sup>217</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 36.

<sup>218</sup> The Court of First Instance and Prosecutor’s Office in Port-au-Prince remain non-operational since February 29. In the Artibonite Department, the Liancourt and Petite Rivière de l’Artibonite Peace Courts are also non-operational. RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶ 157.

<sup>219</sup> RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶¶ 156, 158-59 (reporting that between February and March, armed groups set fire to the Peace Courts in Croix-des-Bouquets, Delmas, and South Port-au-Prince); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 35 (“In October [2023], the Thomazeau administrative complex which hosts the townhall, local court and other key state institutions, was taken over by gangs.”).

<sup>220</sup> RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶¶ 154-55, 164 (reporting that during anti-government demonstrations in February, demonstrators vandalized the Ouanaminthe Peace Court, the Court of First Instance in Petit-Goâve, and the Peace Court in North Gonaïves); BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 44 (“During nationwide anti-Government protests in February, justice buildings in Gonaïves, Trou du Nord, and Petit-Goâve were also burned, with protests infiltrated by gang members.”).

<sup>221</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 10.

<sup>222</sup> See, e.g., RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶¶ 156, 165 (reporting that the Croix-des-Bouquets Peace Court has slowed operation because staff had difficulty getting to the courthouse due to insecurity and that the l’Estère Justice of the Peace has been non-operational for over a year because insecurity has prevented the judge from accessing the courthouse).

<sup>223</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 35; Ravensley Boisrond, [Un juge de paix enlevé puis broblé à l’Estère par des bandits](#), Loop News (May 16, 2024), <https://haiti.loopnews.com/content/un-juge-de-paix-assassine-l-estere-par-des-gangs-armes> (reporting that armed individuals kidnapped and killed a justice of the peace in the Artibonite Department in May); @opchaiti, X (Mar. 4, 2024) (the Haitian government’s human rights ombudsman said the some of the incarcerated persons that escaped during the March prison breakouts pose a serious threat to judges, members of the prosecutor’s office, victims, lawyers, and judicial police officers involved in cases against them).

<sup>224</sup> See UNSC, [Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council](#) (Apr. 19, 2024), ¶ 23; Francklyn B. Geffrard, [L’ANAMAH appelle à un dialogue institutionnel pour résoudre les brobléms qui rongent le système judiciaire haïtien](#), RHI News (Jan. 18, 2024), <https://www.rhinews.com/justice/lanamah-appelle-a-un-dialogue-institutionnel-pour-resoudre-les-problemes-qui->

[rongent-le-systeme-judiciaire-haitien/](#); RNDDH, *A catastrophic human rights situation from January to March 2024: RNDDH alerts the public* (Apr. 10, 2024), ¶ 160; U.S. Department of State, *2023 Trafficking in Persons Report: Haiti* (2023), <https://www.state.gov/reports/2023-trafficking-in-persons-report/haiti>.

<sup>225</sup> RNDDH, *A catastrophic human rights situation from January to March 2024: RNDDH alerts the public* (Apr. 10, 2024), ¶ 152 (Prosecutors were striking from November 20 to December 11, 2023 “to demand better working conditions, respect for their rights and treatment similar to that of judges. . . . On December 12, 2023, the clerks and bailiffs declared an indefinite work stoppage.”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), pp. 9-10 (“On 9 January, the Union of Bailiffs of Haiti declared a work stoppage due to the Government’s inaction on salary adjustments, the lack of a Bailiff’s Training School, and transportation issues for prosecutors.”); BINUH, *Report of the Secretar-General* (Apr. 16, 2024), ¶ 27; Haiti Libre, *Haiti – News : Zapping...* (May 28, 2024), <https://www.haitilibre.com/en/news-42431-haiti-news-zapping.html>.

<sup>226</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), pp. 9-10 (“During the month of January, the terms of all judges at the Port-de-Paix Court of First Instance expired, causing the court to cease functioning. Additionally, four judges handling high-profile cases in Port-au-Prince saw their mandates end.”). See also RNDDH, *A catastrophic human rights situation from January to March 2024: RNDDH alerts the public* (Apr. 10, 2024), ¶¶ 161-62 (reporting that the Jacmel and Côte-de-Fer Courts of Peace, the Grand-Grosier Court, and the Gris Gris annex have no permanent judge, while “[t]he Belle Anse and Mapou Courts of Peace are run by a single judge”).

<sup>227</sup> See U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), pp. 9-10; BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 35; U.S. Department of State, *2023 Trafficking in Persons Report: Haiti* (2023).

<sup>228</sup> Prominent examples include armed group leaders Jimmy Chérizier and Vitel’Homme Innocent. Despite a 2019 warrant for Chérizier’s arrest in connection with his participation in the 2018 La Saline massacre and numerous international sanctions against him, he remains free and recently met with Kenya’s First Lady. Haiti Libre, *Haiti – FLASH : The First Lady of Kenya spoke with «Barbecue»* (Apr. 23, 2024), <https://www.haitilibre.com/en/news-42176-haiti-flash-the-first-lady-of-kenya-spoke-with-barbecue.html>. Innocent, who is wanted by the FBI for kidnapping U.S. citizens in October 2022, likewise remains free and operates less than a mile from the U.S. embassy in Port-au-Prince. Hu et al., *Gangs forced out Haiti’s government. This FBI ‘Most Wanted’ gang leader claims they’re liberating the country* (Apr. 30, 2024).

<sup>229</sup> Le Cour Grandmaison et al., *A Critical Moment : Haiti’s Gang Crisis and International Responses* (Feb. 2024), p. 21; AlterPresse, *Haiti-Affaire Garry Tess : L’organisation SOS journalistes condamne la libération du suspect Wilkens Thirogène sur une fausse ordonnance du parquet des Cayes* (Jan. 4, 2024); U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), p. 5. See also Onz Chéry, *Cap-Haïtien’s police and court engage in power struggle*, Haitian Times (May 22, 2024), <https://haitiantimes.com/2024/05/22/cap-haitiens-police-and-court-engage-in-power-struggle/> (“[P]olice officers from Haiti’s Departmental Service of Judicial Police (SDPJ) shuttered the Court of First Instance in Cap-Haïtien twice in protest” of the dean’s decision to release “the girlfriend of a deceased bandit who had been killed by a slain SDPJ officer.”).

<sup>230</sup> Gazette Haiti, *Le RNDDH appelle à mettre l’action publique en mouvement contre le juge Al Duniel Dimanche « pour usurpation de titre »* (Feb. 22, 2024), <https://www.gazettehaiti.com/node/10803>. The same day, the Superior Council on Judicial Power

(CSPJ) asked Judge Dimanche to refrain from any further investigative actions given the expiry of his mandate, but did not address the corruption allegations. Jean Junior Celestin, *CSPJ Commands Judge Al Duniel Dimanche to Halt All Investigations*, Le Nouvelliste (Feb. 22, 2024), <https://lenouvelliste.com/en/article/246917/le-juge-al-duniel-dimanche-somme-par-le-cspj-de-cesser-toute-instruction>; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 10 (reporting that a new judge was assigned to the case on March 3).

<sup>231</sup> See, e.g., BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 35; U.S. Department of State, *2023 Trafficking in Persons Report: Haiti* (2023). The CSPJ has reviewed 224 judges, magistrates, and magistrate graduates to date, finding that 51 could not be certified for reasons “including lack of moral integrity, extortion of litigants, sexual assault and inadequate academic credentials.” UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶ 30. As reported in IJDH’s last Update, civil society actors have criticized the review process and accused the CSPJ of making decisions based on politics. See IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, June through November 2023* (Dec. 2023), p. 5.

<sup>232</sup> A parallel investigation in U.S. federal court has led to numerous ongoing prosecutions and six convictions, but has also experienced delays. Al Jazeera, *Haiti President Moïse’s widow, ex-PM among 50 charged in his assassination* (Feb. 20, 2024), <https://www.aljazeera.com/news/2024/2/20/haiti-president-moises-widow-ex-pm-among-50-charged-in-his-assassination>; Juhakenson Blaise, *Ex-senator gets life sentence in Moïse assassination*, Haitian Times (Dec. 20, 2023), <https://haitiantimes.com/2023/12/20/haitian-senator-sentenced-moise-assassination/>; @dadams7308, X (Mar. 27, 2024), <https://twitter.com/dadams7308/status/1773063047432552759>.

<sup>233</sup> *Au Nom de la République: Ordonnance*, Haiti Libre (Jan. 25, 2024), <https://www.haitilibre.com/docs/Ordonnance-feu-Jovenel-MOISE-25-Jan-2024.pdf>. Prior to the indictment being released to the public, a prosecutor had also recommended charges against 70 people. Andre Paultre et al., *President’s Assassination Case Yields an Unexpected Name: the First Lady’s*, NY Times (Feb. 6, 2024),

<https://www.nytimes.com/2024/02/06/world/americas/haiti-president-assassination-first-lady.html> (noting that the recommendation is not binding).

<sup>234</sup> See Widlore Mérancourt et al., *Wife of Haiti's assassinated president accused in his killing*, Washington Post (Feb. 20, 2024), <https://www.washingtonpost.com/world/2024/02/20/haiti-president-wife-assassination-martine-moise/>.

<sup>235</sup> Mérancourt et al., *Wife of Haiti's assassinated president accused in his killing* (Feb. 20, 2024).

<sup>236</sup> Haiti Libre, *Haiti - Justice : Response from Martine Moïse's lawyer to the order of Judge Walther W. Voltaire* (Feb. 21, 2024), <https://www.haitilibre.com/en/news-41717-haiti-justice-response-from-martine-moise-s-lawyer-to-the-order-of-judge-walther-w-voltaire.html>.

<sup>237</sup> Jake Johnston, *The U.S. Still Can Do What's Right for Haiti*, NY Times (Jul. 13, 2023), <https://www.nytimes.com/2023/07/13/opinion/haiti-biden-administration-us.html>.

<sup>238</sup> See, e.g., Mérancourt et al., *Wife of Haiti's assassinated president accused in his killing* (Feb. 20, 2024) (“[Claude] Joseph, now the head of an opposition party, accused [de facto Prime Minister] Henry of ‘weaponizing the Haitian justice system, prosecuting political opponents like me who has been leading peaceful protests across the whole country to force him to step down.’”). Judge Voltaire questioned Henry at his residence in December after he refused to appear in court for questioning in August. Le Nouvelliste, *Jovenel Moïse Case: Prime Minister Ariel Henry Questioned by the Examining Magistrate* (Dec. 26, 2023), <https://lenouvelliste.com/en/article/246094/affaire-jovenel-moise-le-premier-ministre-ariel-henry-auditionne-par-le-juge-dinstruction>.

<sup>239</sup> Widlore Mérancourt, *Courts release several prisoners in the assassination of Jovenel Moïse*, AyiboPost (Mar. 12, 2024), <https://ayibopost.com/courts-release-several-prisoners-in-the-assassination-of-jovenel-moise/>. Other suspects escaped during the March prison break. BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 10. See also *infra* notes 92-94.

<sup>240</sup> See, e.g., Freedom House, *Freedom in the World 2024: Haiti*, <https://freedomhouse.org/country/haiti/freedom-world/2024>.

<sup>241</sup> CRS, *Haiti: Recent Developments and U.S. Policy* (Feb. 1, 2024), p. 7. Former PNH officer Jimmy Chérizier and two senior officials in the Moïse administration – Fednel Monchery and Joseph Pierre Richard Duplan – planned and provided resources for the massacre, during which armed groups led by Chérizier killed at least 71 people, raped at least 11 women, and looted and destroyed at least 150 homes in the La Saline neighborhood in Port-au-Prince. Harvard Law School International Human Rights Clinic & Observatoire Haïtien des crimes contre l’humanité, *Killing with Impunity: State-Sanctioned Massacres in Haiti* (Apr. 2021), [https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing\\_With\\_Impunity-1.pdf](https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity-1.pdf).

<sup>242</sup> Dorval was shot and killed outside his home hours after he had publicly denounced the government’s management of the country. Investigating Judge Marthel Jean Claude resigned from the case in December 2023, citing a lack of logistical and security resources to effectively investigate the case. He was replaced by Judge Merlan Belabre – the fourth judge to oversee the case. Roberson Alphonse, *Murder of Me Monferrier Dorval: a new judge steps aside*, Canada-Haiti Information Project (Dec. 5, 2023), <https://canada-haiti.ca/content/murder-me-monferrier-dorval-new-judge-steps-aside>; Haiti24, *Justice : le dossier de Me Monferrier Dorval confié au juge Merlan Belabre* (Dec. 12, 2023), <https://haiti24.net/justice-le-dossier-de-me-monferrier-dorval-confie-au-juge-merlan-belabre/>; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 9. One of the people arrested in connection with the case escaped during the March prison break. Blaise, *Haitian police issues first wanted list of over 80 fugitives, two months after prison breakouts*, (May 8, 2024).

<sup>243</sup> Unidentified individuals shot and killed journalist Diego Charles and activist Marie Antoinette Duclair on June 29, 2021. Unidentified individuals shot and killed journalist Diego Charles and activist Marie Antoinette Duclair on June 29, 2021. RNDH, *Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023* (Oct. 11, 2023), ¶¶ 90-94.

<sup>244</sup> Jeudy, the president of the LGBTQI+ advocacy organization Kouraj, was found dead in his home on November 25, 2019. HRW, *Haiti: Events of 2022* (2023), <https://www.hrw.org/world-report/2023/country-chapters/haiti>.

<sup>245</sup> BTI Transformation Index, *Haiti Country Report 2024*, <https://bti-project.org/en/reports/country-report/HTI>. See also *supra* note 193.

<sup>246</sup> Charles, *Eight people charged in killing of Haiti journalist, including a former senator* (May 8, 2024).

<sup>247</sup> See BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 35; Alphonse, *Murder of Me Monferrier Dorval: a new judge steps aside* (Dec. 5, 2023) (“[I]f there is no justice for Me Dorval, the President of the Bar, there will be no justice for anyone, no lawyer.”). See also U.S. Department of State, *2023 Trafficking in Persons Report: Haiti* (2023) (“Government and civil society experts reported the judicial system appeared incapable of delivering justice to trafficking victims, although outside observers noted trafficking was not unique among crimes in this respect.”).

<sup>248</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 11. The rate of pretrial detention is higher among women (88.5% as of October 2023). Nègès Mawon, *Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023*, p. 30 (Nov. 2023), <https://www.negesmawon.org/wp-content/uploads/2023/12/RAPPORT-VIOLENCES-NEGES-MAWON.pdf>.

<sup>249</sup> BINUH, *Human rights situation: Main trends, Quarterly Report, July – September 2023* (2023), p. 6.

<sup>250</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 11 (reporting that prison officials released 41 individuals detained for minor offences in March); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 37 (“Following sessions held by the Port-au-Prince Public Prosecutor’s Office, 258 persons were released in November and December. . . . Since October 2023, 11 children were released across the country.”).

<sup>251</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 11 (reporting that the “escapes had a mechanical impact on the national prison population,” which was 11,822 at the end of 2023 and went down to 7,296 after the attacks). *See also supra* notes 92-94.

<sup>252</sup> This improvement from the 307% reported at the end of 2023 is likely attributable to the prison breaks in early March. BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 11. *See also infra* notes 338-340.

<sup>253</sup> UNSC, [Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council](#) (Apr. 19, 2024), ¶ 23; BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 22 (“The territorial expansion of gangs and the security decline in Port-au-Prince pose logistical hurdles for prisons, impacting supply delivery, staff accessibility, and raising risks of attacks and riots.”); Andrew Paultre et al., *Inmates Escape After Attacks on Two Prisons in Haiti’s Capital*, NY Times (Mar. 3, 2024), <https://www.nytimes.com/2024/03/03/world/americas/haiti-prison-escape-gangs.html>.

<sup>254</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 22.

<sup>255</sup> *See* Paultre et al., *Inmates Escape After Attacks on Two Prisons in Haiti’s Capital* (Mar. 3, 2024); EFE, [Unos 3.600 presos huyeron de la cárcel de Puerto Príncipe tras el ataque de las bandas](#) (Mar. 3, 2024) (reporting that “[m]any prisoners died . . . as a result of the assault” on the National Penitentiary).

<sup>256</sup> Haiti Libre, *Haiti - FLASH - «400 Mawozo» demolished the Croix-des-Bouquets police station and the Titanyen women’s prison* (May 19, 2024), <https://www.haitilibre.com/en/news-42362-haiti-flash-400-mawozo-demolished-the-croix-des-bouquets-police-station-and-the-titanyen-women-s-prison.html> (reporting that the demolition was carried out “with complete impunity”); @Jacquiecharles, X (May 20, 2024), <https://x.com/Jacquiecharles/status/1792645437905600825>.

<sup>257</sup> Jacqueline Charles, *Haiti’s National Penitentiary, already the target of mass prison break by gangs, is on fire*, Spokesman-Review (Mar. 14, 2024), <https://www.spokesman.com/stories/2024/mar/14/haitis-national-penitentiary-already-the-target-of/>.

<sup>258</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 22; BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 39; Nègès Mawon, [Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023](#) (Nov. 2023), p. 29.

<sup>259</sup> Blaise, [Haitian police issues first wanted list of over 80 fugitives, two months after prison breakouts](#) (May 8, 2024).

<sup>260</sup> *See* CRS, [Haiti: Recent Developments and U.S. Policy](#) (Feb. 1, 2024), p. 7 (“Haitian authorities have increased the prison budget by 87% for 2023/2024, including a 41% increase for food.”). *See also supra* note 195.

<sup>261</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 38; CRS, [Haiti: Recent Developments and U.S. Policy](#) (Feb. 1, 2024), p. 7; @Echojournal, X (Mar. 19, 2024), <https://twitter.com/Echojournal/status/1770100298649919818>; U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 5; Charles, [There’s no more room in Haiti’s prisons. Where would Kenyan-led force put gang leaders?](#) (Jan. 25, 2024) (“The [national] penitentiary, which suffers from a severe lack of food, propane fuel and drinking water, is also wrestling with a feet-deep infestation of sewage and garbage. The conditions in the penitentiary ‘are the gravest,’ according to the country’s director of prisons, and have spread throughout the prison system.”).

<sup>262</sup> U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 5.

<sup>263</sup> EFE, [Unos 3.600 presos huyeron de la cárcel de Puerto Príncipe tras el ataque de las bandas](#) (Mar. 3, 2024).

<sup>264</sup> Blaise, [Haitian police issues first wanted list of over 80 fugitives, two months after prison breakouts](#) (May 8, 2024).

<sup>265</sup> Jonasson Odigène, [Combattre la faim et la malnutrition en milieu carcéral](#), Le Nouvelliste (Feb. 16, 2024), <https://lenouvelliste.com/article/246818/combattre-la-faim-et-la-malnutrition-en-milieu-carceral>.

<sup>266</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 11.

<sup>267</sup> @Echojournal, X (Mar. 19, 2024).

<sup>268</sup> *See* BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 39.

<sup>269</sup> Lucnise Duquereste & Rolph Louis-Jeune, *Minors, girls and prisoners from National Penitentiary forced into shared detention*, AyiboPost (Jun. 5, 2024), <https://ayibopost.com/the-only-detention-center-in-operation-in-port-au-prince-is-full/>; Haiti Libre, *Haiti - FLASH : Dangerous coexistence of detainees at CERMICOL* (Apr. 19, 2024), <https://www.haitilibre.com/en/news-42153-haiti-flash-dangerous-coexistence-of-detainees-at-cermicol.html>.

<sup>270</sup> Similar incidents have reportedly taken place at the Jacmel prison in the past, including perpetrated by prison personnel. BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 42 (reporting that prison authorities did not intervene in the March attack until the men tried to escape).

<sup>271</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 7.

<sup>272</sup> Nor has the government complied with the Inter-American Court’s order to publish its May 6 decision and compensate Yvon Neptune, the plaintiff in the case, for his mistreatment as a political prisoner. Inter-American

Court of Human Rights, *Case of Yvon Neptune v. Haiti, Judgment of May 6, 2008* (2008), [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_180\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_180_ing.pdf).

<sup>273</sup> See, e.g., OHCHR, *Women and girls bear the brunt of crisis ravaging Haiti, say UN experts* (May 6, 2024) (UN experts say that “[w]omen and girls continue to disproportionately suffer from the crisis ravaging the country. . . . Pre-existing inequalities and gender-based discrimination have exacerbated the current situation.”); U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), pp. 33, 37-38; Coto, *Violence is traumatizing Haitian kids. Now the country’s breaking a taboo on mental health services* (May 13, 2024).

<sup>274</sup> See generally BAI et al., *Update on Widespread Sexual Violence against Women and Girls in Haiti* (Feb. 26, 2024), <https://www.ijdh.org/wp-content/uploads/2024/03/2023.02.26-IACHR-Supplemental-Submission-COMBINED.pdf>.

<sup>275</sup> See Widlore Mérancourt & Amanda Coletta, ‘Collective rapes’ surge as weapon in Haiti’s gang war, *Washington Post* (Jan. 29, 2024), <https://www.washingtonpost.com/world/2024/01/29/haiti-gang-violence-rape/>; Zea, *In Haiti, sexual violence is devastating women and girls* (Jan. 18, 2024).

<sup>276</sup> OHCHR, *Women and girls bear the brunt of crisis ravaging Haiti, say UN experts* (May 6, 2024) (UN experts are “concerned at reports that the Government undermined and under-resourced State institutions that provide social services and protect human rights.”); CARE, *As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive* (May 30, 2024) (Executive Director of *Initiative pour le Développement des Jeunes* Guerda Previlon says that women-led organizations providing support “are worried because we don’t know how long we can keep on going, especially given the limited support we get and how long this will last. . . . as WLOs [Women-Led Organizations] leading the response, we desperately need funding.”).

<sup>277</sup> See BAI et al., *Update on Widespread Sexual Violence against Women and Girls in Haiti* (Feb. 26, 2024), p. 4; Zea, *In Haiti, sexual violence is devastating women and girls* (Jan. 18, 2024).

<sup>278</sup> See Nègès Mawon, *Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023* (Nov. 2023), p. 24; BAI et al., *Update on Widespread Sexual Violence against Women and Girls in Haiti* (Feb. 26, 2024), pp. 3, 11.

<sup>279</sup> AP News, *Meet the members of a transitional council tasked with choosing new leaders for beleaguered Haiti* (Apr. 25, 2024). See also BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 7 (“[T]he limited representation of women in the new governance arrangements . . . elicited some criticism among stakeholders who expressed concerns over the challenges and the perceived delay affecting the establishment of the Council.”).

<sup>280</sup> [@rtvgalaxie](https://twitter.com/rtvgalaxie), X (May 28, 2024).

<sup>281</sup> The obligation for gender equality and the equal participation of women in public affairs is deeply enshrined in Haiti’s Constitution, which requires “a governmental regime based on the fundamental liberties and the respect for human rights . . . [and] the equity of gender” and guarantees “to women a representation in the instances of power and of decision which must conform to the equality of the sexes and to equity of gender.” Constitution of Haiti 1987 (rev. 2012), preamble, available at [https://www.constituteproject.org/constitution/Haiti\\_2012](https://www.constituteproject.org/constitution/Haiti_2012). See also *id.* at Art. 17 (“All Haitians, regardless of sex or marital status, who have attained twenty-one years of age may exercise their political and civil rights if they meet the other conditions prescribed by the Constitution and by law.”) (emphasis added). Article 276-2 of the Constitution further directly incorporates into Haitian law corresponding international human rights obligations, which include: (i) the International Covenant on Civil and Political Rights, especially Articles 2(1) (requiring equality without distinction), Article 3 (“ensure the equal right of men and women to the enjoyment of all civil and political rights”), Article 25 (“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs . . . ; (b) To vote and to be elected . . . (c) To have access, on general terms of equality, to public service in his country”), and Article 26 (prohibiting discrimination on the basis of sex); (ii) the Convention on the Elimination of All Forms of Discrimination against Women, especially Article 7 (“eliminate discrimination against women in the political and public life of the country and, in particular, . . . ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country”); (iii) the Inter-American Convention on Human Rights, especially Article 1(1) (prohibiting discrimination on the basis of sex); and (iv) the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention), especially article 4(j) (“Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments. These rights include, among others: . . . j. The right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision-making”).

<sup>282</sup> The quotas were deliberately incorporated into the Constitution in 2012 in an effort to better confront structural impediments to women’s inclusion in Haiti’s public life. See *Constitution of Haiti*, Art. 17-1 (“The principle of the quota of at least thirty percent (30%) of women is recognized at all levels of national life, notably in the public services.”); *id.* at Art 31-1-1 (“Any law concerning the Political Parties must reserve in its structures and in its mechanisms of functioning a treatment in conformity with the principle of the quota of at least thirty percent (30%) of women as expressed in Article 17-1.”).

<sup>283</sup> See Press Release, BAI et al., *Human Rights and Feminist Advocates Demand Full Participation of Women in Haiti's Transition* (Jun. 3, 2024), [https://www.ijdh.org/press\\_release/human-rights-and-feminist-advocates-demand-full-participation-of-women-in-haitis-transition/](https://www.ijdh.org/press_release/human-rights-and-feminist-advocates-demand-full-participation-of-women-in-haitis-transition/) (further emphasizing that women must be empowered to participate in and shape the transition, and not merely included as tokens); Dimitry Charles, *FANM YO LA exige un minimum de 30% de femmes dans toutes les structures de l'État*, Juno7 (May 20, 2024), <https://www.juno7.ht/fanm-yo-la-exige-30-pourcent-femmes-structures-etat/>; CARE, *As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive* (May 30, 2024); OHCHR, *Women and girls bear the brunt of crisis ravaging Haiti, say UN experts* (May 6, 2024) (UN experts “emphasised that women’s voices and perspectives must be front and centre in the political transition process, to ensure accountability and non-recurrence of widespread violations of women and girls’ rights.”). Note that The Transitional Accord gives women’s rights organizations the power to nominate a member of the Government Action Oversight Body and to the Provisional Electoral Council. *Accord Politique Pour Une Transition Pacifique et Ordonnée* (Apr. 3, 2024), Arts. 9, 33.1).

<sup>284</sup> Press Release, CARE, *CARE Statement on Recent Violence in Haiti* (Mar. 14, 2024), <https://www.care.org/news-and-stories/press-releases/care-statement-on-recent-violence-in-haiti>; UN, *In Haiti, Türk reports “unprecedented” violations* (Apr. 2, 2024), <https://www.ohchr.org/en/statements-and-speeches/2024/04/haiti-turk-reports-unprecedented-violations>. See generally BAI et al., *Update on Widespread Sexual Violence against Women and Girls in Haiti* (Feb. 26, 2024).

<sup>285</sup> Mérancourt & Coletta, *‘Collective rapes’ surge as weapon in Haiti’s gang war* (Jan. 29, 2024).

<sup>286</sup> GBV Sub Cluster, Haïti, *GBV Sub-Cluster Situation Brief - Women & Girls 16 Days of Activism campaign 2023* (Nov. 30, 2023), <https://reliefweb.int/report/haiti/crisis-haiti-gbv-sub-cluster-situation-brief-women-girls-16-days-activism-campaign-2023>.

<sup>287</sup> RNDDH, *Carrefour-Feuilles, Cité Soleil and Bel-Air: areas plagued by recurring armed violence and a population destroyed but forgotten* (Feb. 20, 2024), ¶ 46 (finding that 72% of all respondents reported cases of rape against women and girls during attacks and massacres by armed groups). See also RNDDH, *A catastrophic human rights situation from January to March 2024: RNDDH alerts the public* (Apr. 10, 2024), ¶ 70 (Nègès Mawon and RNDDH assisted 64 rape victims between January and March; while many were raped by members of armed groups, some “were raped by their spouses or relatives”).

<sup>288</sup> Norestyl & Piercin, *Artibonite: an agricultural area turned into a valley of crime* (Apr. 7, 2024) (reporting that “[s]exual abuse has become commonplace in towns like Liancourt, Petite-Rivière and Verrettes”).

<sup>289</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 19; BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 35; Zea, *In Haiti, sexual violence is devastating women and girls* (Jan. 18, 2024); MSF, *Haiti: “Our health care system is falling apart”* (Apr. 9, 2024), <https://www.doctorswithoutborders.org/latest/haiti-our-health-care-system-falling-apart>; Dánica Coto, *A journalist. An army sergeant. An 80-year-old patient. Haitian human rights group details gang toll*, LA Times (Apr. 12, 2024), <https://www.latimes.com/world-nation/story/2024-04-12/a-journalist-an-army-sergeant-an-80-year-old-patient-haitian-human-rights-group-details-gang-toll>; Sarah Morland, *Thousands of pregnant women at risk in Haiti’s paralyzed capital, UN says*, Reuters (Mar. 8, 2024), <https://www.reuters.com/world/americas/thousands-pregnant-women-risk-haitis-paralyzed-capital-un-says-2024-03-08/>; BAI et al., *Update on Widespread Sexual Violence against Women and Girls in Haiti* (Feb. 26, 2024), pp. 6, 13 (“The vast majority of GBV survivors do not report sexual assault to any government authorities.”); Nègès Mawon, *Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023* (Nov. 2023), pp. 14-15 (Nègès Mawon reported over 1,169 victims of sexual violence in 2023, noting that the number was “not exhaustive”). See also U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), p. 16 (noting that underreporting is particularly noticeable for male survivors of sexual violence).

<sup>290</sup> GBV Sub Cluster, Haïti, *GBV Sub-Cluster Situation Brief - Women & Girls 16 Days of Activism campaign 2023* (Nov. 30, 2023). See also OHCHR, *Women and girls bear the brunt of crisis ravaging Haiti, say UN experts* (May 6, 2024); BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 19; BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶¶ 41, 66.

<sup>291</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 6; BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 34; Zea, *In Haiti, sexual violence is devastating women and girls* (Jan. 18, 2024).

<sup>292</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 19; BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 34; Mérancourt & Coletta, *‘Collective rapes’ surge as weapon in Haiti’s gang war* (Jan. 29, 2024).

<sup>293</sup> Zea, *In Haiti, sexual violence is devastating women and girls* (Jan. 18, 2024); U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), p. 16; UN, *First Person: ‘I no longer amount to anything’ – Voices of the displaced in Haiti* (Apr. 14, 2024), <https://news.un.org/en/story/2024/04/1148501>. They are sometimes forced to watch their family members be killed before or after being raped. BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 19; RNDDH, *Carrefour-Feuilles, Cité Soleil and Bel-Air: areas plagued by recurring armed violence and a population destroyed but forgotten* (Feb. 20, 2024), ¶ 46; Nègès Mawon, *Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023* (Nov. 2023), p. 20; BAI et al., *Update on Widespread Sexual Violence against Women and Girls in Haiti* (Feb. 26, 2024), p. 5.

<sup>294</sup> Mérancourt & Coletta, *‘Collective rapes’ surge as weapon in Haiti’s gang war* (Jan. 29, 2024); BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 19; BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 35; BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 41; Zea, *In Haiti, sexual violence is devastating*

[women and girls](#) (Jan. 18, 2024); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 6; Morland, [Thousands of pregnant women at risk in Haiti's paralyzed capital, UN says](#) (Mar. 8, 2024).

<sup>295</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 19; BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 41; BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 7; RNDDH, [Carrefour-Feuilles, Cité Soleil and Bel-Air: areas plagued by recurring armed violence and a population destroyed but forgotten](#) (Feb. 20, 2024), ¶ 46; Nègès Mawon, [Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023](#) (Nov. 2023), p. 20.

<sup>296</sup> OHCHR, [Haiti: Türk warns of deepening human rights crisis following most violent month in two years](#) (Feb. 9, 2024); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 6 (as a means of humiliating their victims); U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 16 (as a means of extracting a higher ransom during kidnappings).

<sup>297</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 7; GBV Sub Cluster, Haïti, [GBV Sub-Cluster Situation Brief - Women & Girls 16 Days of Activism campaign 2023](#) (Nov. 30, 2023).

<sup>298</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 15 (out of the 504 people kidnapped between January 1 and February 29, 294 were women).

<sup>299</sup> Zea, [In Haiti, sexual violence is devastating women and girls](#) (Jan. 18, 2024) (According to the co-founder of Haitian feminist organization *Nègès Mawon*, Pascale Solages, “[w]hen gangs kidnap a woman, almost always they rape her.” Many women have been taken as hostages and kept as sex slaves. . . . [S]even women were kidnapped while traveling on an urban bus in Port-Au-Prince late last year. They were kept for several days and forced to do laundry and make food. They were also raped multiple times by gang members.”); BAI et al., [Update on Widespread Sexual Violence against Women and Girls in Haiti](#) (Feb. 26, 2024), p. 8; BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 19; BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶¶ 34, 35 (“In one incident on 3 October, a gang kidnapped 17 merchant women on their way to the village market; 6 were brutally raped in front of the others, before all were forced to walk barefoot to a place of captivity.”); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 6; U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 16 (“Gangs videotaped and circulated sexual assaults of kidnapped women and girls to pressure their families to pay ransoms.”); RNDDH, [Carrefour-Feuilles, Cité Soleil and Bel-Air: areas plagued by recurring armed violence and a population destroyed but forgotten](#) (Feb. 20, 2024), ¶ 68.

<sup>300</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 19; Zea, [In Haiti, sexual violence is devastating women and girls](#) (Jan. 18, 2024) (“In a neighborhood attack, a gang member can suddenly decide that a woman is his wife or his girlfriend and that he wants to have sex with her. . . . And many times, to survive, the women have to accept.”).

<sup>301</sup> Mérancourt & Coletta, [‘Collective rapes’ surge as weapon in Haiti’s gang war](#) (Jan. 29, 2024); BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 34; BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 19; BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 6; BAI et al., [Update on Widespread Sexual Violence against Women and Girls in Haiti](#) (Feb. 26, 2024), pp. 8-9 (“Omnipresent gendered violence restricts the ability of women and girls to operate in public spaces, travel, and participate in income-generating activities.”). See also *infra* notes 421-422.

<sup>302</sup> See GBV Sub Cluster, Haïti, [GBV Sub-Cluster Situation Brief - Women & Girls 16 Days of Activism campaign 2023](#) (Nov. 30, 2023); Norestyl & Piercin, [Artibonite: an agricultural area turned into a valley of crime](#) (Apr. 7, 2024); BAI et al., [Update on Widespread Sexual Violence against Women and Girls in Haiti](#) (Feb. 26, 2024), p. 6. See also OHCHR, [Women and girls bear the brunt of crisis ravaging Haiti, say UN experts](#) (May 6, 2024) (UN experts “warned that risks and prevalence of trafficking of women and girls for purposes of sexual exploitation and sexual slavery had increased.”). “Survival sex” is defined as “the exchange of sex in circumstances where those exchanging sex for survival lack other options.” MADRE et al., [Struggling to Survive: Sexual Exploitation of Displaced Women and Girls in Port au Prince, Haiti](#) (2012), [https://cgrs.uclawsf.edu/sites/default/files/Eng\\_Struggling\\_to\\_Survive\\_CGRS\\_2012.pdf](https://cgrs.uclawsf.edu/sites/default/files/Eng_Struggling_to_Survive_CGRS_2012.pdf) at 2.

<sup>303</sup> BAI et al., [Update on Widespread Sexual Violence against Women and Girls in Haiti](#) (Feb. 26, 2024), p. 9; GBV Sub Cluster, Haïti, [GBV Sub-Cluster Situation Brief - Women & Girls 16 Days of Activism campaign 2023](#) (Nov. 30, 2023); CARE, [As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive](#) (May 30, 2024); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 7 (reporting that members of the *Village de Dieu* armed group collectively raped two girls, aged 3 and 12 years old, at a makeshift displacement site in Port-au-Prince); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 23 (reporting “testimonies of pregnant women and children sleeping on the floor in the street, exposing them to increased risks of sexual assaults by gangs”). See also Morland, [Thousands of pregnant women at risk in Haiti's paralyzed capital, UN says](#) (Mar. 8, 2024) (BINUH reported “that partner organizations working to prevent gender violence in camps for internally displaced people had cut or halted most services for safety reasons.”).

<sup>304</sup> See BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 35; BAI et al., [Update on Widespread Sexual Violence against Women and Girls in Haiti](#) (Feb. 26, 2024), pp. 11-12; GBV Sub Cluster, Haïti, [GBV Sub-Cluster Situation Brief - Women & Girls 16 Days of Activism campaign 2023](#) (Nov. 30, 2023); Zea, [In Haiti, sexual violence](#)

[is devastating women and girls](#) (Jan. 18, 2024); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 6; CARE, [As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive](#) (May 30, 2024).

<sup>305</sup> BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 35; Nègès Mawon, [Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023](#) (Nov. 2023), p. 22 (Haitian feminist organization Nègès Mawon reported that just 43 individuals were convicted of rape in the 2022-2023 judicial year, representing 3.7% of all cases recorded by the organization during that period); Zea, [In Haiti, sexual violence is devastating women and girls](#) (Jan. 18, 2024) (Nègès Mawon co-founder Pascale Solages says that “perpetrators operate with complete impunity”); OHCHR, [Women and girls bear the brunt of crisis ravaging Haiti, say UN experts](#) (May 6, 2024).

<sup>306</sup> Nègès Mawon, [Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023](#) (Nov. 2023), p. 22 (of the 43 convictions for rape in the 2022-2023 judicial year, 26 were sentenced to less than one year of prison, 13 were sentenced to 10 to 15 years, and 4 received life sentences).

<sup>307</sup> BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 35.

<sup>308</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 66; GBV Sub Cluster, Haiti, [GBV Sub-Cluster Situation Brief - Women & Girls 16 Days of Activism campaign 2023](#) (Nov. 30, 2023); MSF, [Haiti: "Our health care system is falling apart"](#) (Apr. 9, 2024); U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 29; Mérancourt & Coletta, [‘Collective rapes’ surge as weapon in Haiti’s gang war](#) (Jan. 29, 2024). See also *infra* Section VI: Access to healthcare.

<sup>309</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 66.

<sup>310</sup> Morland, [Thousands of pregnant women at risk in Haiti’s paralyzed capital, UN says](#) (Mar. 8, 2024); Zea, [In Haiti, sexual violence is devastating women and girls](#) (Jan. 18, 2024); U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 29.

<sup>311</sup> See *infra* Section VI: Access to healthcare.

<sup>312</sup> Luke Taylor, [‘It is simply best not to get pregnant’: women left terrified as Haiti’s maternity services collapse](#), The Guardian (Apr. 12, 2024), <https://www.theguardian.com/global-development/2024/apr/12/pregnant-haiti-maternity-services-delivering-baby-gang-warfare-clinics-hospitals> (with “Haiti the most dangerous place to give birth in Latin America and the Caribbean,” one midwife said “[i]t is simply best not to get pregnant because the system has failed”); Save the Children, [Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence](#) (Apr. 24, 2024) (“40 per cent of women surveyed [by MSF] said they had foregone antenatal care due to the risks of being exposed to violence while travelling to a hospital or clinic.”); ALIMA, [In Haiti, access to health care has become a privilege](#) (Feb. 8, 2024), <https://alima.ngo/en/news-en/health-care-haiti/>. See also Noah Smith, [“Living Day by Day,” Health Staff in Haiti Keep Hospital Doors Open as Violence Continues](#), Direct Relief (Apr. 1, 2024), <https://www.directrelief.org/2024/04/living-day-by-day-health-staff-in-haiti-keep-hospital-doors-open-as-violence-continues/> (reporting that “[p]renatal vitamins . . . have increased 400% in cost compared to January 2023”); Lauré Adrien, Opinion, [I’m a doctor in Haiti. Crisis may be a death sentence for many with health problems](#), Miami Herald (Apr. 22, 2024), <https://www.miamiherald.com/opinion/op-ed/article287909110.html> (The director general of the Ministry of Public Health and Population says, “[i]n a country where access to maternal care has always been a struggle, it pains me to see that today it may soon become impossible.”); BAI et al., [Update on Widespread Sexual Violence against Women and Girls in Haiti](#) (Feb. 26, 2024), p. 10. According to information shared by a network of healthcare organizations operating in Haiti, a birthing center reported that 25% of pregnant women who sought care at the center had received no prenatal care.

<sup>313</sup> According to information shared by a network of healthcare organizations working in Haiti, who also reported many stories of infants passing away in utero *en route* to the hospital. See also David C. Adams & Frances Robles, [Haiti’s Hospitals Survived Cholera and Covid. Gangs Are Closing Them.](#), NY Times (Mar. 17, 2024), <https://www.nytimes.com/2024/03/17/world/americas/haiti-gang-violence-health.html> (“Doctors also predict a sharp rise in maternal and infant deaths, as thousands of women will be compelled to give birth at home in the coming weeks.”); Angeline Annesteus, [Haiti’s gang violence disproportionately hurts women and girls](#), Context (Mar. 15, 2024), <https://www.context.news/socioeconomic-inclusion/opinion/haitis-gang-violence-disproportionately-hurts-women-and-girls> (“Many healthcare facilities are in areas deemed too dangerous to access, risking the lives of mothers and their unborn babies.”).

<sup>314</sup> Taylor, [‘It is simply best not to get pregnant’: women left terrified as Haiti’s maternity services collapse](#) (Apr. 12, 2024) (one maternal clinic in Port-au-Prince reported that most of its patients were victims of rape or survival sex); Nègès Mawon, [Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023](#) (Nov. 2023), p. 12.

<sup>315</sup> Morland, [Thousands of pregnant women at risk in Haiti’s paralyzed capital, UN says](#) (Mar. 8, 2024) (according to BINUH, “some 450 women out of those 3,000 are at risk of potentially fatal obstetric complications, while more than 500 sexual violence survivors could be left without medical care by late March”).

<sup>316</sup> Taylor, [‘It is simply best not to get pregnant’: women left terrified as Haiti’s maternity services collapse](#) (Apr. 12, 2024) (reporting that a maternity clinic in Port-au-Prince was forced to close after armed groups attacked the neighborhood, “leaving the 75 pregnant women it had been supporting with nowhere to go for medical care or to have their babies delivered”). See also Norestyl & Piercin, [Artibonite: an agricultural area turned into a valley of](#)



*crime* (Apr. 7, 2024) (reporting that one of the few hospitals still operating in the commune of Petit-Rivière no longer has a gynecologist after non-local staff relocated due to insecurity); Press Release, UNICEF, *Armed violence deepening malnutrition crisis for children in Haiti* (Mar. 26, 2024), <https://www.unicef.org/press-releases/armed-violence-deepening-malnutrition-crisis-children-haiti> (reporting that armed groups looted a UNICEF container with “essential items for maternal, neonatal, and child survival”); *infra* notes 429-437.

<sup>317</sup> Coto, *A journalist. An army sergeant. An 80-year-old patient. Haitian human rights group details gang toll* (Apr. 12, 2024) (“In one hospital, pregnant women must provide a document proving they bought fuel in order to receive care.”). According to information shared by a network of healthcare organizations working in Haiti, a woman in labor who required an emergency C-section at a hospital in the Sud Department had to bring fuel to the hospital in order to keep the generator running long enough to perform the surgery.

<sup>318</sup> See Taylor, *‘It is simply best not to get pregnant’: women left terrified as Haiti’s maternity services collapse* (Apr. 12, 2024) (“NGOs are pleading for more funding. Last month, the UNFPA secured \$3.5m (£2.7m) but says it needs \$28m to support women’s sexual and reproductive healthcare.”). See also *infra* notes 582-586.

<sup>319</sup> Zea, *In Haiti, sexual violence is devastating women and girls* (Jan. 18, 2024).

<sup>320</sup> U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), p. 28.

<sup>321</sup> Zea, *In Haiti, sexual violence is devastating women and girls* (Jan. 18, 2024); Mérancourt & Coletta, *‘Collective rapes’ surge as weapon in Haiti’s gang war* (Jan. 29, 2024) (describing the trauma and social isolation that results when victims of rape become pregnant and are forced to give birth).

<sup>322</sup> See Zea, *In Haiti, sexual violence is devastating women and girls* (Jan. 18, 2024).

<sup>323</sup> See generally PROFAMIL, *Resultats partiels de la section menstruation du rapport PROFAMIL sur les droits à la santé sexuelle et reproductive chez les jeunes et les femmes, dans un contexte de crise, d’insecurité et de précarité* (Jan. 2024), [https://drive.google.com/file/d/16-CW1-7j5BSSStjcfB\\_ktBeau8VAerbCm/view](https://drive.google.com/file/d/16-CW1-7j5BSSStjcfB_ktBeau8VAerbCm/view).

<sup>324</sup> See HRW, *Children Are Among the Hardest Hit by Haiti’s Violence* (Jun. 5, 2024). See also *infra* notes 450-452.

<sup>325</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 20; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 8 (“At least 82 children, some as young as six years old, were killed or injured during the first quarter of 2024. Almost half of the victims were hit by bullets during violent gang attacks against their neighborhoods or clashes between gangs and the police.”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 6; BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 32; AlterPresse, *Haiti-Criminalité : Quatre personnes, dont 2 fillettes de moins de 10 ans, assassinées et quatre autres kidnappées à Croix-des-Bouquets, dénonce l’Unicef* (Dec. 27, 2023), <https://www.alterpresse.org/spip.php?article29956>.

<sup>326</sup> Coto, *Violence is traumatizing Haitian kids. Now the country’s breaking a taboo on mental health services* (May 13, 2024).

<sup>327</sup> Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024).

<sup>328</sup> Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024) (reporting that over 180,000 of all IDPs are children); OCHA, *Latin America & The Caribbean Weekly Situation Update As of 2 February 2024* (Feb. 2, 2024), <https://reliefweb.int/report/ecuador/latin-america-caribbean-weekly-situation-update-2-february-2024> (out of the 314,000 IDPs reported by OCHA in February, 170,000 were children – more than twice as many as were displaced in 2023). See also Save the Children, *Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence* (Apr. 24, 2024) (“Nearly 600 children a day on average have fled their homes in Port-au-Prince since early March due to gang violence.”).

<sup>329</sup> Press Release, UNICEF, *Violence drives Haiti’s children into armed groups; up to half of all members are now children* (May 31, 2024), <https://www.unicef.org/press-releases/violence-drives-haitis-children-armed-groups-half-all-members-are-now-children> (“‘Children in Haiti are stuck in a vicious cycle of suffering. Children are pushed to join armed groups out of pure desperation, including horrific violence, poverty and a breakdown in the systems that should protect them,’ said UNICEF Executive Director Catherine Russell. ‘Children are used by armed groups for different tasks, including as cooks, cleaners, ‘wives’, or lookouts.’”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 6 (“[W]hile most children join gangs due to a lack of socio-economic opportunities, after a short period in their ranks, many express the desire to leave them, but are prevented from doing so for fear of reprisals.”); BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶¶ 14, 43 (“[C]hildren are used as lookouts, or ‘antennas’, as they are locally known, to facilitate kidnappings and robberies. Girls are typically involved in activities such as house chores and spying.”); Kestler-D’Amours, *Who are Haiti’s gangs and what do they want? All you need to know* (Mar. 13, 2024); HRW, *Children Are Among the Hardest Hit by Haiti’s Violence* (Jun. 5, 2024) (A 16-year-old boy said many of his friends “had joined criminal groups out of desperation, and these groups were also pressuring him to join,” telling him that “he would be part of ‘a popular cause against the bad government, that it is not to harm people but to fight and make the revolution.’ he said. But ‘I don’t believe any of that. [The G9 members] had threatened me [in the past], they told me that if I don’t join them something could happen to me or my aunt.”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 8; BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 30; Coto, *Violence is traumatizing Haitian kids. Now the country’s breaking a taboo on mental health services* (May 13, 2024) (“With no school, high poverty and trauma such as having to sidestep mangled bodies on streets, kids have become easy prey.”). See also U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), pp. 31, 32

(“The government was limited in its resources to . . . identify, extract, and provide protection services to children forced to work for gangs.”).

<sup>330</sup> U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 31 (reporting that members of armed groups often force children into sexual relationships with them);

BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 37 (“On 16 October, four minors, all girls, were reportedly coerced into participating in sexual acts as part of a birthday celebration for a gang member.”).

<sup>331</sup> Coto, [Violence is traumatizing Haitian kids. Now the country’s breaking a taboo on mental health services](#) (May 13, 2024). See also BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 41 (reporting that a 17-year-old girl was raped “several times by multiple perpetrators” on her way to school); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 19.

<sup>332</sup> UN, [Getting children back to school in deadly gang-ravaged Haiti](#) (Apr. 7, 2024),

<https://news.un.org/en/story/2024/04/1148306>. See also *infra* Section VI: Access to education.

<sup>333</sup> UNICEF, [Haiti: Armed violence against schools increases nine-fold in one year](#) (Feb. 9, 2023),

<https://reliefweb.int/report/haiti/haiti-armed-violence-against-schools-increases-nine-fold-one-year-unicef>.

<sup>334</sup> See Plan International, [Haiti’s children are on the edge and need protection now](#) (Mar. 15, 2024), <https://plan-international.org/blog/2024/03/15/haitis-children-on-edge-need-protection-now/> (“In Gonaives, there are hardly any children in uniforms, a clear sign of school closures and low enrollment. You see children working or begging on the streets, living under the constant threat of violence from armed groups. Along the road, you see children alone, walking or riding donkeys to work in the fields or the city.”).

<sup>335</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 57; UNICEF, [Armed violence deepening malnutrition crisis for children in Haiti](#) (Mar. 26, 2024) (reporting that insecurity has prevented health and nutrition supplies from reaching “at least 58,000 children suffering from severe wasting in the [Port-au-Prince] metropolitan area”); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 8 (“Gang violence also severely limited the access of children and their parents to education and health services and exacerbated their food insecurity.”). See also BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 26 (reporting that 3 million children will be dependent on humanitarian assistance in 2024, the highest number ever recorded); *infra* notes 408-409.

<sup>336</sup> BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 66 (“Women and children under the age of five account for 80 per cent of all cases.”); UN, [Cholera cases soar globally; Malawi, Haiti deadliest outbreaks, WHO reports](#) (Jan. 16, 2024), <https://news.un.org/en/story/2024/01/1145572>; Pan American Health Organization (PAHO), [Cholera Outbreak in Haiti: Situation Report 8](#), p. 1 (Mar. 13, 2024),

<https://www.paho.org/en/documents/cholera-outbreak-haiti-situation-report-8-13-march-2024>.

<sup>337</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 61.

<sup>338</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶¶ 36, 39 (reporting that only one out of ninety children detained at the detention center for children in Port-au-Prince had been convicted).

<sup>339</sup> The children’s penitentiary in Port-au-Prince is operating at four times its capacity. BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 39. See also Duquereste & Louis-Jeune, [Minors, girls and prisoners from National Penitentiary forced into shared detention](#) (Jun. 5, 2024) (“There are no longer any play spaces, training activities can no longer take place, and school and academic programs intended for young people have been interrupted. . . . Experts warn of an increased risk of contagious diseases, intellectual regression among minors, . . . psychological problems such as depression, as well as stress and anxiety linked to their inappropriate detention.”); *supra* note 269.

<sup>340</sup> See *supra* Section IV: Inhumane prison conditions.

<sup>341</sup> U.S. Department of State, [2023 Trafficking in Persons Report: Haiti](#) (2023).

<sup>342</sup> U.S. Department of State, [2023 Trafficking in Persons Report: Haiti](#) (2023) (reporting that children in *restavek* situations – mostly girls – “are often physically abused, receive no payment for services, and have significantly lower school enrollment rates”); U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 31.

<sup>343</sup> UNSC, [Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council](#) (Apr. 19, 2024), ¶ 25; U.S. Department of State, [2023 Trafficking in Persons Report: Haiti](#) (2023) (reporting an estimated three million Haitians at risk of trafficking).

<sup>344</sup> See, e.g., BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶¶ 16, 22 (reporting attacks against peasants in the Artibonite, Nord, and Centre Departments, who “burned at least 40 houses and drove people off their land” and stole “hundreds of livestock, . . . assets which often represent farmers’ life savings”); Doudou Pierre Festile & Micherline Islanda Aduel, Opinion, [Another foreign intervention will not solve the crisis in Haiti](#), Al Jazeera (Apr. 22, 2024), <https://www.aljazeera.com/opinions/2024/4/22/another-foreign-intervention-will-not-solve-the-crisis-in-haiti> (“Land grabs have worsened in recent months, as gangs have started forcibly taking over peasant lands and illegally selling them to interested parties.”); Norestyl & Piercin, [Artibonite: an agricultural area turned into a valley of crime](#) (Apr. 7, 2024). See also AP News, [Haiti’s rum industry takes a hit as gangs torch sugarcane fields](#) (Feb. 12, 2024), <https://apnews.com/article/haiti-gangs-rum-sugarcane-fields-fire-violence-df4faef8956ba42ad215c567ba56eace> (reporting that armed groups set alight nearly 20 acres of sugarcane belonging the Barbancourt rum company, causing it to “temporarily stop distributing free potable water, providing medical care, and offering the use of football fields and basketball courts in order to protect the safety of its employees”).

<sup>345</sup> Norestyl & Piercin, [Artibonite: an agricultural area turned into a valley of crime](#) (Apr. 7, 2024).

- <sup>346</sup> Norestyl & Piercin, [Artibonite: an agricultural area turned into a valley of crime](#) (Apr. 7, 2024) (reporting that the World Food Programme (WFP) “recorded 5,000 hectares of abandoned farmland in the [Artibonite] department” in April 2023); BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 36 (“Attacks by gangs on farmland and livelihoods have caused farmers to abandon over 3,000 hectares of land and to move to less fertile but safer areas.”); UN News, [Explainer: Feeding Haiti in times of crisis](#) (Apr. 1, 2024), <https://news.un.org/en/story/2024/04/1148136>.
- <sup>347</sup> Festile & Aduel, [Another foreign intervention will not solve the crisis in Haiti](#) (Apr. 22, 2024).
- <sup>348</sup> U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), pp. 33, 37-38.
- <sup>349</sup> Moïse Manoel-Floris, *Affrontements, gangs et narco-trafiquants : « Il y a sans doute plus de personnes LGBT+ assassinées en Haïti qu’ailleurs »*, Stop Homophobie (Feb. 2, 2024), <https://www.stophomophobie.com/affrontements-gangs-et-narco-trafiquants-il-y-a-sans-doute-plus-de-personnes-lgbt-assassinees-en-haiti-quailleurs/> (according to one Haitian activist, “there are undoubtedly more LGBT+ people murdered [in Haiti] than anywhere else in the world, but as it’s a French-speaking state, very poor, lacking in strategic resources and with explicitly LGBTphobic laws, nobody cares”); U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), pp. 33-37.
- <sup>350</sup> Nègès Mawon, [Droits des femmes, des filles et des minorités sexuelles en Haïti: rapport sur les violences enregistrées de janvier à octobre 2023](#) (Nov. 2023), pp. 26-27 (reporting 13 cases of physical and psychological violence); U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 33 (reporting at least ten cases, including one transgender person, who “was raped and beaten by members of the 400 Mawozo gang during a kidnapping on July 30, 2023”); Manoël-Floris, [Haïti : être un activiste trans au milieu de l’enfer des gangs à Port-au-Prince](#) (Jan. 2, 2024).
- <sup>351</sup> U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), p. 36.
- <sup>352</sup> U.S. Department of State, [2023 Trafficking in Persons Report: Haiti](#) (2023).
- <sup>353</sup> U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), pp. 37-38. *See also supra* note 184.
- <sup>354</sup> U.S. Department of State, [Haiti 2023 Human Rights Report](#) (2024), pp. 37, 38. *See also* Espérance, [How to Take on Haiti’s Gangs: America Can Do More to Create Stability and Foster Democracy](#) (Apr. 2, 2024) (reporting that armed groups “destroyed or severely damaged a center for children with disabilities”).
- <sup>355</sup> *See* WFP, [New IPC data confirms record levels of hunger in Haiti](#) (Mar. 22, 2024), <https://www.wfp.org/news/new-ipc-data-confirms-record-levels-hunger-haiti>.
- <sup>356</sup> *See, e.g.*, Adams & Robles, [Haiti’s Hospitals Survived Cholera and Covid. Gangs Are Closing Them](#). (Mar. 17, 2024); UNICEF, [UNICEF condemns school arson by armed groups in downtown Port-au-Prince](#). (Mar. 27, 2024).
- <sup>357</sup> *See* Evens Sanon & Dánica Coto, *Violence is battering Haiti’s fragile economy and causing food and water shortages*, AP News (Mar. 9, 2024), <https://apnews.com/article/haiti-violence-gangs-food-economy-092a20f037b48a8e1837a4e6424cf571>.
- <sup>358</sup> *See, e.g.*, International Rescue Committee (IRC), *Crisis in Haiti: Gang violence’s vice grip amidst political turmoil* (Mar. 5, 2024), <https://www.rescue.org/article/crisis-haiti-gang-violences-vice-grip-amidst-political-turmoil>.
- <sup>359</sup> Haiti Advocacy Working Group, *Decentralization: Haiti’s Answer for Six Months and Sixty Years* (Jul. 2010), [https://www.ijdh.org/wp-content/uploads/2010/07/HAWG\\_Decentralization\\_FINAL.pdf](https://www.ijdh.org/wp-content/uploads/2010/07/HAWG_Decentralization_FINAL.pdf). *See also* Macollvie J. Neel, *To help Haiti reset, support province-based solutions like #KPK, HTAs | Part 2*, Haitian Times (Apr. 1, 2024), <https://haitiantimes.com/2024/04/01/decentralize-haiti-provinces-solutions/>.
- <sup>360</sup> WFP, [New IPC data confirms record levels of hunger in Haiti](#) (Mar. 22, 2024); Adams & Robles, [Haiti’s Hospitals Survived Cholera and Covid. Gangs Are Closing Them](#). (Mar. 17, 2024); UNICEF, [UNICEF condemns school arson by armed groups in downtown Port-au-Prince](#). (Mar. 27, 2024).
- <sup>361</sup> *See, e.g.*, Smith, [“Living Day by Day,” Health Staff in Haiti Keep Hospital Doors Open as Violence Continues](#) (Apr. 1, 2024); Edith M. Lederer, *4 million people face ‘acute food insecurity’ in troubled Haiti, says UN food agency official*, AP News (Mar. 12, 2024), <https://apnews.com/article/un-haiti-humanitarian-food-famine-gang-violence-dc4115ab6d883722ef658e33f15806ba>.
- <sup>362</sup> *See* Kepsen Monestime, *Tornado Leaves Dozens Injured in Bassin-Bleu, Northwest*, Le Nouvelliste (May 21, 2024), <https://lenouvelliste.com/en/article/248271/tornado-leaves-dozens-injured-in-bassin-bleu-northwest>; Press Release, World Vision, *Almost five million at risk of famine as hurricane season approaches, warns World Vision* (May 23, 2024), <https://www.worldvision.org.uk/about/press-centre/haiti-famine-risk-as-hurricane-season-approaches/>. *See generally* Beatrice Mosello et al., *Roots for peace: Uncovering climate security challenges in Haiti and what to do about them* (Oct. 2023), [https://weatheringrisk.org/sites/default/files/document/Roots\\_for\\_peace\\_uncovering\\_climate\\_security\\_challenges\\_in\\_Haiti\\_3.pdf](https://weatheringrisk.org/sites/default/files/document/Roots_for_peace_uncovering_climate_security_challenges_in_Haiti_3.pdf).
- <sup>363</sup> *See, e.g.*, Jeffrey Sommers & Patrick Bellegarde-Smith, *Haiti’s Disorder Is Due to Elite Malfeasance and US Meddling*, Jacobin (Apr. 5, 2024), <https://jacobin.com/2024/04/haiti-disorder-poverty-us-intervention>.
- <sup>364</sup> *See, e.g.*, Sandra Wisner & Brian Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*, 21 Nw. J. Hum. Rights 185 (May 2023), <https://scholarlycommons.law.northwestern.edu/njihr/vol21/iss3/1/>.
- <sup>365</sup> *See, e.g.*, BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶¶ 43, 60; Garry Pierre-Pierre, *Opinion: Why gangs hold so much power in Haiti*, CNN (Mar. 15, 2024), <https://www.cnn.com/2024/03/15/opinions/haiti-gangs-violence-pierre-pierre/index.html>. *See also supra* notes 191-205.

<sup>366</sup> There is global recognition that solutions to Haiti’s crises must include restitution of the Independence Debt. See Christopher Shell, *The West Should Engage With Reparations for Slavery and Colonialism*, World Politics Review (May 7, 2024), <https://www.worldpoliticsreview.com/reparations-movement-slavery-colonialism/?one-time-read-code=2960291717524610115602>; @ijdh, X (Apr. 16, 2024), <https://twitter.com/ijdh/status/1780178760232268263> (at the Third Session of the Permanent Forum On People of African Descent, Forum Member Gaynel Curry said “we cannot talk about sustainable development without reparations, and we cannot talk about reparations without talking about Haiti”); CARICOM, *Remarks by Dr. Carla N. Barnett, Secretary-General, Caribbean Community (CARICOM) for the opening ceremony of the Accra Reparations Conference, 14 November 2023* (Nov. 14, 2023), <https://caricom.org/35409-2/> (noting that the Independence Debt is one of “crimes against humanity” perpetrated against people of African descent that must be repaired); OHCHR, *Halting and Reversing the Lasting Consequences of Slavery, Colonialism, Genocide and Apartheid Are Critical to Addressing Racism against People of African Descent, Permanent Forum Tells Human Rights Council* (Oct. 6, 2023), <https://www.ohchr.org/en/news/2023/10/halting-and-reversing-lasting-consequences-slavery-colonialism-genocide-and-apartheid> (the Permanent Forum on People of African Descent “recommended the creation of an independent international commission of inquiry on restorative justice for Haiti, among other measures”). See also Concannon Jr. et al., *Restitution for Haiti, Reparations for All: Haiti’s Place in the Global Reparations Movement* (Dec. 13, 2023).

<sup>367</sup> *Haiti*, International Monetary Fund (IMF), <https://www.imf.org/en/Countries/HTI> (last visited Apr. 19, 2024); @radiomagik9, X (Apr. 5, 2024), <https://twitter.com/radiomagik9/status/1776228771638501418>. See also BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 52 (despite government efforts to reverse Haiti’s economic decline, its “persistent negative economic growth . . . led to a 10.5 per cent decline in gross domestic product between 2019 and 2023”).

<sup>368</sup> Approximately 34% of Haitians are living in extreme poverty, classified as living on less than US \$2.15 per day. BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 62.

<sup>369</sup> *Haiti Inflation Rate*, Trading Economics, <https://tradingeconomics.com/haiti/inflation-cpi> (last visited Jun. 10, 2024).

<sup>370</sup> IMF, *Haiti*.

<sup>371</sup> Afifa Mushtaque, *15 Fastest Declining Economies in the World in 2024*, Insider Monkey (May 24, 2024), <https://www.insidermonkey.com/blog/15-fastest-declining-economies-in-the-world-in-2024-1306135/>.

<sup>372</sup> Haiti Libre, *Haiti - FLASH : Inflation explodes in one month* (May 6, 2024), <https://www.haitilibre.com/en/news-42274-haiti-flash-inflation-explodes-in-one-month.html> (the cost of rice has increased by 41%, corn by 38.3%, meat by 38.5%, fish by 59.7%, and edible oil by 50.05%). See also RHI News, *Haiti : Deux tiers des ménages de Port-au-Prince souffrent de malnutrition, selon une étude du PAM* (May 27, 2024), <https://www.rhinews.com/actualites/haiti-deux-tiers-des-menages-de-port-au-prince-souffrent-de-malnutrition-selon-une-etude-du-pam/> (reporting that the cost of a food basket has increased by 27% since January); Hu et al., *Gangs rule Haiti’s capital. Some say they’re ready to overthrow the government too* (Mar. 5, 2024) (“[T]he wholesale price for a sack of sugar had now leapt from the equivalent of \$50 to \$150” [and] “[t]he cost of a bag of rice, a staple in Haitian cuisine, has risen from \$40 to \$120.”); Kervens Adam Paul, *Haiti’s Security Crisis: Surge in Prices of Vital Goods*, Le Nouvelliste (Mar. 22, 2024), <https://www.lenouvelliste.com/en/article/247348/haitis-security-crisis-surge-in-prices-of-vital-goods> (“[A] resident of Delmas, expressed her distress at this new reality encountered in a street market. ‘Life is becoming more expensive. Before, with 5000 gourdes, we could buy provisions for several days, but now it’s not even enough for two meals.’”).

<sup>373</sup> WFP, *New IPC data confirms record levels of hunger in Haiti* (Mar. 22, 2024) (these include “buying on credit and falling into debt, and selling off animals, seeds, and other goods”); RHI News, *Haiti : Deux tiers des ménages de Port-au-Prince souffrent de malnutrition, selon une étude du PAM* (May 27, 2024). See also Sanon & Coto, *Violence is battering Haiti’s fragile economy and causing food and water shortages* (Mar. 9, 2024) (reporting that although grocery stores in upscale parts of Port-au-Prince remain stocked, most cannot afford their goods); Onz Chéry, *Struggles worsen for Haitians as gang blockade causes fuel prices to spike*, Haitian Times (Mar. 13, 2024), <https://haitiantimes.com/2024/03/13/high-price-of-fuel/> (reporting that some are forced to choose between eating and buying fuel). See also Hu et al., *Gangs rule Haiti’s capital. Some say they’re ready to overthrow the government too* (Mar. 5, 2024) (Quoting a Haitian who said: “‘We are living in total precarity. We’re living on trash, on sewage. I have nothing, I’m empty. I can’t go to work, I can’t support my family, I can’t send my kids to school.’”); *infra* Section VI: *Access to food*.

<sup>374</sup> BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶¶ 54, 61-62 (attributing the decrease “to inflation and the lack of dynamism of economic activity in some sending countries, as well as migratory movements resulting from the deterioration in security conditions in Haiti”).

<sup>375</sup> Sanon & Coto, *Violence is battering Haiti’s fragile economy and causing food and water shortages* (Mar. 9, 2024); Wisner & Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability* (May 2023).

<sup>376</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 8 (“Since the end of February, the “self-defense” group Caravane, whose modus operandi is now very similar to that of the gangs, collected illegal fees from people passing along Route des Rails road (Carrefour commune).”).

<sup>377</sup> UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶ 38 (“Some checkpoints in and out of Port-au-Prince may generate between \$6,000 and \$8,000 a

day. . . . Some companies are reportedly paying out between \$5,000 and \$20,000 per week to operate, as well as a percentage fee on containers removed from ships.”); Haiti Libre, *Haiti - Insecurity : Very structured and financially autonomous gangs* (Feb. 18, 2024), <https://www.haitilibre.com/en/news-41695-haiti-insecurity-very-structured-and-financially-autonomous-gangs.html> (reporting that armed groups have installed “checkpoint tolls” throughout the Port-au-Prince metropolitan area, where they force motorists and truckers to pay “taxes”); Jonasson Odigène, *Status Update on National Roads Amidst Crisis*, Le Nouvelliste (Mar. 21, 2024), <https://lenouvelliste.com/en/article/247319/status-update-on-national-roads-amidst-crisis> (Quoting the coordinator of the Unified Movement of Transporters of Haiti: “These routes remain blocked in principle . . . [but] the bandits’ strategy is very clear. ‘Every time they are short of money, they allow people to go on public roads to collect money.’”); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 6; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 8 (“[T]rucks transporting food products or fuel from the capital to the southern departments of the country were forced to pay “passage fees” of up to 3,000,000 HTG (around 22,600 USD) for each journey.”); BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 12; BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 21; Valéry Daudier, *Leaving Port-au-Prince via the Road of Fear*, Le Nouvelliste (May 23, 2024), <https://lenouvelliste.com/en/article/248306/leaving-port-au-prince-via-the-road-of-fear> (reporting that armed groups operating these checkpoints “no longer wear masks, do not hide, and operate as if everything were normal”); Paul, *Haiti’s Security Crisis: Surge in Prices of Vital Goods* (Mar. 22, 2024); OHCHR, *Haiti: Türk says situation “untenable”, urges swift and decisive action* (Mar. 6, 2024); Festile & Aduel, *Another foreign intervention will not solve the crisis in Haiti* (Apr. 22, 2024). See also Pierre Michel Jean, *Des denrées produites en Haiti écoulées à perte en RD | Vidéo*, AyiboPost (May 31, 2024), <https://ayibopost.com/des-denrees-produites-en-haiti-ecoulees-a-perde-en-rd-video/> (reporting that insecurity and roadblocks are preventing food producers in towns along the Haitian-Dominican border from accessing markets in Haiti, forcing them to sell their goods in the Dominican Republic at lower prices instead).

<sup>378</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 21; Le Cour Grandmaison et al., *A Critical Moment: Haiti’s Gang Crisis and International Responses* (Feb. 2024), pp. 19-20.

<sup>379</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 54 (“Tensions and roadblocks on the main roads from metropolitan Port-au-Prince to the southern departments affected trade between these departments,” leading “to a 23 per cent increase in the food basket in the South and Southeast departments with prices of some products going up by 66 per cent between October 2023 and mid-January 2024.”); Lederer, *4 million people face ‘acute food insecurity’ in troubled Haiti, says UN food agency official* (Mar. 12, 2024); Jordany Junior Verdieu, *Les Cayes Suffers from Chaos in Port-au-Prince*, Le Nouvelliste (Apr. 18, 2024), <https://lenouvelliste.com/en/article/247751/les-cayes-suffers-from-chaos-in-port-au-prince>; Daudier, *Leaving Port-au-Prince via the Road of Fear* (May 23, 2024) (public transportation from Port-au-Prince to the south is limited, very expensive, and dangerous due to checkpoints set up by armed groups); Le Nouvelliste, *Impact of Chaos in Port-au-Prince on Provincial Towns* (Apr. 5, 2024), <https://www.lenouvelliste.com/en/article/247555/impact-of-chaos-in-port-au-prince-on-provincial-towns>.

<sup>380</sup> Haiti Libre, *Haiti - Insecurity : Very structured and financially autonomous gangs* (Feb. 18, 2024) (reaching up to US \$20,000 per week for businesses); BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 7 (reaching up to US \$ 8,000 per month).

<sup>381</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 8.

<sup>382</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶¶ 22, 24.

<sup>383</sup> Lederer, *4 million people face ‘acute food insecurity’ in troubled Haiti, says UN food agency official* (Mar. 12, 2024) (reporting that violence by armed groups in March caused food prices to rise by at least 10%); Chéry, *Struggles worsen for Haitians as gang blockade causes fuel prices to spike* (Mar. 13, 2024) (“[A] bunch of plantains now cost 350 gourdes, or \$2.64, when it could be purchased for 200 gourdes, or \$1.50, before last week.”).

<sup>384</sup> Chéry, *Struggles worsen for Haitians as gang blockade causes fuel prices to spike* (Mar. 13, 2024); Sanon & Coto, *Violence is battering Haiti’s fragile economy and causing food and water shortages* (Mar. 9, 2024) (“Gas stations have also shuttered, and the few who can afford to pay \$9 a gallon – more than twice the usual rate – have flocked to the black market.”). See also Le Nouvelliste, *Impact of Chaos in Port-au-Prince on Provincial Towns* (Apr. 5, 2024) (“[F]uel is almost impossible to find at gas stations, while gasoline is abundant on the sidewalks, selling for 1250 gourdes per gallon.”).

<sup>385</sup> haitiantimes, Instagram (Mar. 13, 2024), <https://www.instagram.com/haitiantimes/p/C4d1p1XPwV/>.

<sup>386</sup> Chéry, *Struggles worsen for Haitians as gang blockade causes fuel prices to spike* (Mar. 13, 2024). See also WFP, *New IPC data confirms record levels of hunger in Haiti* (Mar. 22, 2024) (“Job and income losses affected two thirds of families across the country during the latest wave of violence in March.”); Sanon & Coto, *Violence is battering Haiti’s fragile economy and causing food and water shortages* (Mar. 9, 2024).

<sup>387</sup> OCHA, *Haiti Emergency Situation Report No. 20 (As of 24 April 2024)*, p. 1 (Apr. 24, 2024), <https://reliefweb.int/report/haiti/haiti-emergency-situation-report-no-20-24-april-2024>. But see Juhakenson Blaise, *Students timidly return to schools in Haiti’s capital amid apparent calm*, Haitian Times (May 10, 2024), <https://haitiantimes.com/2024/05/10/schools-reopening-timidly-two-months-after-escalating-violence/> (reporting that in May, “[f]uel pumps, which had been dry in the past, were now servicing drivers and motorcyclists”).

- <sup>388</sup> See BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶¶ 55-56 (reporting 11,262 jobs lost in 2023 in the garment sector alone); Laura Husband, *Haiti apparel sector workforce halved amid ongoing crisis*, MSN (Mar. 19, 2024), <https://www.msn.com/en-us/news/world/haiti-apparel-sector-workforce-halved-amid-ongoing-crisis/ar-BB1kaSif> (reporting that more than 12 clothing and textile factors shut down so far in 2024); UN, *First Person: 'Our tears are dry, we are exhausted' – Youth voices in Haiti* (Apr. 22, 2024), <https://news.un.org/en/story/2024/04/1148851> (“Misery, death, squalor and unemployment are all on the rise.”).
- <sup>389</sup> Press Release, Save the Children, *Extreme Hunger in Haiti Forcing Children Into Armed Gangs* (May 8, 2024), <https://www.savethechildren.net/news/extreme-hunger-haiti-forcing-children-armed-gangs-save-children>; Margaret Besheer, *UNICEF: 3 million children suffering brunt of Haitian gang violence*, VOA News (Apr. 22, 2024), <https://www.voanews.com/a/unicef-3-million-children-suffering-brunt-of-haitian-gang-violence/7580682.html>; BINUH, *Quarterly Report on the Human Rights Situation in Haiti, January – March 2024* (Apr. 19, 2024), p. 8. See also *supra* note 329.
- <sup>390</sup> BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 5.
- <sup>391</sup> HRW, *Haiti: Events of 2023* (2024) (“Only 55 percent of Haitian households had access to safe drinking water and two-thirds of the population had limited or no sanitation services.”); HaitiLibre, *Ecological associations are concerned about projects announced without implementation* (Jan. 15, 2024), <https://www.haitilibre.com/en/news-41435-haiti-environment-ecological-associations-are-concerned-about-projects-announced-without-implementation.html> (“Water resources are decreasing while water needs double.”).
- <sup>392</sup> HRW, *Haiti: Events of 2023* (2024); UN News, *Haiti: UNICEF ensures thousands have safe drinking water* (May 9, 2024), <https://news.un.org/en/story/2024/05/1149551>; Adrien, *I'm a doctor in Haiti. Crisis may be death sentence for many with health problems* (Apr. 22, 2024) (“Call it whatever you want, but this crisis smells like a death sentence to hundreds of thousands of Haitians, many of whom will die due to malnutrition and starvation, communicable diseases or illnesses because they are unable to get treatment or even treated water.”). See also *infra* notes 457-465.
- <sup>393</sup> See RNDDH, *Carrefour-Feuilles, Cité Soleil and Bel-Air: areas plagued by recurring armed violence and a population destroyed but forgotten* (Feb. 20, 2024), ¶ 25 (RNDDH found that 96% of residents surveyed in Carrefour-Feuilles, Cité Soleil, and Bel-Air had to purchase drinking water).
- <sup>394</sup> Fenel Péliissier, *Gallons of water stored in the sun, a health hazard in Haiti*, AyiboPost (Feb. 12, 2024), <https://ayibopost.com/gallons-of-water-stored-in-the-sun-a-health-hazard-in-haiti/>.
- <sup>395</sup> See BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 71 (reporting that one of Haiti’s main bottled water producers was forced to suspend distribution in Port-au-Prince due to insecurity); Sanon & Coto, *Violence is battering Haiti’s fragile economy and causing food and water shortages* (Mar. 9, 2024); Kervens Adam Paul, *Haiti’s Security Crisis: Surge in Prices of Vital Goods* (Mar. 22, 2024) (according to a resident of Delmas, “[a]ll prices have gone up, even drinking water is becoming more expensive”).
- <sup>396</sup> See OCHA, *Haiti Emergency Situation Report No. 20 (As of 24 April 2024)* (Apr. 24, 2024), p. 2 (“Only 68 per cent of the 90,254 people surveyed at the sites on 20 April 2024 received a regular supply of drinking water.”); Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024) (insecurity and lack of funding impedes efforts by UN agencies to deliver water to displacement sites, forcing people to “buy small bags and buckets of often unhealthy water”).
- <sup>397</sup> UN General Assembly, *New Approach to Cholera in Haiti*, p. 1 (May 3, 2017), <https://undocs.org/Home/Mobile?FinalSymbol=A%2F71%2F895&Language=E&DeviceType=Desktop&LangReqsted=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”). See also *infra* note 457.
- <sup>398</sup> See Press Release, BAI & IJDH, *Broken UN Promises Lead to Haiti Cholera Resurgence* (Oct. 11, 2022), [https://www.ijdh.org/press\\_release/broken-un-promises-lead-to-haiti-cholera-resurgence/](https://www.ijdh.org/press_release/broken-un-promises-lead-to-haiti-cholera-resurgence/). See also WHO UNICEF JMP, *Haiti*, <https://washdata.org/data/household#!/hti> (last visited May 27, 2024) (between 2015 and 2022, the latest available data, access to clean water and basic sanitation remained virtually unimproved).
- <sup>399</sup> See, e.g., Haiti Libre, *Ecological associations are concerned about projects announced without implementation* (Jan. 15, 2024); Péliissier, *Gallons of water stored in the sun, a health hazard in Haiti* (Feb. 12, 2024).
- <sup>400</sup> UNDP, *Strengthening the climatic resilience of the drinking water sector in the South of Haiti*, <https://www.adaptation-undp.org/projects/strengthening-climatic-resilience-drinking-water-sector-south-haiti>; Dr. Beatrice Mosello & Spencer Adrian McMurray, *Why international support for Haiti must include climate security*, Adelphi (Aug. 3, 2023), <https://adelphi.de/en/opinion/why-international-support-for-haiti-must-include-climate-security>; UN, *Haiti: UNICEF ensures thousands have safe drinking water* (May 9, 2024) (noting that recent flooding has added to the plight of children and families suffering from a lack of drinking water and sanitation facilities).
- <sup>401</sup> UN, *Support to Haiti’s Police, Deployment of Multinational Mission Fundamental towards Restoring Stability in Country, Senior Official Tells Security Council* (Jan. 25, 2024), <https://press.un.org/en/2024/sc15571.doc.htm>. See also Sanon & Coto, *Violence is battering Haiti’s fragile economy and causing food and water shortages* (Mar. 9, 2024) (reporting concerns “that elderly people are dying in their homes, with some people unable to venture out for food and water because gangs control their neighborhoods”).
- <sup>402</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 21.

<sup>403</sup> BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 12.

<sup>404</sup> WFP, [New IPC data confirms record levels of hunger in Haiti](#) (Mar. 22, 2024); @WFP\_UK, X (Mar. 11, 2024), [https://twitter.com/WFP\\_UK/status/1767202860654018778](https://twitter.com/WFP_UK/status/1767202860654018778) (“Haiti is one of the world’s most severe food crises and it’s been unaddressed.”); Lederer, [4 million people face ‘acute food insecurity’ in troubled Haiti, says UN food agency official](#) (Mar. 12, 2024) (according to the U.N. food agency’s director in Haiti, one million Haitians “are one step away from famine”).

<sup>405</sup> Food and Agriculture Organization & WFP, [Hunger Hotspots, FAO-WFP early warnings on acute food insecurity, June to October 2024 outlook](#), pp. vii, 8 (2024), <https://docs.wfp.org/api/documents/WFP-0000159235/download/> (“This category includes hotspots with Famine or Risk of Famine, or with populations already in Catastrophe (Integrated Food Security Phase Classification [IPC]/Cadre Harmonisé [CH] Phase 5) or at risk of deterioration towards catastrophic conditions during the outlook period.”).

<sup>406</sup> [Haiti: Acute Food Security Situation Projection Update for March - June 2024](#), Integrated Food Security Phase Classification (Mar. 22, 2024), <https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1156884/?iso3=HTI>.

<sup>407</sup> Integrated Food Security Phase Classification, [Haiti: Acute Food Security Situation Projection Update for March - June 2024](#) (Mar. 22, 2024).

<sup>408</sup> OCHA, [Haiti: Humanitarian Needs and Response Plan Executive Summary](#), p. 4 (Jan. 2024), <https://reliefweb.int/report/haiti/haiti-humanitarian-needs-and-response-plan-executive-summary-january-2024>.

<sup>409</sup> The number of children suffering from severe wasting increased by approximately 20% over the last year, from 6% in 2022 to 7.2% in 2023. UNICEF, [Armed violence deepening malnutrition crisis for children in Haiti](#) (Mar. 26, 2024); OCHA, [Haiti: Humanitarian Needs and Response Plan Executive Summary](#) (Jan. 2024), p. 4 (reporting an increase of 30%).

<sup>410</sup> WFP, [New IPC data confirms record levels of hunger in Haiti](#) (Mar. 22, 2024); [Haiti: Acute Food Security Situation Projection Update for March - June 2024](#), Integrated Food Security Phase Classification (Mar. 22, 2024).

<sup>411</sup> WFP, [New IPC data confirms record levels of hunger in Haiti](#) (Mar. 22, 2024); [Haiti: Acute Food Security Situation Projection Update for March - June 2024](#), Integrated Food Security Phase Classification (Mar. 22, 2024).

<sup>412</sup> RHI News, [Haïti : Deux tiers des ménages de Port-au-Prince souffrent de malnutrition, selon une étude du PAM](#) (May 27, 2024).

<sup>413</sup> See WFP, [New IPC data confirms record levels of hunger in Haiti](#) (Mar. 22, 2024); BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 55; BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 26; Sanon & Coto, [Violence is battering Haiti’s fragile economy and causing food and water shortages](#) (Mar. 9, 2024); CARE, [As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive](#) (May 30, 2024).

<sup>414</sup> RHI News, “[Le Programme alimentaire mondial intensifie son assistance alimentaire en Haïti face à une crise de la faim sans précédent](#)” (Apr. 11, 2024), <https://www.rhinews.com/actualites/le-programme-alimentaire-mondial-intensifie-son-assistance-alimentaire-en-haiti-face-a-une-crise-de-la-faim-sans-precedent/> (reporting that WFP’s food assistance program continues to be impacted by insecurity-related transportation issues); BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 59; UNICEF, [Armed violence deepening malnutrition crisis for children in Haiti](#) (Mar. 26, 2024).

<sup>415</sup> Sanon & Coto, [Violence is battering Haiti’s fragile economy and causing food and water shortages](#) (Mar. 9, 2024). See also AP News, [Haiti police recover hijacked cargo ship in rare victory after 5-hour shootout with gangs](#) (Apr. 9, 2024), <https://apnews.com/article/haiti-gangs-ship-police-rice-kidnapped-4e2b68a2a5ef39f7473c442885fac272>; Haiti Libre, [Serious impact of the Mariani blockade on the food basket in the Great South](#) (Jan. 23, 2024), <https://www.haitilibre.com/en/news-41496-haiti-flash-serious-impact-of-the-mariani-blockade-on-the-food-basket-in-the-great-south.html>; Hu et al., [Gangs rule Haiti’s capital. Some say they’re ready to overthrow the government too](#) (Mar. 5, 2024); Paul, [Haiti’s Security Crisis: Surge in Prices of Vital Goods](#) (Mar. 22, 2024); Festile & Aduel, [Another foreign intervention will not solve the crisis in Haiti](#) (Apr. 22, 2024).

<sup>416</sup> Coto & Sanon, [Haiti extends a state of emergency and nighttime curfew to try and repel widespread gang attacks](#) (Mar. 7, 2024); Crisis24, [Haiti: Operators close main seaport of Port-au-Prince indefinitely as of March 7 due to violence, insecurity amid ongoing state of emergency /update 4](#) (Mar. 8, 2024), <https://crisis24.garda.com/alerts/2024/03/haiti-operators-close-main-seaport-of-port-au-prince-indefinitely-as-of-march-7-due-to-violence-insecurity-amid-ongoing-state-of-emergency-update-4>. The port resumed activities on May 22. Jean Daniel Sénat, [Activities Resume at Port-au-Prince Port Facilities](#), Le Nouvelliste (May 22, 2024), <https://lenouvelliste.com/en/article/248279/activities-resume-at-port-au-prince-port-facilities>.

<sup>417</sup> Sanon & Coto, [Violence is battering Haiti’s fragile economy and causing food and water shortages](#) (Mar. 9, 2024); Coto & Sanon, [Haiti extends a state of emergency and nighttime curfew to try and repel widespread gang attacks](#) (Mar. 7, 2024) (“[T]he insecurity has forced the World Food Program to suspend its maritime transport service, which is currently the only means of moving food and medical supplies for aid organizations from Port-au-Prince to other parts of the country.”). See also OCHA, [Haiti Emergency Situation Report No. 20 \(As of 24 April 2024\)](#) (Apr. 24, 2024), p. 1 (reporting that the WFP was able to transport goods via its maritime transport service on April 18).

<sup>418</sup> See *supra* notes 90-91.

<sup>419</sup> Duval, [Port-au-Prince: No Port, No Airport](#) (Apr. 9, 2024); Abi-Habib, [Why Do Aid Groups Stay in Lawless Haiti?](#) (May 25, 2024) (by controlling these entry points, armed groups are “hold[ing] up imports of basic food items and other necessities for a country that produces very little and relies heavily on foreign goods”); RHI News,

[“Le Programme alimentaire mondial intensifie son assistance alimentaire en Haïti face à une crise de la faim sans précédent”](#) (Apr. 11, 2024) (reporting that the closures put the WFP at risk of “run[ning] out of food stocks by the end of April”); Matt Rivers, *With ports closed and an already existing hunger crisis, Haiti is running out of time: Reporter’s notebook*, ABC News (Mar. 20, 2024), <https://abcnews.go.com/International/ports-closed-existing-hunger-crisis-haiti-running-time/story?id=108316135> (“With the ports shut down, there is now real concern that Port-au-Prince could actually run out of food and other essential supplies in the next two weeks.”); Roberson Alphonse, *Closure of Port and Airport: Port-au-Prince Under Imminent Threat of “All-Out Shortage*, Le Nouvelliste (Mar. 22, 2024), <https://www.lenouvelliste.com/en/article/247352/closure-of-port-and-airport-port-au-prince-under-imminent-threat-of-all-out-shortage>. See also BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 58; RHI News, *Haïti : Deux tiers des ménages de Port-au-Prince souffrent de malnutrition, selon une étude du PAM* (May 27, 2024).

<sup>420</sup> See Stéphanie Rigaud, *Abandoned fields, soaring hunger: Gang violence hits Haiti’s countryside*, WFP (Mar. 15, 2024), <https://www.wfp.org/stories/abandoned-fields-soaring-hunger-gang-violence-hits-haitis-countryside>; UN News, *Explainer: Feeding Haiti in times of crisis* (Apr. 1, 2024); Haiti Libre, *3,000 hectares of rice cultivation abandoned due to insecurity* (Apr. 19, 2024), <https://www.haitilibre.com/en/news-42151-haiti-agriculture-3-000-hectares-of-rice-cultivation-abandoned-due-to-insecurity.html>; WFP, *New IPC data confirms record levels of hunger in Haiti* (Mar. 22, 2024). See also *supra* notes 344-347.

<sup>421</sup> The *Madan Sara* – women who travel across the country to buy and sell food – are essential to food distribution. Jennifer Vansteenkiste, *Gender in the World Food Economy: Inequitable Transformation of Haiti’s Food Economy*, 7 *Front. Commun.* (2022), <https://www.frontiersin.org/articles/10.3389/fcomm.2022.755994/full>; Régine Jean-Charles, *Ms. Magazine: “Madan Sara” Tells The Story Of Haitian Women Both Ordinary And Extraordinary*, *Madan Sara* (Feb. 28, 2021), <https://www.madansarafilm.com/blog>.

<sup>422</sup> See BINUH, *Quarterly Report on the Human Rights Situation in Haiti, October – December 2023* (Feb. 1, 2024), p. 6 (reporting on the kidnapping and rape of 17 *Madan Sara* on their way to a local market); BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 34; Annesteus, *Haiti’s gang violence disproportionately hurts women and girls* (Mar. 15, 2024).

<sup>423</sup> See IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, June through November 2023* (Dec. 2023), p. 8. See also *infra* note 511.

<sup>424</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 26; HRW, *Haiti: Events of 2023* (2024) (noting that, prior to the closure, Haiti “imported at least 25 percent of its food, as well as medical supplies, from its neighbor”).

<sup>425</sup> See, e.g., Festile & Aduel, *Another foreign intervention will not solve the crisis in Haiti* (Apr. 22, 2024) (“[R]ural communities, which have been the backbone of Haiti’s agrarian economy. . . . have long faced neglect by those in power, receiving little support for their agricultural activities and struggling with limited basic services – whether it is water and electricity or health and education.”).

<sup>426</sup> Festile & Aduel, *Another foreign intervention will not solve the crisis in Haiti* (Apr. 22, 2024); Sandra C. Wisner, *Starved for Justice: International Complicity in Systematic Violations of the Right to Food in Haiti*, *Columbia Hum. Rights L. Rev. Online* (May 10, 2022), <https://hrllr.law.columbia.edu/hrllr-online/starved-for-justice-international-complicity-in-systematic-violations-of-the-right-to-food-in-haiti/>.

<sup>427</sup> See Center for Disaster Philanthropy, *Haiti Humanitarian Crisis* (Apr. 29, 2024), <https://disasterphilanthropy.org/disasters/haiti-humanitarian-crisis/>; Save the Children, *Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence* (Apr. 24, 2024); RHI News, *“Le Programme alimentaire mondial intensifie son assistance alimentaire en Haïti face à une crise de la faim sans précédent”* (Apr. 11, 2024). See also *infra* notes 582-586.

<sup>428</sup> ACAPS, *Haiti: A deep dive into the food security crisis* (Aug. 2, 2023), [https://www.acaps.org/fileadmin/Data\\_Product/Main\\_media/20230802\\_ACAPS\\_Thematic\\_report\\_Haiti\\_a\\_deep\\_dive\\_into\\_the\\_food\\_security\\_crisis.pdf](https://www.acaps.org/fileadmin/Data_Product/Main_media/20230802_ACAPS_Thematic_report_Haiti_a_deep_dive_into_the_food_security_crisis.pdf) (natural hazards such as earthquakes, droughts, and torrential rains have progressively increased the number of people needing food assistance since 2020); BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 63; WFP, *New IPC data confirms record levels of hunger in Haiti* (Mar. 22, 2024); Banque de la République d’Haïti, *Note Sur La Politique Monétaire, 4<sup>e</sup> trimestre de l’exercice fiscal 2022-2023*, p. 5 (Sep. 2023), [https://www.brh.ht/wp-content/uploads/Note-sur-la-Politique-Monetaire-Juillet\\_sept-2023\\_derniere-version.pdf](https://www.brh.ht/wp-content/uploads/Note-sur-la-Politique-Monetaire-Juillet_sept-2023_derniere-version.pdf).

<sup>429</sup> See Adams & Robles, *Haiti’s Hospitals Survived Cholera and Covid. Gangs Are Closing Them*. (Mar. 17, 2024); Smith, *“Living Day by Day.” Health Staff in Haiti Keep Hospital Doors Open as Violence Continues* (Apr. 1, 2024); Ari Daniel, *Haiti’s chaos puts both patients and health-care workers at risk*, NPR (Mar. 15, 2024), <https://www.npr.org/sections/goatsandsoda/2024/03/15/1238778301/this-is-not-a-time-to-get-sick-says-a-doctor-in-haiti-on-the-health-care-crisis> (“It’s not uncommon for people to inform gangs of the whereabouts of health workers. Sometimes, ‘a patient might set up an appointment with the doctor,’ . . . but it’s a trap.”); Claudy Junior Pierre, *Hospitals on Maximum Alert*, Le Nouvelliste (Feb. 29, 2024), <https://lenouvelliste.com/en/article/247018/hospitals-on-maximum-alert>. See also Jean Daniel Sénat, *Gang-Driven Destruction of Medical Sector Persists*, Le Nouvelliste (Mar. 26, 2024), <https://lenouvelliste.com/en/article/247411/gang-driven-destruction-of-medical-sector-persists> (reporting that armed groups have attacked and set on fire five pharmacies in Port-au-Prince); Jacqueline Charles,



*Haiti's health sector is on life support as doctors and nurses flee gang violence*, Miami Herald (Mar. 31, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article287239090.html>.

<sup>430</sup> Coto, *Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut* (Apr. 23, 2024); Adrien, *I'm a doctor in Haiti. Crisis may be death sentence for many with health problems* (Apr. 22, 2024).

<sup>431</sup> BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 27; Gabe Gutierrez & Erika Angulo, *Haitian hospital reopens after deadly confrontation*, NBC News (Mar. 11, 2024), <https://www.nbcnews.com/news/world/haitian-hospital-reopens-deadly-confrontation-gang-rcna142859>.

<sup>432</sup> Adams & Robles, *Haiti's Hospitals Survived Cholera and Covid. Gangs Are Closing Them*. (Mar. 17, 2024); Charles, *Haiti's health sector is on life support as doctors and nurses flee gang violence* (Mar. 31, 2024) (“[M]ore than 30 public and private health facilities in the capital [have been] forced to close either because of threats or destruction, according to Haiti’s Health Ministry.”); BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 62 (“A total of 18 health institutions are no longer operating in the capital region, as they are located in areas affected by armed gangs. . . . The same applies to certain regions of Artibonite, where gang violence has prevented the functioning of more than 10 health institutions.”); PAHO, *Hopital Universitaire La Paix: A Beacon of resilience in the heart of crisis* (May 14, 2024), <https://www.paho.org/en/news/14-5-2024-hopital-universitaire-paix-beacon-resilience-heart-crisis> (reporting an estimated 39% of in-patient health facilities in the Port-au-Prince metropolitan area closed between April and May); Claudy Junior Pierre, *What to Do If You Fall Ill in Croix-des-Bouquets?*, Le Nouvelliste (Apr. 11, 2024), <https://lenouvelliste.com/en/article/247634/what-to-do-if-you-fall-ill-in-croix-des-bouquets> (reporting that 15 clinics in Croix-des-Bouquets have been out of service since February 29 while others have been closed for years, leaving the area with only one for emergency medical care); Claudy Junior Pierre, *Over 18 Healthcare Facilities Non-Operational in Port-au-Prince Metro Zone*, Le Nouvelliste (Mar. 21, 2024), <https://www.lenouvelliste.com/en/article/247335/over-18-healthcare-facilities-non-operational-in-port-au-prince-metro-zone>; Odigène, *Vanishing State Presence in Croix-des-Bouquets and Surrounding Western Municipalities* (Apr. 5, 2024) (reporting that hospital centers in Croix-des-Bouquets are “occupied by gang members or are simply abandoned”); Coto, *Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut* (Apr. 23, 2024) (“Despite the pressing need for medical care, the Doctors Without Borders hospital in Cité Soleil has been forced to cut the number of outpatients it treats daily from 150 to 50.”); BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶ 38; OCHA, *Haiti Emergency Situation Report No. 24 (as of 23 May 2024)* (May 23, 2024), <https://reliefweb.int/report/haiti/haiti-emergency-situation-report-no-24-23-may-2024> (reporting that just 20% of health facilities in Port-au-Prince are functioning normally). See also PAHO, *Haiti Humanitarian Crisis - Grade 3* (Apr. 1, 2024), <https://www.paho.org/en/haiti-humanitarian-crisis-grade-3> (reporting that the National Ambulance Center closed for three days in March due to violence in the area); BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 27 (“Other ambulances have been attacked while transporting patients outside hotspot areas, and cases were reported to OHCHR of children and women patients who succumbed to gunshot wounds resulting from these attacks.”).

<sup>433</sup> Adams & Robles, *Haiti's Hospitals Survived Cholera and Covid. Gangs Are Closing Them*. (Mar. 17, 2024); Coto, *Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut* (Apr. 23, 2024) (“[T]he Hospital of the State University of Haiti was supposed to reopen on April 1 after closing when the attack began, but gangs have infiltrated it.”).

<sup>434</sup> Adams & Robles, *Haiti's Hospitals Survived Cholera and Covid. Gangs Are Closing Them*. (Mar. 17, 2024) (“The bandits looted, vandalized and turned everything upside down.”).

<sup>435</sup> PAHO, *Hopital Universitaire La Paix: A Beacon of resilience in the heart of crisis* (May 14, 2024).

<sup>436</sup> See, e.g., News Release, International Committee of the Red Cross (ICRC), *Haiti: Influx of wounded patients exacerbates needs in hospitals* (Apr. 21, 2024), <https://www.icrc.org/en/document/haiti-influx-wounded-patients-exacerbates-needs-hospitals> (the hospital’s Executive Director reported that it received about 200 people with gunshot wounds between February 29 and April 15; “[t]he hospital is currently saturated in terms of bed occupancy with enormous needs”); Coto, *Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut* (Apr. 23, 2024) (reporting that the number of wounded people arriving at the Cité Soleil hospital has nearly tripled).

<sup>437</sup> See, e.g., Coto, *Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut* (Apr. 23, 2024); ICRC, *Haiti: Influx of wounded patients exacerbates needs in hospitals* (Apr. 21, 2024).

<sup>438</sup> See BINUH, *Situation of human rights in Haiti* (Mar. 25, 2024), ¶ 27; Coto, *Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut* (Apr. 23, 2024) (“Even if a hospital is open, sometimes there is little or no medical staff because gang violence erupts daily in Port-au-Prince, forcing doctors and nurses to stay at home or turn around if they encounter blocked roads manned by heavily armed men.”); Adrien, *I'm a doctor in Haiti. Crisis may be death sentence for many with health problems* (Apr. 22, 2024).

<sup>439</sup> See Smith, *“Living Day by Day,” Health Staff in Haiti Keep Hospital Doors Open as Violence Continues* (Apr. 1, 2024); MSF, *People cut off from vital healthcare as intense violence grips Port-au-Prince* (May 3, 2024), <https://www.msf.org/haiti-people-cut-vital-healthcare-intense-violence-grips-port-au-prince>; MSF, *Haiti: “Our health care system is falling apart!”* (Apr. 9, 2024); Charles, *Haiti's health sector is on life support as doctors and nurses flee gang violence* (Mar. 31, 2024) (“In those few instances where a facility may be open, patients often can’t get there because of gunfire or the barricades residents in the neighborhoods have erected to protect themselves from

bandits.”). See also Coto, [Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut](#) (Apr. 23, 2024) (“Scores of people line up outside the hospital each day and risk being shot by gang members who control the area as they await medical care.”); ALIMA, [In Haiti, access to health care has become a privilege](#) (Feb. 8, 2024) (“Access to patients is a challenge for all health professionals, including humanitarian workers, not only because of the lack of security but also because of the topography of the Cité Soleil district. The only road in and out of the area is a flooded path bordered by an open-air dump filled with piles of trash in stagnant, disease-carrying water.”).

<sup>440</sup> See @Radio\_Metronome, X (Mar. 17, 2024),

[https://twitter.com/Radio\\_Metronome/status/1769397888012939752](https://twitter.com/Radio_Metronome/status/1769397888012939752); Jean Junior Celestin, *Blood Shortage at National Transfusion Safety Program (PNST)*, Le Nouvelliste (Feb. 22, 2024),

<https://lenouvelliste.com/en/article/246915/blood-shortage-at-national-transfusion-safety-program-pnst>; Fenel Péliissier et al., *Haiti: hospitals overwhelmed by events*, Ayibo Post (Mar. 7, 2024), <https://ayibopost.com/haiti-hospitals-overwhelmed-by-events/>;

Smith, [“Living Day by Day.” Health Staff in Haiti Keep Hospital Doors Open as Violence Continues](#) (Apr. 1, 2024) (“Hospital Bernard Mevs ran out of oxygen and blood for a period in March but remains open.”); Daniel, [Haiti’s chaos puts both patients and health-care workers at risk](#) (Mar. 15, 2024); Coto,

[Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut](#) (Apr. 23, 2024) (“[L]ife-saving medication and equipment is dwindling or altogether absent as brutal gangs tighten their grip on the capital and beyond. They have blocked roads, forced the closure of the main international airport in early March and paralyzed operations at the country’s largest seaport, where containers filled with key supplies remain stuck.”);

Prensa Latina, *Criminal gangs hinder supply of medical oxygen in Haiti* (Feb. 13, 2024),

<https://www.plenglish.com/news/2024/02/13/criminal-gangs-hinder-supply-of-medical-oxygen-in-haiti/>; Sanon & Coto,

[Violence is battering Haiti’s fragile economy and causing food and water shortages](#) (Mar. 9, 2024); Esther Kimberly Bazile, *Daily Struggle of Haitians with Chronic Illnesses During Times of Crisis*, Le Nouvelliste (Apr. 5, 2024),

<https://www.lenouvelliste.com/en/article/247544/daily-struggle-of-haitians-with-chronic-illnesses-during-times-of-crisis> (“The medications I need are inaccessible and not manufactured in Haiti. My doctor told me that the solution to my illness is to leave the country,” confided a person with chronic inflammatory

polyradiculoneuropathy.”); Press Release, MSF, *Urgent need of medical supplies in Haiti as extreme violence isolates people in need* (May 21, 2024),

<https://www.msf.org/urgent-need-medical-supplies-haiti-extreme-violence-isolates-people-need> (“In this context, everything becomes a challenge. Even buying paper for medical reports is a big problem these days,” says Jean Baptiste Goasglas, MSF project coordinator.”); BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 38; BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 27 (“The closure of the border with the Dominican Republic exacerbated the shortage of key medical supplies.”). See also MSF, [Urgent need of medical supplies in Haiti as extreme violence isolates people in need](#) (May 21, 2024) (“The MSF hospital in Carrefour, which opened in March in response to the increased violence, was initially stocked for six months, however the hospital’s supplies have dwindled rapidly due to the surge in the number of patients.”).

<sup>441</sup> Germina Pierre Louis, *Haiti Confronts Shortage of Medicines and Medical Supplies, Pierre Hugues Saint-Jean Reports*, Le Nouvelliste (Apr. 2, 2024), <https://www.lenouvelliste.com/en/article/247450/haiti-confronts-shortage-of-medicines-and-medical-supplies-pierre-hugues-saint-jean-reports>; Charles, [Haiti’s health sector is on life support as doctors and nurses flee gang violence](#) (Mar. 31, 2024) (“Dr. Audie Metayer, who runs the dialysis treatment center at the General Hospital [said that] ‘[e]ven to find blood, you have to go look for it or the patient has to come with it.’”); Jérôme Wendy Norestyl, *More than a thousand HIV-positive patients without medication in P-au-P*, AyiboPost (May 1, 2024), <https://ayibopost.com/more-than-a-thousand-hiv-positive-patients-without-medication-in-p-au-p/>. See also Smith, [“Living Day by Day.” Health Staff in Haiti Keep Hospital Doors Open as Violence Continues](#) (Apr. 1, 2024) (“[P]harmaceutical and supplement costs have also increased dramatically.”).

<sup>442</sup> Coto, [Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut](#) (Apr. 23, 2024).

<sup>443</sup> Smith, [“Living Day by Day.” Health Staff in Haiti Keep Hospital Doors Open as Violence Continues](#) (Apr. 1, 2024). See also Daniel, [Haiti’s chaos puts both patients and health-care workers at risk](#) (Mar. 15, 2024) (“The state of health care is particularly bad in the cities because that’s where most of the gangs are entrenched. But it’s a nationwide issue.”).

<sup>444</sup> Daniel, [Haiti’s chaos puts both patients and health-care workers at risk](#) (Mar. 15, 2024); @UNOPS, X (Feb. 25, 2024), <https://twitter.com/UNOPS/status/1761829666120441929> (“In Haiti, frequent power outages & fuel shortages can paralyze health facilities.”).

<sup>445</sup> Adams & Robles, [Haiti’s Hospitals Survived Cholera and Covid. Gangs Are Closing Them](#). (Mar. 17, 2024); Coto, [Haiti health system nears collapse as medicine dwindles, gangs attack hospitals and ports stay shut](#) (Apr. 23, 2024); ICRC, [Haiti: Influx of wounded patients exacerbates needs in hospitals](#) (Apr. 21, 2024). See also *supra* notes 384-387.

<sup>446</sup> See World Health Organization, *Health Emergency Appeal* (2024), [https://cdn.who.int/media/docs/default-source/documents/emergencies/2024-appeals/haiti---who-2024-health-emergency-appeal.pdf?sfvrsn=b443e237\\_1&download=true](https://cdn.who.int/media/docs/default-source/documents/emergencies/2024-appeals/haiti---who-2024-health-emergency-appeal.pdf?sfvrsn=b443e237_1&download=true).

<sup>447</sup> Adams & Robles, [Haiti’s Hospitals Survived Cholera and Covid. Gangs Are Closing Them](#). (Mar. 17, 2024); Charles, [Haiti’s health sector is on life support as doctors and nurses flee gang violence](#) (Mar. 31, 2024); MSF, [Haiti: “Our health care system is falling apart”](#) (Apr. 9, 2024).

<sup>448</sup> ICRC, [Haiti: Influx of wounded patients exacerbates needs in hospitals](#) (Apr. 21, 2024); MSF, [New survey reveals extreme levels of violence in Port-au-Prince](#) (Mar. 7, 2024). See also *infra* note 456.

<sup>449</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 20; OHCHR, [Women and girls bear the brunt of crisis ravaging Haiti, say UN experts](#) (May 6, 2024); MSF, [Haiti: "Our health care system is falling apart"](#) (Apr. 9, 2024); Chéry, [Strangers: Displaced Haitians from capital try to adapt to province life](#) (Apr. 5, 2024); UN, [First Person: 'I no longer amount to anything' – Voices of the displaced in Haiti](#) (Apr. 14, 2024) (Speaking with an IOM worker, a farmer who was displaced with his community said “they have lost their way of life. . . . They are now living in a site for displaced people with people they do not know, with little access to water and proper sanitation and the same food every day.” The farmer said “that he is not the person that he once was, that he has lost his identity, which he said was all he possessed in the world. He said he no longer amounts to anything.”).

<sup>450</sup> Coto, [Violence is traumatizing Haitian kids. Now the country's breaking a taboo on mental health services](#) (May 13, 2024); BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 20; AlterPresse, [Haïti-Violences des gangs armés : Des cas de tendances suicidaires de plus en plus révélés chez les personnes déplacées, signale l'Oim](#) (Apr. 10, 2024), <https://www.alterpresse.org/spip.php?article30294> (reporting that a 12-year-old boy committed suicide on April 7); UN, [Getting children back to school in deadly gang-ravaged Haiti](#) (Apr. 7, 2024). The violence has taken its toll on parents too, many of whom reportedly “feel so overwhelmed they are disconnected from their children’s needs.” Coto, [Violence is traumatizing Haitian kids. Now the country's breaking a taboo on mental health services](#) (May 13, 2024).

<sup>451</sup> Save the Children, [Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence](#) (Apr. 24, 2024); Hu et al., [Gangs rule Haiti's capital. Some say they're ready to overthrow the government too](#) (Mar. 5, 2024).

<sup>452</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti, October – December 2023](#) (Feb. 1, 2024), p. 6; BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 8; UNICEF, [Violence drives Haiti's children into armed groups; up to half of all members are now children](#) (May 31, 2024) (UNICEF Executive Director Catherine Russell says that what children who are coerced into joining armed groups “have in common is a loss of innocence and the connection to their communities.”). See also *supra* note 329.

<sup>453</sup> See BAI et al., [Update on Widespread Sexual Violence against Women and Girls in Haiti](#) (Feb. 26, 2024), p. 12; Juhakenson Blaise, [Mental health crisis in Haiti: The unseen impact of gang violence and insecurity](#), *Haitian Times* (Mar. 18, 2024), <https://haitiantimes.com/2024/03/18/haiti-mental-health-crisis-haiti-gang-violence/>; IRC, [Haitian women and girls bear the brunt of the escalating violence, warns IRC during 16 Days of Activism against Gender-Based Violence campaign](#) (Dec. 4, 2023), <https://www.rescue.org/press-release/haitian-women-and-girls-bear-brunt-escalating-violence-warns-irc-during-16-days> (“Nathalie Eleonor Vilgrain, General Coordinator for [Haitian feminist organization] MARIJAN . . . said: ‘Women and girls are faced with an inhuman social reality. In marginalized neighborhoods, they are exposed to physical and psychological violence; beatings, intimidation, gang rape and murder are just some of the methods gangs use to establish their domination, and force women and girls into total submission.’”).

<sup>454</sup> See AlterPresse, [Haïti-Violences des gangs armés : Des cas de tendances suicidaires de plus en plus révélés chez les personnes déplacées, signale l'Oim](#) (Apr. 10, 2024); Coto, [Violence is traumatizing Haitian kids. Now the country's breaking a taboo on mental health services](#) (May 13, 2024); UN, [Getting children back to school in deadly gang-ravaged Haiti](#) (Apr. 7, 2024).

<sup>455</sup> See BAI et al., [Update on Widespread Sexual Violence against Women and Girls in Haiti](#) (Feb. 26, 2024), p. 12 (“There are only approximately 300 mental care providers in a country of 11 million. More generally, the de facto government’s failure to provide survivors with psychological support programs reflects its policies that trivialize and dehumanize Haitian lives.”); Mérancourt & Coletta, [‘Collective rapes’ surge as weapon in Haiti's gang war](#) (Jan. 29, 2024) (“Few groups are able to provide specialized psychological care, and private options are costly.”).

<sup>456</sup> MSF, [Haiti: "Our health care system is falling apart"](#) (Apr. 9, 2024); MSF, [New survey reveals extreme levels of violence in Port-au-Prince](#) (Mar. 7, 2024) (“‘When you’re the father of a family and you see a two-year-old girl arriving with a bullet wound, it’s really shocking,’ says an MSF staff member working in Haiti. ‘It’s shocking to see schoolchildren, who have nothing to do with the gangs, be shot at and have bullets in their bodies.’”); Zea, [In Haiti, sexual violence is devastating women and girls](#) (Jan. 18, 2024) (Co-founder of Haitian feminist organization *Nègès Mawon* Pascale Solages “said that finding people to work with her is difficult. ‘Many have reported psychological problems or leave shortly after they start, because the work is too hard.’”). See also Charles, [Haiti's health sector is on life support as doctors and nurses flee gang violence](#) (Mar. 31, 2024) (reporting that medical residents are frustrated and questioning why they are trying to provide support “when there is nowhere to send a patient, no medicine to give, and not even a way to help relieve people’s pain”).

<sup>457</sup> Pooja Bhatia, [Deadly Strain](#), *The Baffler* (Nov. 2023), <https://thebaffler.com/outbursts/deadly-strain-bhatia>.

<sup>458</sup> See UN, [Cholera cases soar globally; Malawi, Haiti deadliest outbreaks, WHO reports](#) (Jan. 16, 2024); PAHO, [Haiti Humanitarian Crisis - Grade 3](#) (Apr. 1, 2024).

<sup>459</sup> PAHO, [Epidemiological update: Cholera in the Region of the Americas](#) (Apr. 26, 2024), <https://reliefweb.int/report/haiti/epidemiological-update-cholera-region-americas-26-april-2024>.

<sup>460</sup> BINUH, [Report of the Secretary-General](#) (Jan. 15, 2024), ¶ 66. In March, PAHO reported that 47% of suspected cases are female and 61% are aged 29 years or younger, while age groups 1-4 (18.2%) and 5-9 (14.6%) are most

affected among the 4,383 confirmed cases. PAHO, [Cholera Outbreak in Haiti: Situation Report 8](#) (Mar. 13, 2024), p. 1.

<sup>461</sup> PAHO, [Cholera Outbreak in Haiti: Situation Report 8](#) (Mar. 13, 2024), p. 1.

<sup>462</sup> Reuters, [WHO warns that cholera outbreak could flare up again in Haiti](#) (Mar. 21, 2024), <https://www.reuters.com/business/healthcare-pharmaceuticals/who-warns-that-cholera-could-flare-up-again-haiti-2024-03-21/>.

<sup>463</sup> OCHA, [Haiti Emergency Situation Report No. 24 \(as of 23 May 2024\)](#) (May 23, 2024). See also *supra* notes 109-110.

<sup>464</sup> See HI, [Haiti: responding to a cholera outbreak in a context of acute crisis](#) (Jan. 22, 2024), <https://www.hi.org/en/news/haiti-responding-to-a-cholera-outbreak-in-a-context-of-acute-crisis> (reporting that cholera is mainly caused by inadequate sanitation, overcrowding and insufficient access to clean drinking water); UN, [Cholera cases soar globally: Malawi, Haiti deadliest outbreaks, WHO reports](#) (Jan. 16, 2024); Haitian Christian Outreach, [Cholera in Haiti](#) (Mar. 22, 2024), <https://haitianchristian.org/cholera-in-haiti-world-water-day-2024/> (“A lack of sanitation infrastructure means that harmful bacteria make their way into the drinking water. While there haven’t been any significant studies on water and sanitation in Haiti since 2020, it’s easy to see how a string of natural disasters and the ongoing political/gang crisis will not have made things better.”). See also *supra* notes 397-398.

<sup>465</sup> PAHO, [Haiti Humanitarian Crisis - Grade 3](#) (Apr. 1, 2024) (“[H]igh levels of insecurity are negatively impacting cholera response and case reporting.”).

<sup>466</sup> See Michelson Césaire, J.B. Damier, [Haiti’s Oldest Vocational School, Vandalized in Downtown Port-au-Prince](#), Le Nouvelliste (Apr. 11, 2024), <https://lenouvelliste.com/en/article/247638/jb-damier-haitis-oldest-vocational-school-vandalized-in-downtown-port-au-prince> (reporting that armed individuals looted and set fire to the J.B. Damier vocation school in Port-au-Prince in April); Jonasson Odigène, [Petit Séminaire Collège Saint Martial Announces Suspension of Academic Activities](#), Le Nouvelliste (Apr. 8, 2024), <https://www.lenouvelliste.com/en/article/247572/petit-seminaire-college-saint-martial-announces-suspension-of-academic-activities> (reporting that Petit Séminaire Collège Saint Martial, a Catholic school in Port-au-Prince, was set on fire and looted during an assault by armed individuals, forcing it to indefinitely suspend activities; other schools in the capital were also attacked in March); Jonasson Odigène, [La reprise des cours à l’UEH en attente d’un plan de contingence](#), Le Nouvelliste (May 28, 2024), <https://lenouvelliste.com/en/article/248377/translate-into-english-and-provide-5-alternatives-for-this-press-article-title> (reporting that at least six faculties of the State University of Haiti have been attacked by armed groups since February 29); Haiti Libre, [Haiti - Security : The École Normale Supérieure in the downtown set on fire](#) (Apr. 2, 2024), <https://www.haitilibre.com/en/news-42026-haiti-security-the-ecole-normale-superieure-in-the-downtown-set-on-fire.html> (reporting that armed individuals attacked the École Normale Supérieure at the State University of Haiti in Port-au-Prince, burning down at least six classrooms); UNICEF, [UNICEF condemns school arson by armed groups in downtown Port-au-Prince](#) (Mar. 27, 2024) (reporting that armed individuals set fire to 23 classrooms at a school in Port-au-Prince); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 9 (reporting that armed groups vandalized at least three schools in Port-au-Prince at the end of March); RNDDH, [A catastrophic human rights situation from January to March 2024: RNDDH alerts the public](#) (Apr. 10, 2024), ¶ 107 (reporting that armed individuals vandalized a school for children with learning disabilities). See also Charles, [Haiti’s oldest newspaper forced to stop printing after armed gangs attack premises](#) (Apr. 29, 2024) (“In the last two months universities, training schools and the National Library of Haiti, where rare historic books and manuscripts are stored, have all been vandalized or destroyed.”).

<sup>467</sup> @Radio\_Metronome, X (Mar. 18, 2024), [https://twitter.com/Radio\\_Metronome/status/1769897681311142313](https://twitter.com/Radio_Metronome/status/1769897681311142313) (reporting that school activities are at a standstill in the Port-au-Prince metropolitan area but have resumed in provincial towns); UN, [Getting children back to school in deadly gang-ravaged Haiti](#) (Apr. 7, 2024). But see Valéry Félix, [Violence Rumors Stall School Resumption in Northeastern Towns](#), Le Nouvelliste (Feb. 19, 2024), <https://lenouvelliste.com/en/article/246850/violence-rumors-stall-school-resumption-in-northeastern-towns> (reporting that some schools in the North-East Department were forced to close during anti-government demonstrations in February).

<sup>468</sup> UNICEF, [UNICEF condemns school arson by armed groups in downtown Port-au-Prince](#) (Mar. 27, 2024); AlterPresse, [Crise : Fermeture de plus d’un millier d’écoles en Haïti, à cause de la terreur des gangs, alerte la Cojhit](#) (Feb. 1, 2024), <https://www.alterpresse.org/spip.php?article30049> (reporting that over 1,000 public and private schools had closed due to the insecurity).

<sup>469</sup> Blaise, [Students timidly return to schools in Haiti’s capital amid apparent calm](#) (May 10, 2024). See also Odigène, [La reprise des cours à l’UEH en attente d’un plan de contingence](#) (May 28, 2024) (reporting that the State University of Haiti has been closed for three months due to attacks by armed groups against six of its faculties; only one has resumed operation, virtually).

<sup>470</sup> Blaise, [Students timidly return to schools in Haiti’s capital amid apparent calm](#) (May 10, 2024).

<sup>471</sup> See, e.g., AlterPresse, [Haïti-Criminalité: Les activités scolaires et commerciales toujours paralysées à Carrefour](#) (Apr. 22, 2024), <https://www.alterpresse.org/spip.php?article30341>.

<sup>472</sup> BINUH, [Situation of human rights in Haiti](#) (Mar. 25, 2024), ¶ 28 (including 178 schools that operate intermittently and over 100 that have closed completely; 30 of those have been destroyed and 16 have been “entirely ransacked”).

<sup>473</sup> IOM, [Haiti — Update on the displacement situation in sites of the Metropolitan Area of Port-au-Prince \(as of 20 April 2024\)](#) (Apr. 23, 2024). See also UN, [Getting children back to school in deadly gang-ravaged Haiti](#) (Apr. 7, 2024) (“Each classroom turned into a temporary home for multiple families. Playgrounds became tented shelters. Gymnasiums were transformed into open dormitories for those seeking safety.”).

<sup>474</sup> UN, [Getting children back to school in deadly gang-ravaged Haiti](#) (Apr. 7, 2024).

<sup>475</sup> UN, [Getting children back to school in deadly gang-ravaged Haiti](#) (Apr. 7, 2024).

<sup>476</sup> See AlterPresse, *Crise: Fermeture de plus d’un millier d’écoles en Haïti, à cause de la terreur des gangs, alerte la Cожit* (Feb. 1, 2024), <https://www.alterpresse.org/spip.php?article30049>; Blaise, [Students timidly return to schools in Haiti’s capital amid apparent calm](#) (May 10, 2024). See also BINUH, [Report of the Secretary-General \(Apr. 16, 2024\)](#), ¶ 33 (reporting that armed groups have killed children while on their way to school); BINUH, [Quarterly Report on the Human Rights Situation in Haiti, January – March 2024](#) (Apr. 19, 2024), p. 6.

<sup>477</sup> UNICEF, [Haiti: Armed violence against schools increases nine-fold in one year](#) (Feb. 9, 2023); Coto, [Violence is traumatizing Haitian kids. Now the country’s breaking a taboo on mental health services](#) (May 13, 2024) (A school director in Port-au-Prince reported that many children “would fall asleep in class, unable to focus after sleepless nights punctuated by gunfire. Others had more important things on their mind. ‘It’s hard to focus at school or focus on playing a game when the rest of your body is worried about whether your mom and dad are going to be alive when you get home from school,’ said Steve Gross, founder of the U.S. nonprofit Life is Good Playmaker Project.”). See also *supra* notes 450-452.

<sup>478</sup> See @nouvelliste, X (Feb. 27, 2024), <https://twitter.com/nouveliste/status/1762540294791155863> (“The low allocation of 1.1% of GDP to education in Haiti highlights the lack of public investment.”); AlterPresse, *Éducation: Cri d’alarme de la Cneh face à une éventuelle pénurie d’enseignants en Haïti* (Oct. 5, 2023), <https://www.alterpresse.org/spip.php?article29736> (reporting that only 10% of the 2023-2024 national budget is allocated to education, down from 18% in 2014, in contravention of a national education pact to allocate at least 35% of the national budget or 8% of the GDP to education). See also @radiomagik9, X (Apr. 18, 2024), <https://x.com/radiomagik9/status/1780951224021320107> (the rector of the public university of Grand’Anse reported that the university has received no funds from the state since the start of the school year).

<sup>479</sup> Georges Wilbert Franck, *Haiti: Society and education communities in the grip of chaos*, Worlds of Education (Mar. 20, 2024), <https://www.ei-ie.org/en/item/27297:haiti-society-and-education-communities-in-the-grip-of-chaos>.

<sup>480</sup> See teleSUR, *Haiti: Education is a Luxury That Many Parents Cannot Afford* (Feb. 28, 2024), <https://www.telesurenglish.net/news/Haiti-Education-is-a-Luxury-That-Many-Parents-Cannot-Afford-20240228-0012.html>; Peleg Charles, *“One day I will be...” - School attendance and a keen interest in learning are priorities for many young Haitians*, World Bank (Nov. 15, 2023), <https://www.worldbank.org/en/news/feature/2023/11/15/school-attendance-and-a-keen-interest-in-learning-are-priorities-for-many-young-haitians> (“[M]ore than 250,000 children aged 6–11 and about 65,000 youth aged 12–14 are not enrolled in school for financial or other reasons.”); Jusly Felix, *For Haiti’s Teachers and Students, Last School Year Was One of the Worst in Memory*, Global Press Journal (Mar. 1, 2024), <https://globalpressjournal.com/americas/haiti/haitis-teachers-students-last-school-year-one-worst-memory/>. See also Sarah Donaldson, *Haiti unrest forces DeWine’s tuition-free schools to close doors*, Statehouse News Bureau (Mar. 22, 2024), <https://www.stateneews.org/government-politics/2024-03-22/haiti-unrest-forces-dewines-tuition-free-schools-to-close-doors> (reporting that violence in March forced a network of schools offering tuition-free education to over 10,000 students to close).

<sup>481</sup> See UN, [Getting children back to school in deadly gang-ravaged Haiti](#) (Apr. 7, 2024); Education International, *Haiti: Education keeps hope alive amidst the chaos* (May 2, 2024), <https://www.ei-ie.org/en/item/28501:haiti-education-keeps-hope-alive-amidst-the-chaos>.

<sup>482</sup> Felix, [For Haiti’s Teachers and Students, Last School Year Was One of the Worst in Memory](#) (Mar. 1, 2024).

<sup>483</sup> See Jean-Claude Brizard, *In Haiti, a bold project for education is delivering results*, World Economic Forum (May 1, 2024), <https://www.weforum.org/agenda/2024/05/haiti-education/>; Felix, [For Haiti’s Teachers and Students, Last School Year Was One of the Worst in Memory](#) (Mar. 1, 2024); teleSUR, [Haiti: Education is a Luxury That Many Parents Cannot Afford](#) (Feb. 28, 2024) (“85 percent of Haitian teachers did not receive any training in the teaching profession, and 30 percent have less than a ninth year of basic education.”).

<sup>484</sup> IOM, [Haitians Face Deepening Crisis as Siege in Port-au-Prince Stretches on](#) (Apr. 4, 2024).

<sup>485</sup> See Martín Adames Alcántara & Megan Janetsky, *Haiti’s crisis rises to the forefront of elections in neighboring Dominican Republic*, AP News (May 16, 2024), <https://apnews.com/article/dominican-republic-election-migration-haiti-90195a0af8a9becd201cf8a2c964f2e3>; Amnesty International, *Dominican Republic: Authorities must end de facto racist migration policies* (Apr. 2, 2024), <https://www.amnesty.org/en/latest/news/2024/04/dominican-republic-must-stop-racist-immigration-policies/>.

<sup>486</sup> See, e.g., Valéry Félix, *Over 7,000 Haitians Returned from the Dominican Republic to Ouanaminthe in Two Months*, Le Nouvelliste (Apr. 2, 2024), <https://www.lenouveliste.com/en/article/247492/ouanaminthe-plus-de-7-000-haitiens-rapatries-de-la-republique-dominicaine-en-deux-mois>; Jacqueline Charles, *Biden administration*

resumes deportation flights to Haiti amid ongoing violence, Miami Herald (Apr. 18, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article287796370.html>.

<sup>487</sup> Jean Daniel Sénat, *Les étrangers fuient Port-au-Prince*, Le Nouvelliste (Apr. 1, 2024), <https://www.lenouvelliste.com/article/247462/les-etrangiers-fuient-port-au-prince>.

<sup>488</sup> See Jonasson Odigène, *Attaque contre des institutions d'enseignement : le ReNES interpelle sur une «volonté affirmée de mise à mort de l'intelligence haïtienne»*, Le Nouvelliste (Apr. 5, 2024), <https://www.lenouvelliste.com/article/247552/attaque-contre-des-institutions-d-enseignement-le-renes-interpelle-sur-une-volonte-affirmee-de-mise-a-mort-de-lintelligence-haitienne>; Charles, *Haiti's health sector is on life support as doctors and nurses flee gang violence* (Mar. 31, 2024) (the Secretary-General of the Haitian Medical Association called the emigration of doctors a “brain drain” with huge consequences for Haiti).

<sup>489</sup> See, e.g., Haiti Libre, *Haiti Social: 45,628 Haitians braved death by crossing the Darién Jungle in 2023* (Dec. 28, 2023), <https://www.haitilibre.com/en/news-41306-haiti-social-45-628-haitians-braved-death-by-crossing-the-darien-jungle-in-2023.html> (reporting that, in 2023, “45,628 Haitians (including nearly 9,000 boys, girls and adolescents) braved death by crossing the jungle of the Darién Gap from Colombia to Panama, an essential passage to continue their route north in the hope of reaching Mexico, the United States or Canada in search of better living conditions,” during which they face wild animals, dangerous rivers, attacks, robberies, and rape); UNHCR, *Press Release, UNHCR issues new guidance on international refugee protection for Haitians* (Mar. 20, 2024), <https://www.unhcr.org/news/press-releases/unhcr-issues-new-guidance-international-refugee-protection-haitians> (observing “a concerning trend of Haitians undertaking dangerous journeys across continental America and the Caribbean, where sea voyages pose heightened risks”).

<sup>490</sup> IRC, *Crises in Ecuador and Haiti will shape migration in Latin America in 2024: IRC* (Feb. 14, 2024), <https://www.rescue.org/press-release/crises-ecuador-and-haiti-will-shape-migration-latin-america-2024-irc>; Kimberly Leonard, *Florida braces for surge in Haitian migrants amid humanitarian crisis*, Politico (Mar. 13, 2024), <https://www.politico.com/news/2024/03/13/florida-haiti-migrants-desantis-00146694>; IOM, *Haitians Face Deepening Crisis as Siege in Port-au-Prince Stretches on* (Apr. 4, 2024) (“The lack of economic opportunities, coupled with a collapsing health system and shuttered schools, casts a shadow of despair, driving many to contemplate migration as their sole viable recourse.”). See also BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 39 (“The Office of the United Nations High Commissioner for Refugees (UNHCR) has observed an increase in the numbers of Haitian nationals seeking guidance on how to apply for asylum and/or to request essential services, such as humanitarian assistance.”); CRS, *Haiti: Recent Developments and U.S. Policy* (Feb. 1, 2024), p. 19 (Haiti represented the largest source of asylum seekers in Mexico in 2023, with approximately 44,200 Haitians requesting asylum).

<sup>491</sup> UNSC, *Report of the United Nations Office on Drugs and Crime pursuant to paragraph 9 of Security Council resolution 2692 (2023)*, ¶ 25 (Apr. 15, 2024), <https://undocs.org/Home/Mobile?FinalSymbol=S%2F2024%2F320&Language=E&DeviceType=Desktop&LangRequested=False>.

<sup>492</sup> These numbers are likely to be even higher in 2024: U.S. Customs and Border Protection (CBP) encountered 82,977 Haitians from January to April, compared with 52,019 during that same period in 2023. CBP, *Nationwide Encounters*, <https://www.cbp.gov/newsroom/stats/nationwide-encounters> (last visited Jun. 12, 2024).

<sup>493</sup> U.S. Department of State, *2023 Trafficking in Persons Report: Haiti* (2023) (“Haitian maritime migrants were disproportionately impoverished and highly vulnerable to migrant smugglers and traffickers, who charge migrants exorbitant fees for passage to Florida or Puerto Rico across Cuban, Bahamian, Dominican, and international waters, often under false pretenses to exploit them.”); Juan Miguel Hernández Bonilla, *‘We are in hell’: Thousands of migrants stranded on the beaches of northern Colombia, waiting for a boat to reach the Darién jungle*, El País (Mar. 5, 2024), <https://english.elpais.com/international/2024-03-05/we-are-in-hell-thousands-of-migrants-stranded-on-the-beaches-of-northern-colombia-waiting-for-a-boat-to-reach-the-darien-jungle.html>; Seth Freed Wessler, *The Border Where Different Rules Apply*, NY Times (Dec. 6, 2023), <https://www.nytimes.com/2023/12/06/magazine/us-coast-guard-children-detained.html>. See also BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 39 (“The number of Haitians entering Honduras heading for the United States and Canada from July to October 2023 increased 23-fold (from 1,550 people in July to 35,500 people in October, according to UNHCR). The sharp increase is related mainly to direct flights from Haiti to Nicaragua, halted by the Government of Haiti on 30 October, where human trafficking was also suspected.”).

<sup>494</sup> See, e.g., IOM, *Haitians Face Deepening Crisis as Siege in Port-au-Prince Stretches on* (Apr. 4, 2024); BINUH, *Report of the Secretary-General* (Jan. 15, 2024), ¶ 39 (reporting “[t]he forced return of 406 Haitians from the United States, 596 from the Bahamas and 1,649 from the Turks and Caicos Islands since July 2023. . . . [and] the return of 505 Haitian nationals from Cuba, Jamaica and Türkiye”); Haiti Libre, *Haiti - Bahamas / Turkish Islands : More than 300 Haitian Boat People and 3 boats intercepted* (Apr. 9, 2024), <https://www.haitilibre.com/en/news-42079-haiti-bahamas-turkish-islands-more-than-300-haitian-boat-people-and-3-boats-intercepted.html> (“[S]ecurity and immigration forces of the Bahamas and the Turks and Caicos Islands reported having arrested more than 300 Haitian migrants . . . in the waters of these territories” in early April.). See also Jamaica Gleaner, *Clarify refugee stance* (Mar. 7, 2024), <https://jamaica-gleaner.com/article/commentary/20240307/editorial-clarify-refugee-stance> (reporting that Jamaican authorities rejected the asylum applications of 37 Haitian migrants who arrived in 2023).

<sup>495</sup> See UNHCR, [UNHCR issues new guidance on international refugee protection for Haitians](#) (Mar. 20, 2024) (calling on “all States to not forcibly return people to Haiti, including those who have had their asylum claims rejected,” and clarifying that categories of Haitians that are “eligible for refugee protection may include political activists, journalists, judges, lawyers and others fighting corruption and crime, among other risk profiles”).

<sup>496</sup> See Edward Markey et al., [Letter to Secretary of Homeland Security Alejandro Mayorkas](#) (May 15, 2024), [https://www.markey.senate.gov/imo/media/doc/dhs\\_haiti\\_letter\\_51524.pdf](https://www.markey.senate.gov/imo/media/doc/dhs_haiti_letter_51524.pdf) (In a letter to the U.S. Department of Homeland Security (DHS), Senators Edward J. Markey and Congresswomen Ayanna Pressley, Yvette Clarke, and Sheila Cherfilus-McCormick condemned the deportation of Haitian migrants: “[w]hile a new Haitian government seeks to reassert control over the country, the United States should not forcibly return those who fear for their safety.”); Ayanna Pressley et al., [Pressley, Haiti Caucus, Colleagues, Advocates Renew Calls for Federal Action to Stabilize Haiti, Address Growing Crisis on the Island](#) (May 8, 2024), <https://pressley.house.gov/2024/05/08/pressley-haiti-caucus-colleagues-advocates-renew-calls-for-federal-action-to-stabilize-haiti-address-growing-crisis-on-the-island/> (Congresswomen Ayanna Pressley, Yvette D. Clarke, Sheila Cherfilus-McCormick, Cori Bush, Frederica Wilson, and Barbara Lee call on the Biden administration to halt deportations and extend and redesignate Haiti for Temporary Protected Status (TPS): “To deport people back to Haiti is a cause and kiss of death.”); Congress of the United States, [Letter from Members of U.S. Congress to President Biden, Alejandro Mayorkas, and Antony Blinken](#) (Apr. 23, 2024), <https://drive.google.com/file/d/1uDcMSEpEZ5Dhx6YGuPmY64-0vKyaKi9/view> (over 50 members of Congress signed a letter urging the Biden administration to stop deportations, redesignate Haiti for TPS, and pledge not to detain Haitian migrants at Guantánamo Bay and other offshore migrant detention centers); @CongresswomanSC, X (Apr. 18, 2024), <https://x.com/CongresswomanSC/status/1781130321750007922> (Congresswoman Sheila Cherfilus-McCormick called the deportations to Haiti “an act of atrocious cruelty”).

<sup>497</sup> See Haitian Bridge Alliance, [The Haitian Bridge Alliance Condemns the Deportation Flights to The Republic of Haiti by the Biden-Harris Administration Amidst a Humanitarian and Security Crisis on the Island](#) (Apr. 18, 2024), <https://haitianbridgealliance.org/the-haitian-bridge-alliance-condemns-the-deportation-flights-to-the-republic-of-haiti-by-the-biden-harris-administration-amidst-a-humanitarian-and-security-crisis-on-the-island/> (“By continuing these deportations, the administration is knowingly condemning the most vulnerable, who came to us in their time of need, to imminent danger. Deportations to Haiti are intentional violence and blatant anti-Black discrimination. The hypocrisy by the Biden-Harris administration must cease.”); Center for Gender and Refugee Studies, [U.S. Must Protect Haitians Fleeing Danger](#) (Mar. 22, 2024), <https://cgrs.uclawsf.edu/news/us-must-protect-haitians-fleeing-danger> (calling the suffering experienced by Haitians seeking asylum in the United States “the direct result of draconian U.S. and Mexican policies designed to block refugees from seeking protection, from the Biden administration’s unlawful asylum ban and turnback policies, to Mexican officials’ mass evictions of migrant encampments. . . . [which cause disparate harm to Haitian [and] other Black asylum seekers and occur against the backdrop of decades of inhumane and discriminatory treatment of Haitians seeking refuge”); Haitian Bridge Alliance et al., [TPS for Haiti Letter](#) (Mar. 26, 2024), <https://haitianbridgealliance.org/tps-for-haiti-letter/> (481 advocacy groups signed onto a letter to halt deportations and extend and redesignate TPS for Haitians); Amnesty International, [Dominican Republic: Authorities must end de facto racist migration policies](#) (Apr. 2, 2024) (calling mass expulsions of Haitian migrants and Dominicans of Haitian descent by Dominican authorities “a clear violation of the Dominican Republic’s international obligations” that “put the lives and rights of these people at risk”); Human Rights First, [Human Rights First Urges Biden Administration to Protect Haitian Refugees](#) (Mar. 20, 2024), <https://humanrightsfirst.org/library/human-rights-first-urges-biden-administration-to-protect-haitian-refugees/> (urging the Biden administration to “urgently implement humane migration policies and reject those that send Haitians back to danger or subject them to Guantanamo Bay or other detention”); RHI News, [Crise en Haïti: Appel urgent pour la protection internationale des migrants et réfugiés Haïtiens](#) (May 23, 2024), <https://www.rhinews.com/actualites/urgence-humanitaire-le-reseau-hemispherique-pour-les-droits-des-migrants-haitiens-appelle-a-la-protection-des-migrants-et-demandeurs-dasile-par-les-pays-de-la-region/> (members of the Hemispheric Network for Haitian Migrant Rights expressed horror that countries continue to repatriate Haitians in violation of their *non-refoulement* obligation). See also Charles, [Biden administration resumes deportation flights to Haiti amid ongoing violence](#) (Apr. 18, 2024) (quoting Executive Director of Catholic Legal Services in Miami Randolph McGrorty: “I am very concerned that we are are [sic] not following the law and our international obligations by adequately assessing asylum concerns and basic humanitarian principles;” and Haitian Bridge Alliance Co-Founder and Executive Director Guerline Jozef: “I am in absolute disbelief at the level of hatred, inhumanity and violence that the U.S. government is perpetuating on Haiti through these deportation flights and sending people to their potential deaths.”).

<sup>498</sup> BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 65.

<sup>499</sup> Le Nouvelliste, [IOM: Over 13,000 Haitians Repatriated Despite Ongoing Violence](#) (Apr. 4, 2024), <https://www.lenouvelliste.com/en/article/247525/iom-over-13000-haitians-repatriated-despite-ongoing-violence>. See also *supra* notes 88-100.

<sup>500</sup> IOM, [Haiti — Haitians forcibly returned to Haiti — Profiles, migration experience and intentions of Haitians returned in 2023](#) (May 12, 2024), <https://dtm.iom.int/reports/haiti-haitians-forcibly-returned-haiti-profiles-migration-experience-and-intentions> (reporting 208,169); BINUH, [Report of the Secretary-General](#) (Apr. 16, 2024), ¶ 65 (reporting over 250,000). See also Félix, [Over 7,000 Haitians Returned from the Dominican Republic to](#)

[Ouanaminthe in Two Months](#) (Apr. 2, 2024); RHI News, *Abinader : tant que je serai président, je n'accepterai pas de camps de réfugiés en RD* (Mar. 25, 2024), <https://www.rhinews.com/actualites/abinader-tant-que-je-serai-president-je-naccepterai-pas-de-camps-de-refugies-en-rd/>.

<sup>501</sup> Megan Janetsky, *What's next for a crackdown on Haitian migrants as the Dominican Republic leader enters a new term?*, AP News (May 20, 2024), <https://apnews.com/article/dominican-republic-abinader-haiti-migration-border-b9d6663a82e9664ced7623faa234ba77> (“Analysts like Michael Shifter, a senior fellow at the Inter-American Dialogue, say [Dominican President Luis] Abinader has used the crisis as a political tool to ‘play on people’s fears. . . His very hard-line, nationalistic posture on Haiti, while it’s not the only reason he won [the May 2024 Presidential election], it has lifted and cemented his political support.”); Edlin Veras, *Haitians looking to escape violence and chaos face hostility in neighboring Dominican Republic*, The Conversation (May 14, 2024), <https://theconversation.com/haitians-looking-to-escape-violence-and-chaos-face-hostility-in-neighboring-dominican-republic-228261>. See also Amnesty International, *Dominican Republic: Authorities must end de facto racist migration policies* (Apr. 2, 2024).

<sup>502</sup> Haiti Liberté, *République Dominicaine : Attaques racistes contre les communautés d’El Seibo !* (Apr. 17, 2024), <https://haitiliberte.com/republique-dominicaine-attaques-racistes-contre-les-communaut-es-del-seibo/>; U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), pp. 12, 32-33 (“Witnesses reported migration officials demanded bribes, destroyed identification documents, stole belongings from homes, and did not give detainees a chance to dress or gather their belongings before taking them to migration detention facilities for further processing or to the border for immediate deportation.”); @GARRHaiti, X (Apr. 15, 2024), <https://twitter.com/GARRHaiti/status/1779961923255054817> (Immigration rights advocacy group Support Group for Repatriates and Refugees writes: “We often receive testimonies from Haitian migrants, including pregnant women, who report having suffered sexual abuse at the hands of Dominican migration forces.”); Samantha Schmidt, *The other side of Punta Cana: A crackdown on Haitians*, Washington Post (May 19, 2024), <https://www.washingtonpost.com/world/2024/05/19/dominican-republic-haitian-abuse/> (reporting that Dominican “agents routinely extort suspected Haitians under threat of detention and deportation” and that “[r]eports of physical and sexual assaults have become frequent”); RHI News, *Crise en Haïti: Appel urgent pour la protection internationale des migrants et réfugiés Haïtiens* (May, 23, 2024) <https://www.rhinews.com/actualites/urgence-humanitaire-le-reseau-hemispherique-pour-les-droits-des-migrants-haitiens-appelle-a-la-protection-des-migrants-et-demandeurs-dasile-par-les-pays-de-la-region/> (the Hemispheric Network for Haitian Migrant Rights noted that incidents of rape of Haitian women and girls by Dominican immigration authorities “are not isolated incidents, but the systematic dehumanization and abuse of the Haitian population by the Dominican government and immigration authorities”); Janetsky, *What's next for a crackdown on Haitian migrants as the Dominican Republic leader enters a new term?* (May 20, 2024) (“Authorities have deported Haitians who have documents to legally be in the Dominican Republic or have sought to renew their visas.”).

<sup>503</sup> U.S. Department of State, *Haiti 2023 Human Rights Report* (2024), p. 30; Amnesty International, *Dominican Republic: Authorities must end de facto racist migration policies* (Apr. 2, 2024); Morland, *Thousands of pregnant women at risk in Haiti's paralyzed capital, UN says* (Mar. 8, 2024); @GARRHaiti, X (Apr. 15, 2024).

<sup>504</sup> See, e.g., U.S. Department of State, *Rising to the Challenge on Haiti: Multinational Security Support Mission Ministerial Meeting, Remarks by Anthony J. Blinken* (Feb. 22, 2024), <https://www.state.gov/rising-to-the-challenge-on-haiti-multinational-security-support-mission-ministerial-meeting/>.

<sup>505</sup> Jean Daniel Sénat, *United States Continues Repatriation Efforts Amid Crisis*, Le Nouvelliste (Mar. 21, 2024), <https://lenouvelliste.com/en/article/247323/united-states-continues-repatriation-efforts-amid-crisis>; Haiti Libre, *Haiti - Department of State : Helicopters began to evacuate American citizens* (Mar. 21, 2024), <https://www.haitilibre.com/en/news-41935-haiti-department-of-state-helicopters-began-to-evacuate-american-citizens.html>; Jacqueline Charles & Michael Wilner, *U.S. military flies Marines into Haiti embassy, evacuating some staff in overnight airlift*, Miami Herald (Mar. 11, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article286491620.html>; Sénat, *Les étrangers fuient Port-au-Prince* (Apr. 1, 2024) (reporting that 500 U.S. citizens – as well as 240 European nationals, 153 Canadians, 34 Mexicans, and 36 Dominicans – were evacuated by their respective governments in March).

<sup>506</sup> See *supra* notes 90-91.

<sup>507</sup> Charles, *Biden administration resumes deportation flights to Haiti amid ongoing violence* (Apr. 18, 2024) (noting that a deportation flight scheduled for February 29 was cancelled after armed groups attacked Port-au-Prince airports, leading to the cancellation of all flights in and out of the city for nearly three months); Hamed Aleaziz, *U.S. restarts deportation flights to Haiti*, NY Times (Apr. 18, 2024), <https://www.wlrn.org/immigration/2024-04-18/u-s-restarts-deportation-flights-to-haiti>; @thcartwright, X (May 16, 2024), <https://twitter.com/thcartwright/status/1791114680863429118> (another deportation flight left Miami for Cap-Haïtien on May 16).

<sup>508</sup> See Wessler, *The Border Where Different Rules Apply* (Dec. 6, 2023) (“Many of them told me about the five days they spent detained on Coast Guard ships — an experience, one man said, ‘that will remain a scar in each person’s mind.’ . . . They said they could not keep going like this, eating only small portions of scarcely cooked and saltless rice and beans, unable to bathe and forced to urinate and defecate in a toilet seat attached to a metal box with a tube off the side of the open deck.”).



<sup>509</sup> Press Release, U.S. Coast Guard, *Coast Guard repatriates 65 migrants to Haiti* (Mar. 12, 2024), <https://www.news.uscg.mil/Press-Releases/Article/3704408/coast-guard-repatriates-65-migrants-to-haiti/>. See, e.g., @USCGSoutheast, X (Jan. 6, 2024), <https://twitter.com/USCGSoutheast/status/1743618609832710602> (in January, the U.S. Coast Guard interdicted a vessel with Haitian migrants and sent it back to port); David Goodhue & Jacqueline Charles, *Cops, federal agents stop yacht off Miami-Dade with 30 Haitian migrants on board*, Miami Herald (Apr. 22, 2024), <https://www.miamiherald.com/news/local/community/miami-dade/article287913850.html> (reporting on two interdictions at sea by the U.S. Coast Guard in April). See also Wessler, *The Border Where Different Rules Apply* (Dec. 6, 2023) (“People intercepted at sea, even in U.S. waters, have fewer rights than those who come by land. ‘Asylum does not apply at sea,’ a Coast Guard spokesman told me. Even people who are fleeing violence, rape and death, who on land would be likely to pass an initial asylum screening, are routinely sent back to the countries they’ve fled. To try to get through, people held on Coast Guard ships have occasionally taken to harming themselves — swallowing sharp objects, stabbing themselves with smuggled knives — in the hope that they’ll be rushed to emergency rooms on land where they can try to claim asylum.”).

<sup>510</sup> See Wessler, *The Border Where Different Rules Apply* (Dec. 6, 2023) (“Pushing migrants and refugees away from the land borders to avoid obligations under law has now become common practice.”).

<sup>511</sup> Fragomen, *Dominican Republic: Suspension of Visas and Border Closures for Haitians* (Apr. 30, 2024), <https://www.fragomen.com/insights/dominican-republic-suspension-of-visas-for-haitians-and-border-closures.html> (noting that visa processing and issuance remains suspended, but Dominican authorities have “resumed accepting and processing initial and renewed residence permits for Haitians”). See also *supra* 423-424.

<sup>512</sup> Haiti Libre, *Haiti - Politic : President Abinader promises to deliver the border wall with Haiti in the coming weeks* (Feb. 28, 2024), <https://www.haitilibre.com/en/news-41767-haiti-politic-president-abinader-promises-to-deliver-the-border-wall-with-haiti-in-the-coming-weeks.html>; Alcántara & Janetsky, *Haiti’s crisis rises to the forefront of elections in neighboring Dominican Republic* (May 16, 2024).

<sup>513</sup> Haiti Libre, *Haiti - Politics: The Bahamas deploy significant resources to fight against Haitian «boat people»* (Mar. 19, 2024), <https://www.haitilibre.com/en/news-41921-haiti-politicsthe-bahamas-deploy-significant-resources-to-fight-against-haitian-boat-people.html>; Haiti Libre, *Haiti - FLASH : The Bahamas implement a blockade on the South-East of the archipelago* (Mar. 3, 2024), <https://www.haitilibre.com/en/news-41811-haiti-flash-the-bahamas-implement-a-blockade-on-the-south-east-of-the-archipelago.html>; Coto & Sanon, *Haiti extends a state of emergency and nighttime curfew to try and repel widespread gang attacks* (Mar. 7, 2024); Haiti Libre, *Haiti - Security : The Dominican Republic strengthens border surveillance* (Apr. 3, 2024), <https://www.haitilibre.com/en/news-41806-haiti-security-the-dominican-republic-strengthens-border-surveillance.html>.

<sup>514</sup> The CHNV parole program, introduced in January, permits entry for up to 30,000 Haitian, Cuban, Nicaraguan, and Venezuelan beneficiaries per month. The program allows U.S.-based sponsors with legal status and adequate finances to apply online for Haitians outside of the United States. U.S. Citizenship and Immigration Services, *Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, <https://www.uscis.gov/CHNV> (last visited Jun. 10, 2024); DHS, *Implementation of a Parole Process for Haitians* (Jan. 9, 2023), <https://www.federalregister.gov/documents/2023/01/09/2023-00255/implementation-of-a-parole-process-for-haitians>. See also Juan A. Lozano, *Program that allows 30,000 migrants from 4 countries into the US each month upheld by judge*, AP News (Mar. 8, 2024), <https://apnews.com/article/immigration-biden-haiti-cuba-nicaragua-venezuela-trial-fac9dc853231ba04ff0ea4e7442057ef>.

<sup>515</sup> See CBP, *CBP Releases April 2024 Monthly Update* (May 5, 2024), <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-april-2024-monthly-update> (stating that since the CHVN program was established on January 5, 2023, 166,700 Haitians have been paroled into the United States and 184,600 Haitians have been vetted and authorized for travel to the United States, although demand for the program continues to outpace its monthly cap).

<sup>516</sup> While flights out of Cap-Haïtien restarted at the end of March, flights out of Port-au-Prince were cancelled for nearly three months. Sénat, *Flight Cancellations at Port-au-Prince Airport After Gunfire Incident* (Feb. 29, 2024); Chéry, *Haitians breathe a sigh of relief as commercial flights resume* (Mar. 26, 2024); Lequotidien509, *Tarifs et reprise des vols de American Airlines, Jet Blue et Spirit* (May 30, 2024). See also *supra* notes 90-91.

<sup>517</sup> Onz Chéry, *JetBlue, American Airlines to resume flights in Haiti in May*, Haitian Times (Apr. 25, 2024), <https://haitiantimes.com/2024/04/25/jetblue-american-airlines-to-resume-flights-in-haiti/> (reporting that round-trip flights from Port-au-Prince to Miami are costing US \$3,400); Lequotidien509, *Tarifs et reprise des vols de American Airlines, Jet Blue et Spirit* (May 30, 2024) (reporting that out-bound flights on American Airlines from Port-au-Prince to Florida cost US \$629 to \$1,975, while in-bound flights cost US \$105 to \$245; out-bound flights on Spirit Airlines cost US \$1,325 while in-bound flights cost just US \$68).

<sup>518</sup> Fritznel D. Octave, *Haitian applicants of Biden’s humanitarian program seek transit through DR amidst crisis*, Haitian Times (Mar. 20, 2024), <https://haitiantimes.com/2024/03/20/haitian-applicants-of-bidens-humanitarian-program-seek-transit-through-dr/>.

<sup>519</sup> Haitians complain that language, technology, and financial barriers put the CHVN program – which requires access to a passport, internet, a smartphone, and a U.S.-based sponsor – out of reach for many. Haitians who have previously attempted to claim asylum by crossing into U.S. territory outside of an official port of entry are barred from the program entirely. See IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, June through November 2023* (Dec. 2023), fn. 437.

<sup>520</sup> See IOM, [Haitians Face Deepening Crisis as Siege in Port-au-Prince Stretches on](#) (Apr. 4, 2024). See also Veras, [Haitians looking to escape violence and chaos face hostility in neighboring Dominican Republic](#) (May 14, 2024) (“Recent actions by the U.S. . . . have created additional challenges. Limits on flights in and out of the country, the suspension of visa services in Haiti and a refusal to grant ‘temporary protected status’ to Haitians arriving in the U.S. after November 2022, for example, have made it not only difficult but unlawful in most cases for Haitians to emigrate to the States.”).

<sup>521</sup> The current Biden administration asylum policy, adopted in May 2023, “bars asylum seekers who crossed through another country on their way to the southern U.S. border, unless they have previously applied for (and been denied) asylum elsewhere or managed to receive an appointment at a port of entry through a new U.S. government app [CBP One] for smartphones. These requirements are unfeasible and impractical for many people in need of protection, as some asylum seekers cannot find safety in the countries where they first arrive because of violence or persecution similar to that in their native land.” It also violates international and U.S. law. IRC, *What is President Biden’s ‘asylum ban’ and what does it mean for people seeking safety?* (Jul. 25, 2023), <https://www.rescue.org/article/what-president-bidens-asylum-ban-and-what-does-it-mean-people-seeking-safety>. See also HRW, “*Living a Nightmare*”: *Haiti Needs an Urgent Rights-Based Response to Escalating Crisis* (Aug. 14, 2023), <https://www.hrw.org/report/2023/08/14/living-nightmare/haiti-needs-urgent-rights-based-response-escalating-crisis>; Christina Asencio et al., *Refugee Protection Travesty: Biden Asylum Ban Endangers and Punishes At-Risk Asylum Seekers* (Jul. 12, 2023), <https://humanrightsfirst.org/library/refugee-protection-travesty/>. On June 4, the Biden administration issued new rules to further restrict access to asylum “during periods of high border encounters,” defined as any time there has been a “7-consecutive-calendar-day average of 2,500 encounters or more.” During those periods, the new rules “will make noncitizens who enter across the southern border ineligible for asylum with certain exceptions, raise the standard that is used to screen for certain protection claims, and speed up . . . [the government’s] ability to quickly remove those who do not qualify for protection.” Because the 2,500-encounter threshold has already been met, the effective suspension of the right to asylum will go into effect immediately. DHS, *Fact Sheet: Presidential Proclamation to Suspend and Limit Entry and Joint DHS-DOJ Interim Final Rule to Restrict Asylum During High Encounters at the Southern Border* (Jun. 4, 2024), <https://www.dhs.gov/news/2024/06/04/fact-sheet-presidential-proclamation-suspend-and-limit-entry-and-joint-dhs-doj>; Gabe Gutierrez & Monica Alba, *Biden signs executive action drastically tightening border*, NBC News (Jun. 4, 2024), <https://www.nbcnews.com/politics/white-house/biden-signs-executive-order-shutting-southern-border-rcna155426>. These rules “will eviscerate access to protection, making a mockery of our government’s legal and moral obligations to people seeking safety and leaving a lasting stain on this administration’s legacy.” cgrs\_asylum, Instagram (Jun. 4, 2024), [https://www.instagram.com/p/C7z2Z8ESt4t/?img\\_index=1](https://www.instagram.com/p/C7z2Z8ESt4t/?img_index=1).

<sup>522</sup> DHS, *Extension and Redesignation of Haiti for Temporary Protected Status* (Jan. 26, 2024), <https://www.federalregister.gov/documents/2023/01/26/2023-01586/extension-and-redesignation-of-haiti-for-temporary-protected-status>.

<sup>523</sup> Michael Wilner & Jacqueline Charles, *Mayorkas warns that Haitians crossing to U.S. by sea will be returned*, Miami Herald (Apr. 9, 2024), <https://www.miamiherald.com/news/politics-government/article287385700.html>. See also Edward Markey et al., *Letter to Secretaries Blinken and Mayorkas*, (Mar. 18, 2024), [https://www.markey.senate.gov/imo/media/doc/haiti\\_tps\\_letter.pdf](https://www.markey.senate.gov/imo/media/doc/haiti_tps_letter.pdf) (over 50 members of Congress signed a letter urging the U.S. government to redesignate Haiti for TPS).

<sup>524</sup> See IOM, [Haiti — Haitians forcibly returned to Haiti — Profiles, migration experience and intentions of Haitians returned in 2023](#) (May 12, 2024) (reporting that 90% of returnees surveyed were returned alone, and 51% had spent more than 6 months out of Haiti).

<sup>525</sup> Wessler, [The Border Where Different Rules Apply](#) (Dec. 6, 2023) (“The U.S. Coast Guard and State Department say that the children they send back are transferred into the hands of local authorities responsible for the care of children. . . . But no U.S. agency would explain the actual precautions the U.S. government takes to keep children from ending up in the wrong hands, beyond initial screenings aboard cutters. Last year, the Coast Guard stopped tracking the ‘reception agency’ in each country, because according to the Department of Homeland Security, the U.S. government has set up rules establishing which agencies take these children and no longer needs to track them on a case-by-case basis. . . . Haitian child-protection officials in Cap-Haïtien say their agency always finds relatives to take children, though sometimes after weeks or months. But the official with one of the other agencies involved in the processing of returned and deported Haitians at the Cap-Haïtien port said . . . that children have departed the port with adults and with older children without any agency confirming they have an actual relationship or connection.”).

<sup>526</sup> IOM, [Haitians Face Deepening Crisis as Siege in Port-au-Prince Stretches on](#) (Apr. 4, 2024) (of the 13,000 migrants who were forcibly returned to Haiti in just March 2024, approximately 30% (4,200 people) received either humanitarian or psychosocial support upon arrival).

<sup>527</sup> Félix, [Over 7,000 Haitians Returned from the Dominican Republic to Ouanaminthe in Two Months](#) (Apr. 2, 2024).

<sup>528</sup> [@thcartwright](#), X (May 16, 2024); Charles, [Biden administration resumes deportation flights to Haiti amid ongoing violence](#) (Apr. 18, 2024).

<sup>529</sup> See Onz Chéry, *Deportees from US left stranded by gang violence in Haiti*, Haitian Times (Apr. 19, 2024), <https://haitiantimes.com/2024/04/19/deportees-land-cap-haitien/>. According to information shared by Michelle

Karshan, Executive Director of Alternative Chance, a program that works with criminal deportees in Haiti, a 42-year-old man who was believed to be ill at the time of deportation, and who did not have contact information for his relatives in Haiti, was put on a deportation flight on May 16 that landed in Cap-Haïtien. No services, medical care, or housing were provided to him, and he was unable to leave Cap-Haïtien due to the danger of travelling along routes controlled by armed groups. Four days later, on May 20, he presented in the emergency room at Hospital DASH in Cap-Haïtien, where staff noted “respiratory distress;” he died that same day.

<sup>530</sup> See Chéry, [Deportees from US left stranded by gang violence in Haiti](#) (Apr. 19, 2024) (according to a reliable source at the departmental police in Cap-Haïtien, “PNH in Cap-Haïtien did not release those [returned on the April 18 deportation flight from the United States] who served time for committing serious crimes”).

<sup>531</sup> According to information shared by Michelle Karshan, Executive Director of Alternative Chance, a program that works with criminal deportees in Haiti.

<sup>532</sup> According to information shared by Michelle Karshan, Executive Director of Alternative Chance, a program that works with criminal deportees in Haiti. For example, a returnee who was shot in the chest and hand by police while walking through a public park in Port-au-Prince in early June was able to get to a public hospital, but was told that in order to be treated he would have to pay an unreasonable amount of money. The police officer who shot him did not stop to question him, arrest him, or offer assistance for his serious gunshot wounds.

<sup>533</sup> See, e.g., The Intercept, [A New Haitian Revolution?](#) (Mar. 15, 2024); Democracy Now!, [“Empire’s Laboratory”: How 2004 U.S.-Backed Coup Destabilized Haiti & Led to Current Crisis](#) (Mar. 11, 2024).

<sup>534</sup> See, e.g., Char Adams, [Why some Haitians don't want foreign nations intervening in their crises — and others do](#), NBC News (Mar. 28, 2024), <https://www.nbcnews.com/news/world/haitians-foreign-nations-intervening-crises-others-rcna144637> (“Some Haitians say their country will only suffer further if foreign intervention is allowed, while others say international support is necessary for Haiti to overcome its political and humanitarian crises.”); Sanon & Coto, [Violence is battering Haiti’s fragile economy and causing food and water shortages](#) (Mar. 9, 2024) (a street vendor said a foreign force would ““give a break to the little people like me to have a life and continue fighting for a better future”).

<sup>535</sup> See, e.g., Andy Levin, [The Collapse of US Haiti Policy](#), Just Security (Apr. 5, 2024),

<https://www.justsecurity.org/94288/us-haiti-policy-collapse/>; Espérance, [How to Take on Haiti’s Gangs: America Can Do More to Create Stability and Foster Democracy](#) (Apr. 2, 2024).

<sup>536</sup> See [@Neges\\_Mawon](#), X (Mar. 20, 2024); Festile & Aduel, [Another foreign intervention will not solve the crisis in Haiti](#) (Apr. 22, 2024) (“Haitians do wonder how those implicated in the turmoil can be entrusted with its resolution and how another intervention encroaching on Haitian sovereignty would not fail miserably as previous interventions did.”); Caroline Kimeu & Tom Phillips, [‘It’s mission impossible’: fear grows in Kenya over plan to deploy police to Haiti](#), The Guardian (Mar. 29, 2024), <https://www.theguardian.com/world/2024/mar/28/kenya-plan-deploy-police-haiti> (activist Emmanuela Douyon argues that a preferable approach to another costly foreign intervention would be to “support the Haitians by giving them what they need to ensure peace and stability in the country themselves”); Festile & Aduel, [Another foreign intervention will not solve the crisis in Haiti](#) (Apr. 22, 2024) (Doudou Pierre Festile and Micherline Islanda Aduel, two Haitian peasant leaders, write that “[t]he current crisis is of foreign making and it can only be resolved if foreign interference stops and Haitians are allowed to regain control over their country”); HRW, [Haiti: Urgent Action Needed amid Growing Lawlessness](#) (Mar. 8, 2024) (“Rosy Auguste Ducéna, a Haitian human rights activist from the Haitian National Human Rights Defense Network, also underscored the need for a rights-based international response: ‘What is happening today was foreseeable and, above all, avoidable. To avoid a worsening of the situation, more than ever, the international community must listen to the Haitian people.’”); Jess DiPierro Obert, [As US pushes police mission, sceptical Haitians seek to rebuild their country themselves](#), New Humanitarian (Feb. 27, 2024), <https://www.thenewhumanitarian.org/news-feature/2024/02/27/haiti-us-pushes-police-mission-haitians-seek-rebuild-themselves>. See also Haiti Libre, [Haiti - Politic : Colombia excludes sending troops to Haiti](#) (Apr. 10, 2024), <https://www.haitilibre.com/en/news-42083-haiti-politic-colombia-excludes-sending-troops-to-haiti.html> (the Colombian Minister of Foreign Affairs declared that the Colombian government would not be contributing troops or funding to the MSS, stating that “we do not think that external interventions have worked in the past”); Shamar Blunt, [Experts wary of Haiti intervention aims, timeline](#), Barbados Today (Jun. 5, 2024), <https://barbadostoday.bb/2024/05/07/experts-wary-of-haiti-intervention-aims-timeline/> (academics/experts on Haiti at the University of the West Indies suggest “that the worsening crisis there will require a well-planned, Caribbean-centric solution rather than one heavily influenced by Western pressures”); International Crisis Group, [Haiti’s Gangs: Can a Foreign Mission Break Their Stranglehold?](#) (Jan. 5, 2024) (“The difficulty of identifying a lead country and other troop contributors, despite U.S. urgings, underscores the extent to which governments are reluctant to get involved in Haiti, where foreign interventions (including the latest mission peacekeeper who left the country in 2017) left a sometimes tragic legacy.”).

<sup>537</sup> Concannon Jr. et al., [Restitution for Haiti, Reparations for All: Haiti’s Place in the Global Reparations Movement](#) (Dec. 13, 2023). See also Wisner, [Starved for Justice: International Complicity in Systematic Violations of the Right to Food in Haiti](#) (May 10, 2022).

<sup>538</sup> These include civilian massacres, widespread sexual exploitation and abuse, and a cholera epidemic that killed over 10,000 people and infected nearly 1 million. Beatrice Lindstrom, [Will a New Foreign Security Force for Haiti Embrace Accountability?](#), Just Security (Oct. 23, 2023), <https://www.justsecurity.org/89648/will-a-new-foreign-security-force-for-haiti-embrace-accountability/>. See also Max Ray-Ellis, [Haiti – Harmed at the Hands of Others](#), 7

Univ. Toronto J. Caribbean Studies 57 (May 29, 2023), <https://jps.library.utoronto.ca/index.php/cquilt/article/view/40015/31528>.

<sup>539</sup> For example, propping up President Moïse even as he weakened state institutions, left Parliament defunct, and refused to step down at the end of his constitutional mandate; then installing and maintaining in power de facto Prime Minister Henry despite widespread Haitian opposition to his illegitimate and repressive rule. See IJDH, *Human Rights and the Rule of Law in Haiti: Key Recent Developments, November 2020 through May 2021*, pp. 6-7 (Jun. 6, 2021), <https://www.ijdh.org/wp-content/uploads/2021/06/June-2021-Human-Rights-Update-IJDH.pdf>; Goodman, *'They messed it up': Biden's backing for Haiti's unpopular leader digs US into deeper policy hole* (Mar. 7, 2024).

<sup>540</sup> See, e.g., Charles, *Trying to avert crisis, Haiti's presidential council makes concessions to minority bloc* (May 8, 2024). See also *supra* note 19.

<sup>541</sup> See U.S. Department of State, *G7 Italy 2024 Foreign Ministers' Statement on Addressing Global Challenges, Fostering Partnerships* (Apr. 19, 2024), <https://www.state.gov/g7-italy-2024-foreign-ministers-statement-on-addressing-global-challenges-fostering-partnerships/>; Sam Woolston, *Haiti's Disorganized Organized Crime Strategy*, Insight Crime (May 27, 2024), <https://insightcrime.org/news/haiti-crime-strategy-kenya-mission/>.

<sup>542</sup> Save the Children, *Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence* (Apr. 24, 2024).

<sup>543</sup> Abi-Habib, *Why Do Aid Groups Stay in Lawless Haiti?* (May 25, 2024).

<sup>544</sup> See Hu et al., *In a city cut off from the world, guns and drugs keep flowing* (May 15, 2024); Phillips, *Top UN expert warns of deteriorating situation in Haiti: 'It's apocalyptic'* (Apr. 4, 2024).

<sup>545</sup> Sanon et al., *Haitian PM arrives in Puerto Rico after long absence as he struggles to get home to quell violence* (Mar. 5, 2024); Goodman, *'They messed it up': Biden's backing for Haiti's unpopular leader digs US into deeper policy hole* (Mar. 7, 2024). See also *supra* notes 11-13.

<sup>546</sup> See, e.g., @Radio\_Metronome, X (Mar. 10, 2024),

[https://twitter.com/Radio\\_Metronome/status/1767016116369383692](https://twitter.com/Radio_Metronome/status/1767016116369383692) (“At the CARICOM meeting in Jamaica this Monday, March 11, 2024, Haitian players are not invited. On the other hand, other countries, said to be friends of Haiti, will be present to discuss the crisis facing the country, including the USA, Canada and France, among others. The documents submitted by the players will be reviewed. No Haitian officials have been invited.”);

@JakobJohnston, X (Mar. 11, 2024), <https://twitter.com/JakobJohnston/status/1767271445254594998> (“Dozens of Haitian politicians and civil society actors were supposed to meet with US and CARICOM diplomats at noon today. They are still waiting more than three hours later as private discussions take place solely between foreign diplomats.”). See also Jacqueline Charles, *Haiti's political, civic leaders are at odds over who should be involved in transition*, Miami Herald (Mar. 11, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article286518110.html> (reporting that Haitian political and civic leaders submitted transitional proposals to CARICOM, which were then reviewed by Caribbean leaders and representatives of the UN, the United States, and seven other partner countries).

<sup>547</sup> Abdulah et al., *Open letter to CARICOM Heads on the situation in Haiti* (Feb. 29, 2024); Lindstrom, *With Haiti on the Brink of Collapse, a Reckoning for US Policy on Haiti* (Mar. 9, 2024). See also Democracy Now!, *Haitians Resist Foreign Intervention as U.S. Pushes for Unelected "Transition Council" to Rule Island* (Apr. 3, 2024) (Haitian-American scholar Jemima Pierre: “In terms of leadership, the council is made up of, supposedly, people chosen by the U.S., members of the political class, the old political class that people really don't want to have anything to do with, but key members of that. . . . But recently, . . . the president of Guyana sent a letter to Ariel Henry to get his permission to ratify this transitional council, which itself should tell us everything we need to know, the fact that this ousted, illegal, illegitimate prime minister has to have a say in this traditional council.”); *supra* note 21.

<sup>548</sup> See Charles, *Haiti's political, civic leaders are at odds over who should be involved in transition* (Mar. 11, 2024); XaelProdz TV News, *LIVE || PALE POUN VANSE (Marvel Dandin & Pierre Espérance) - 19 Me 2024*, YouTube (starting at 05:27) (May 19, 2024), [https://www.youtube.com/live/7k6dbb\\_gbPs](https://www.youtube.com/live/7k6dbb_gbPs); Juhakenson Blaise, *Pitit Desalin designates its member to the Caricom-endorsed presidential council*, Haitian Times (Mar. 21, 2024), <https://haitiantimes.com/2024/03/21/pitit-desalin-appoints-member-to-the-caricom-endorse-presidential-council/>. See also *supra* notes 24, 49.

<sup>549</sup> See *supra* notes 27-30.

<sup>550</sup> As a result, members of the TPC who had long been opposed to the MSS were forced to capitulate to foreign demands or risk losing their seats on the council altogether. @Radio\_Metronome, X (Mar. 11, 2024), [https://twitter.com/Radio\\_Metronome/status/1767393884286415130](https://twitter.com/Radio_Metronome/status/1767393884286415130); Daniela Mohor, *Haiti in-depth: A transition beset by challenges and uncertainty*, New Humanitarian (Mar. 20, 2024), <https://www.thenewhumanitarian.org/analysis/2024/03/20/haiti-depth-transition-beset-challenges-and-uncertainty>; Bernal, *Rush to deploy multinational force sets conditions on Haiti* (Mar. 15, 2024); @Neges\_Mawon, X (Mar. 20, 2024); The Intercept, *A New Haitian Revolution?* (Mar. 15, 2024); Democracy Now!, *"Empire's Laboratory": How 2004 U.S.-Backed Coup Destabilized Haiti & Led to Current Crisis* (Mar. 11, 2024) (Haitian-American scholar Jemima Pierre: “Basically, in order to participate in this conversation, you have to be OK with a foreign invasion, which itself is a problem and basically tells us that the U.S. is controlling the situation.”); Concannon, *Commentary— Finally, it's time for the US to stop pulling strings in Haiti* (Mar. 19, 2024).

<sup>551</sup> See, e.g., Levin, [The Collapse of US Haiti Policy](#) (Apr. 5, 2024); CEPR, [Haiti PM Resigns After Gangs Overrun Government](#) (Mar. 14, 2024).

<sup>552</sup> Juhakenson Blaise, [Caricom urges resigning Haitian PM to immediately install the Transitional Presidential Council \(TPC\)](#), Haitian Times (Mar. 30, 2024), <https://haitiantimes.com/2024/03/30/caricom-urges-resigning-haitian-pm-to-immediately-install-the-transitional-presidential-council-tpc/>; BINUH, [Security Council Press Statement on Haiti 11 March 2024](#), (Mar. 11, 2024), <https://binuh.unmissions.org/en/security-council-press-statement-haiti-11-march-2024> (the UNSC expressed hope that the MSS could deploy as soon as possible); Bert Wilkinson, [US reiterates support for a Haiti deployment as it meets with Caribbean leaders](#), AP News (Feb. 27, 2024), <https://apnews.com/article/us-haiti-armed-force-linda-thomas-un-7a457aa9b67e307fb79f1743a1de6c00> (U.S. Ambassador to the UN Linda Thomas-Greenfield reiterated that “the U.S. is playing its part in rallying global support” for the MSS); Alter Presse, [Réunion spéciale du Conseil de sécurité de l’Onu sur l’accélération de la crise en Haïti](#) (Mar. 5, 2024), <https://www.alterpresse.org/spip.php?article30151> (“Antonio Guterres ‘calls for urgent action, including providing financial support to the non-UN Multinational Security Support Mission.’”); Coto & Sanon, [Haiti extends a state of emergency and nighttime curfew to try and repel widespread gang attacks](#) (Mar. 7, 2024) (“[T]he U.N. special envoy for Haiti, Maria Isabel Salvador, is calling for the immediate deployment of a U.N.-backed force ‘to prevent the country from plunging even further into chaos, as gang violence in Haiti has reached unprecedented levels.’”); U.S. Department of State, [G7 Italy 2024 Foreign Ministers’ Statement on Addressing Global Challenges, Fostering Partnerships](#) (Apr. 19, 2024) (G7 countries – Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States – stated that “[e]very effort should be made to expeditiously provide robust financial support to the mission so that it may deploy as soon as possible”).

<sup>553</sup> Aaron Ross, [Contractors arrive in Haiti to build base for Kenyan-led forces](#), Reuters (May 9, 2024), <https://www.reuters.com/world/americas/contractors-arrive-haiti-build-base-kenyan-led-forces-2024-05-09/>.

<sup>554</sup> Haiti Libre, [Haiti - FLASH : New delay, Kenyan forces will arrive in Haiti in 3 weeks](#) (May 25, 2024), <https://www.haitilibre.com/en/news-42406-haiti-flash-new-delay-kenyan-forces-will-arrive-in-haiti-in-3-weeks.html>.

<sup>555</sup> Michael Wilner & Jaqueline Charles, [Kenya police deployment to Haiti faces delay amid critical equipment shortage](#), Miami Herald (May 28, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article288618587.html> (also reporting that “the agreement [on rules of engagement] has not yet been committed to writing or submitted to the United Nations Security Council, a prerequisite for the multinational security mission . . . to begin”); Matt Berg & Eric Bazail-Eimil, [Kenyan forces are about to land in Haiti — with nowhere clear to stay](#), Politico (Apr. 29, 2024), <https://www.politico.com/newsletters/national-security-daily/2024/04/29/kenyan-forces-are-about-to-land-in-haiti-with-nowhere-clear-to-stay-00154980> (reporting that “[w]hen the first forces step foot in Haiti, they also might not have a place to go” because the U.S. “Defense Department hasn’t finished construction on a facility in Haiti that would house the security forces”). The deployment was also temporarily halted in March, after de facto Prime Minister Henry announced his resignation. David C. Adams et al., [Kenya Hits Pause on Police Deployment to Haiti](#), NY Times (Mar. 12, 2024), <https://www.nytimes.com/2024/03/12/world/americas/kenya-haiti-police-deployment.html>; Emiliano Rodríguez Mega et al., [To the Sound of Gunshots, Haiti Installs a New Ruling Council](#), NY Times (Apr. 25, 2024), <https://www.nytimes.com/2024/04/25/world/americas/haiti-council-gangs-henry.html>.

<sup>556</sup> Charles, [When are Kenyan cops arriving in Haiti? Here’s what you need to know about the mission](#) (Jun. 4, 2024).

<sup>557</sup> RHI News, [William Ruto annonce la prochaine étape pour la police kényane en Haïti après l’entrée en fonction du CPT](#) (Apr. 26, 2024), <https://www.rhinews.com/actualites/william-ruto-annonce-la-prochaine-etape-pour-la-police-kenyane-en-haiti-apres-lentree-en-fonction-du-cpt/>; Abdi Latif Dahir, [Kenya Rallies Police Officers Ahead of Haiti Deployment](#), NY Times (May 14, 2024), <https://www.nytimes.com/2024/05/14/world/africa/kenya-haiti-police.html>. See also RHI News, [Ruto envoie des troupes kényanes en Haïti pour de l’argent, déclare l’ancien diplomate américain Daniel Lewis Foote](#) (Mar. 23, 2024), <https://www.rhinews.com/actualites/ruto-envoie-des-troupes-kenyanes-en-haiti-pour-de-largent-declare-lancien-diplomate-americain-daniel-lewis-foote/> (Former U.S. Special Envoy to Haiti Daniel Foote says the Kenyan President agreed to head the mission because he “was seeking to benefit from the money the U.N. is supposed to pump into the mission”); Samar Al-Bulushi, [The US Plan to Outsource Its Imperialism in Haiti to Kenya](#), Jacobin (May 14, 2024), <https://jacobin.com/2024/05/us-kenya-haiti-intervention> (“By outsourcing the mission to Kenya, the Biden administration hopes to convince the American public that the United States is not committing itself in yet another foreign military occupation, and to persuade Haitian citizens . . . that the interveners are comrades rather than colonizers. . . . [but] this is as much a US-led mission as it is a Kenyan-led one.”); Abdulah et al., [Open letter to CARICOM Heads on the situation in Haiti](#) (Feb. 29, 2024).

<sup>558</sup> On January 26, Kenya’s High Court ruled that the Kenyan government could not deploy officers to Haiti without a reciprocal agreement in place with the Haitian government. Kenyan President William Ruto signed an agreement with de facto Prime Minister Henry on March 1, which he says satisfied the court’s requirement. The lawyers who filed the original complaint – Eukuru Aukot, Miruru Waweru, and Thirdway Alliance Kenya – disagreed, and filed another complaint on May 17. The new complaint alleges that the Kenyan government disregarded the January 26 court order, including because Henry lacked the authority to sign the treaty on behalf of the Haitian government. The new case will be heard on June 12. Juhakenson Blaise, [MSS still in limbo as Kenya’s High Court reviews new](#)

challenge of police deployment to Haiti, Haitian Times (May, 21, 2024), <https://haitiantimes.com/2024/05/21/mss-still-in-limbo-as-kenyas-high-court-reviews-new-challenge-of-police-deployment-to-haiti>; Natasha Kahungi, *Kenya court orders service of lawsuit opposing police deployment to Haiti*, Jurist (May 18, 2024), <https://www.jurist.org/news/2024/05/kenya-court-orders-service-of-lawsuit-opposing-police-deployment-to-haiti/>. See also Jérôme Wendy Norestyl et al., *The Ruto-Henry agreement does not dispel the illegality of the deployment*, AyiboPost (Mar. 11, 2024), <https://ayibopost.com/the-ruto-henry-agreement-does-not-dispel-the-illegality-of-the-deployment/>. A separate appeal by the Kenyan government of the original complaint is also pending.

@Mwauraisaac1, X (Jan. 26, 2024), <https://twitter.com/Mwauraisaac1/status/1750860769971880298>.

<sup>559</sup> Haiti Libre, *Haiti - Politic : Antony Blinken announces an additional \$100M for the PNH Support Mission* (Mar. 12, 2024), [https://www.haitilibre.com/en/news-41867-haiti-politic-antony-blinken-announces-an-additional-\\$100m-for-the-pnh-support-mission.html](https://www.haitilibre.com/en/news-41867-haiti-politic-antony-blinken-announces-an-additional-$100m-for-the-pnh-support-mission.html) (the U.S. government pledged an addition US \$100 million, bringing its total promised contributions to the MSS to US \$300 million); Matt Berg & Lara Seligman, *US greenlights \$60M in military assistance to Haiti amid rampant gang violence*, Politico (May 4, 2024), <https://www.politico.com/news/2024/05/04/us-military-assistance-haiti-violence-00156150> (“The Biden administration has approved a \$60 million military aid package. . . . [that] would send weapons and equipment to the Haitian National Police as well as to nations supporting the multinational security mission.”); Alter Presse, *Haiti-Crise : Plus de 6 millions de dollars américains de contribution au déploiement de la Mmas, annonce le Royaume-Uni* (Apr. 11, 2024), <https://www.alterpresse.org/spip.php?article30298> (the United Kingdom pledged GBP £5 million for the deployment of the MSS); Jaqueline Charles, *The Kenya-led multinational security mission to Haiti attracts more people and money*, Miami Herald (Feb. 23, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article285848296.html> (over a dozen countries – including Benin, Germany, and Canada – pledged US \$120 million in support for the MSS); Michael Wilner & Jaqueline Charles, *Kenyan President Ruto arrives in U.S. during pivotal week for Haiti force deployment*, Miami Herald (May 20, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article288589181.html> (Spain pledged US \$3 million).

<sup>560</sup> @Radio\_Metronome, X (Apr. 23, 2024), [https://twitter.com/Radio\\_Metronome/status/1782820267401605449](https://twitter.com/Radio_Metronome/status/1782820267401605449) (“The U.S. government . . . has awarded two contracts worth nearly \$900,000” to two Florida-based companies “for police advisors to support the Multinational Force.”); Haiti Libre, *Haiti - Canada : Training of the multinational force in Haiti continues in Jamaica* (Apr. 19, 2024), <https://www.haitilibre.com/en/news-42149-haiti-canada-training-of-the-multinational-force-in-haiti-continues-in-jamaica.html> (reporting that Canada sent 70 members of the Canadian Armed Forces to Jamaica to provide joint training officers chosen for deployment to Haiti); Dahir, *Kenya Rallies Police Officers Ahead of Haiti Deployment* (May 14, 2024) (reporting that Kenyan and U.S. security personnel provided physical and weapons training to officers chosen for deployment to Haiti); @Radio\_Metronome, X (Apr. 30, 2024), [https://twitter.com/Radio\\_Metronome/status/1785321008334864661](https://twitter.com/Radio_Metronome/status/1785321008334864661) (reporting that the U.S. government is “building barracks to house the troops who will be part of the force”); Haiti Libre, *Haiti - News : Zapping...* (Feb. 17, 2024), <https://www.haitilibre.com/en/news-41692-haiti-news-zapping.html> (“As part of preparations for the deployment of the [MSS] . . . the United States has already begun to transport generators to Haiti.”); Journal 24H, *Voici les 7 pays d’Afrique, d’Asie et des Caraïbes qui ont confirmé leur participation à la Mission Multinationale de Soutien à la Sécurité (MMSS) qui sera déployée en Haiti* (Apr. 28, 2024), <https://journal24h.com/voici-les-7-pays-dafrique-dasie-et-des-caraibes-qui-ont-confirme-leur-participation-a-la-mission-multinationale-de-soutien-a-la-securite-mmss-qui-sera-deployee-en-haiti/> (Benin, Chad, the Bahamas, Jamaica, Barbados, and Bangladesh have also confirmed they will send officers). See also Defense Visual Information Distribution Service, *Infographic: DoD Support to Haiti* (May 10, 2024), <https://www.dvidshub.net/image/8397278/infographic-dod-support-haiti> (tracking support from the U.S. Department of Defense for the MSS).

<sup>561</sup> The mission is expected to cost US \$500 to \$600 per year, but only US \$21 million had been deposited in the mission’s Trust Fund. Cotrino, *Kenya-Led Security Mission Prepares for Deployment in Haiti* (May 28, 2024); Emmanuel Paul, *USA-Haiti-Cooperation: New pledges from the US administration to support security and democracy in Haiti*, CTN Info (Apr. 28, 2024), <https://ctninfo.com/usa-haiti-cooperation-new-pledges-from-the-us-administration-to-support-security-and-democracy-in-haiti/>; Loop Caribbean News, *7 countries notify UN of plans to supply personnel for Haiti mission* (Apr. 27, 2024), <https://caribbean.loopnews.com/content/7-countries-notify-un-plans-supply-personnel-haiti-mission>. See also Michael Wilner & Max Greenwood, *Exclusive: White House warns Haiti force can’t deploy until Republicans release funds*, Miami Herald (Mar. 9, 2024), <https://www.miamiherald.com/news/politics-government/article286395655.html> (reporting that Republicans in U.S. Congress were blocking the funds President Biden had pledged to the MSS, with a senior State Department official saying that “the release of roughly \$40 million in pledged funds ‘would in fact be needed for deployment’”); James B. Foley, *What Haiti needs now is Republican support*, Miami Herald (May 9, 2024), <https://www.miamiherald.com/opinion/article288429719.html>; Woolston, *Haiti’s Disorganized Organized Crime Strategy* (May 27, 2024). The 2,500 officers pledged – even with the 13,000 or so Haitian police officers still in the force – is nowhere near the 38,000 officers that the UN has stated Haiti would need in order “to bring the country to median levels of policing.” Woolston, *Haiti’s Disorganized Organized Crime Strategy* (May 27, 2024); Michael Wilner & Jaqueline Charles, *U.S. fears Haiti could fall ‘at any time’ as doubts grow over Biden’s backup Kenya plan*, Miami Herald (Mar. 7, 2024), <https://www.miamiherald.com/news/nation->

[world/world/americas/haiti/article286352120.html](https://www.csis.org/analysis/world/world/americas/haiti/article286352120.html) (a U.S. official says acknowledged that “[a]dding 1,000 more boots on the ground — even if they are well-armed, well-trained, and deployed immediately — is unlikely to meet the demands of the crisis”). See also CRS, *Haiti in Crisis: What Role for a Multinational Security Support Mission?*, p. 2 (May 16, 2024), <https://crsreports.congress.gov/product/pdf/IN/IN12331> (given the increasingly complex and catastrophic insecurity situation, some observers are “saying the mission may need to be strengthened”).

<sup>562</sup> The MSS is not a UN mission and is therefore not subject to UN accountability mechanisms. UNSC, [Resolution 2699 \(2023\)](#), UN Doc. S/RES/2699 (2023) (Oct. 2, 2023), ¶¶ 8-10.

<sup>563</sup> Cotrino, [Kenya-Led Security Mission Prepares for Deployment in Haiti](#) (May 28, 2024) (the UNSC, which “will supervise and define the mission’s assistance . . . has yet to receive the required information from the MSS on the rules of engagement”); Caitlin Hu, [A foreign force was set to arrive in Haiti this week. What happened?](#) (May 24, 2024) (“Haitian police union SPNH17 meanwhile told CNN that plans for their collaboration with the international mission were too opaque and questioned why there wasn’t more focus on providing material support to the local police. . . . Haitian anti-corruption group Nou Pap Dòm (NPD) echoed the concern about transparency, . . . ‘The Kenyan mission remains a mystery to the Haitian people; no one knows what it entails and there has been no communication on the matter, despite the arrival of several US military planes in Haiti.’”); Amnesty International, [Haiti: human rights safeguards and transparency must guide security mission deployment](#) (Jun. 4, 2024).

<sup>564</sup> See Wilner & Charles, [Kenya police deployment to Haiti faces delay amid critical equipment shortage](#) (May 28, 2024) (“[O]fficials familiar with the plan have thus far been unable to outline some of the key parameters of the mission as required by the Security Council, such as the rules of engagement for the forces involved, the ultimate goals of the deployment and its planned end. ‘We know specifically that they do not have rules of engagement established,’ a congressional aide, who asked for anonymity to discuss the issue, said, disputing the U.S. official’s account.”); Matt Berg, [US-backed plan for Haiti provides guidance but few details](#), Politico (Mar. 20, 2024), <https://www.politico.com/news/2024/03/20/haiti-kenya-defense-proposal-congress-00148081> (a 32-page planning document sent to Congress “provides few details on how these objectives [quelling violence by armed groups] would be achieved, including when the multinational force would arrive on the island, whether it would be engaged directly in combat with the gangs and how much money it would require”); @JakobJohnston, X (Apr. 23, 2024), <https://twitter.com/jakobjohnston/status/1782821658396328206> (the planning document includes just three bullets on capacity building, despite the MSS being “generally framed as an effort to build capacity and strengthen the Haitian police”); @ian\_wafula, X (Mar. 7, 2024), [https://twitter.com/ian\\_wafula/status/1765768986036244560](https://twitter.com/ian_wafula/status/1765768986036244560) (Kenyan officers reported being concerned “that there were no clear mechanisms on how they were required to work while on the mission”); Wilner & Charles, [U.S. fears Haiti could fall ‘at any time’ as doubts grow over Biden’s backup Kenya plan](#) (Mar. 7, 2024) (“Whenever the MSS does arrive, it remains unclear how Kenyan forces and leadership — who speak English and Swahili — will operate with a French and Creole-language Haitian force. . . . whether the Kenyan-led forces will take static positions at key sites, freeing Haitian police forces to battle gang members elsewhere, or if the Kenyans would fight alongside their Haitian partners. . . . [or] whether the MSS, in partnership with the Haitian police, is large enough to reclaim any of the critical infrastructure already under gang control or neighborhoods across the capital that have led to more than 314,000 Haitians being displaced from their homes.”).

<sup>565</sup> Cotrino, [Kenya-Led Security Mission Prepares for Deployment in Haiti](#) (May 28, 2024); Amnesty International, [Haiti: human rights safeguards and transparency must guide security mission deployment](#) (Jun. 4, 2024) (“It is imperative to ensure that any action taken by this multinational mission led by Kenya and supported by the United States and other countries strictly complies with international human rights law as mandated by the United Nations Security Council. A misstep in this regard would be devastating for Haitian people’s rights”, said Ana Piquer, Americas Director at Amnesty International.”); Le Cour Grandmaison et al., [A Critical Moment: Haiti’s Gang Crisis and International Responses](#) (Feb. 2024), p. 33 (emphasizing that “heavily securitized police operations and responses to organized crime and criminal violence that are centred in narratives focusing on the ‘fight against crime’ can escalate violence and human rights abuses against civilians,” and that there is a need for clear rules for engagement and deployment of force in order to avoid civilian casualties); Coto, [Experts warn that foreign armed forces headed to Haiti will face major obstacles](#) (Jan. 5, 2024) (according to the International Crisis Group, “[f]ighting in Haiti’s ramshackle urban neighborhoods will put innocent civilians at risk”). See also Mega et al., [To the Sound of Gunshots, Haiti Installs a New Ruling Council](#) (Apr. 25, 2024) (“I’m not convinced that they are taking this as seriously as they should be taking it, meaning there is not a plan,” said Emmanuela Douyon, a Haitian policy expert and social justice advocate who fled Haiti for Boston in 2021. She said accountability problems had plagued previous peacekeeping efforts in Haiti, adding: ‘Send money in the name of Haiti, things go wrong, blame the Haitian people and move on.’”).

<sup>566</sup> Amnesty International, [Open Letter to all Members of the Security Council regarding the Development of an International Security Force in Haiti](#) (Aug. 18, 2023), <https://www.amnesty.org/en/documents/amr36/7122/2023/en/> (emphasizing “the human rights track record of Kenyan security forces,” including “police history of extrajudicial killings and enforced disappearances” and recent “continued unlawful use of force against protestors by Kenyan police”).

<sup>567</sup> Al-Bulushi, [The US Plan to Outsource Its Imperialism in Haiti to Kenya](#) (May 14, 2024) (“Analysts who have questioned whether the Kenyan police are capable of defeating Haiti’s ‘fearsome gangs’ must also ask what constitutes success, given the large number of Kenyan Muslim families who have lost relatives to the deadly

practices of Kenya's combat-trained 'rapid response' units in Somalia and within Kenya itself."). See also Lenny Rashud Ruvaga, *Kenya promised cops to Haiti. Its citizens didn't like that.*, Christian Science Monitor (Mar. 25, 2024), <https://www.csmonitor.com/World/Africa/2024/0325/Kenya-promised-cops-to-Haiti-Its-citizens-didn-t-like-that> ("Critics [in Kenya] argued that Kenya had its own security issues to deal with first. . . . And because the Kenyan police are regularly accused of excessive force by human rights groups, many worry their actions in Haiti could damage the country's reputation.").

<sup>568</sup> See Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), pp. 21, 33 ("Several sources close to the police also reported deep internal conflicts within the force, notably due to established or presumed complicities between some officers and armed groups or vigilante groups. This dynamic will prove particularly crucial when it comes to coordination between the MSS mission and the HNP."); Coto, *Experts warn that foreign armed forces headed to Haiti will face major obstacles* (Jan. 5, 2024) ("Links between corrupt police and the gangs could make it difficult to maintain operational secrecy. . . . [C]ollusion between gangs and police will likely cause leaked information that would stonewall operations. . . . International Crisis Group said it separately interviewed two sources within Haiti's National Police who were quoted as saying that senior commanders previously managed to prevent the capture of a powerful gang leader because of his alleged links to politicians or police."); CRS, *Haiti in Crisis: What Role for a Multinational Security Support Mission?* (May 16, 2024), p. 2. See also *supra* notes 49, 178-180.

Armed groups are reportedly making preparations for the deployment, exacerbating these concerns. Jonasson Odigène, *Security Expert Emmanuel Paul Analyzes Gang Strategy Before MSSM*, Le Nouvelliste (May 24, 2024), <https://lenouvelliste.com/en/article/248327/security-expert-emmanuel-paul-analyzes-gang-strategy-before-mssm> (according to a security expert, armed groups "are beginning to take offensive measures to better prepare their defense in anticipation of the deployment of a foreign force. . . . methodically destroying all the infrastructure that could allow the police and foreign forces to gain a foothold in the areas they occupy"); Rebecca Bruny et al., *Exclusive | Izo Builds a Wharf in Preparation for the Kenyans*, AyiboPost (May 25, 2024), <https://ayibopost.com/exclusive-izo-builds-a-wharf-in-preparation-for-the-kenyans/>; Willy Mutunga, *Are we on a suicide mission to Haiti?*, Stabroek News (Mar. 18, 2024), <https://www.stabroeknews.com/2024/03/18/features/in-the-diaspora/are-we-on-a-suicide-mission-to-haiti/print/> (the former Chief Justice and President of the Supreme Court of Kenya called the MSS a "suicide mission").

Some have also questioned the rationale of spending hundreds of millions of dollars – three times the PNH's annual budget – on foreign troops, when Haiti's own police are leaving the force because they have not been paid in months. See, e.g., @jeffsky\_poincy, X (Dec. 20, 2023) ("Last August, Police Union reported that some police officers have not received their salaries for over 8 months, and the PNH's civilian staff - for more than 17 months. Meanwhile, police officers from the international mission will soon be deployed in Haiti with salaries, bonuses, insurance, and possibly risk premiums. These are perfect examples of the incoherence of the policies promoted abroad with regard to Haiti—a top-down and non-design approach with little consideration for results and negative spillover effects."); The Intercept, *A New Haitian Revolution?* (Mar. 15, 2024).

<sup>569</sup> UNSC, *Resolution 2699 (2023)*, UN Doc. S/RES/2699 (2023) (Oct. 2, 2023), ¶¶ 8-10.

<sup>570</sup> Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), p. 12 ("Larger gangs are readily able to acquire AK-47, AR-15 or IMI Galil assault rifles, with local sources suggesting they have stockpiled them. Information from different gang-controlled areas also suggests the presence of .50 calibre rifles and tripod-mounted weapons, while there are rumours of the acquisition of M50 and M60 assault rifles."); Weaver & Charles, *There's an arms race in Haiti and it's fueled by Florida's pipeline of weapons of war* (May 21, 2024); Triebert et al., *How a Haitian Gang Is Trying to Turn Itself Into a Militia* (May 21, 2024).

<sup>571</sup> Hu et al., *In a city cut off from the world, guns and drugs keep flowing* (May 15, 2024); Mérancourt & Coletta, *When Haiti's gangs shop for guns, the United States is their store* (Apr. 5, 2024).

<sup>572</sup> Haiti Libre, *Haiti - Traffic : The majority of weapons and ammunition are purchased largely in the USA* (Feb. 17, 2024), <https://www.haitilibre.com/en/news-41689-haiti-traffic-the-majority-of-weapons-and-ammunition-are-purchased-largely-in-the-usa.html>; Hu et al., *In a city cut off from the world, guns and drugs keep flowing* (May 15, 2024) (reporting that the trafficking is "all part of a phenomenon that experts in Latin America and the Caribbean call the "iron river" – a flood of guns bought in US states with lax gun laws, and then shipped across the region to criminal groups"); Mérancourt & Coletta, *When Haiti's gangs shop for guns, the United States is their store* (Apr. 5, 2024); Weaver & Charles, *There's an arms race in Haiti and it's fueled by Florida's pipeline of weapons of war* (May 21, 2024) (trafficking from the Florida, in particular, is "fueled by the state's easy access to firearms, a lucrative black market, the lack of export inspections at South Florida ports and the rising demands of criminal organizations in countries like Haiti"). See also UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶¶ 12-13 (discussing the process by which the 400 Mawozo armed group trafficked weapons from the United States to Haiti). There is reporting that armed groups have also begun acquiring arms through connections with regional criminal networks. See Abi-Habib, *Haiti's Gangs Grow Stronger as Kenyan-Led Force Prepares to Deploy* (May 21, 2024); Piercin, *Gangs hack into Haitian National Police communication radios* (Apr. 10, 2024); Triebert et al., *How a Haitian Gang Is Trying to Turn Itself Into a Militia* (May 21, 2024); Weaver & Charles, *There's an arms race in Haiti, and it's fueled by Florida's pipeline of weapons of war* (May 21, 2024) ("U.N. officials say Colombian drug cartels that use Haiti as a transshipment point for cocaine exports to the U.S. might also be supplying weapons to Haitian gang members.");



Manuel Rueda, *Colombia's president says thousands of grenades and bullets have gone missing from army bases*, AP News (Apr. 30, 2024), <https://apnews.com/article/colombia-military-ammunition-missing-99550fe1c32d61300d137b1a1d017744>; Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), p. 12 (“[A] variety of weapons trafficking networks – allegedly tied to US, Jamaican, Dominican and Haitian intermediaries, and corrupt authorities and military personnel – have emerged to drive a robust black market in trafficked firearms.”); Hu et al., *In a city cut off from the world, guns and drugs keep flowing* (May 15, 2024) (“Weapons experts said they could spot weapons and accessory parts originating from Israel, Turkey, the Czech Republic, [and] probably Brazil.”).

<sup>573</sup> These include an arms embargo and “appointing a regional coordinator for firearms prosecution in the Caribbean and a special unit to investigate transnational crimes in Haiti.” Hu et al., *In a city cut off from the world, guns and drugs keep flowing* (May 15, 2024); Haiti Libre, *Haiti - USA : Creation of a new investigation unit within the PNH on transnational crimes* (Feb. 16, 2024), <https://www.haitilibre.com/en/news-41679-haiti-usa-creation-of-a-new-investigation-unit-within-the-pnh-on-transnational-crimes.html>; U.S. Department of State, *UN Security Council Resolution on Haiti, Press Statement* (Oct. 20, 2023), <https://www.state.gov/un-security-council-resolution-on-haiti/>. Related prosecutions appear limited. See Shirsho Dasgupta & Jaqueline Charles, *Leader of Haiti's infamous 400 Mawozo gang pleads guilty in midst of U.S. trial*, Miami Herald (Feb. 1, 2024), <https://www.miamiherald.com/news/nation-world/americas/haiti/article284914862.html> (reporting that Germine Joly, the leader of the 400 Mawozo armed group, pleaded guilty to 48 counts in connection with weapons smuggling in a U.S. federal court in March); Roberson Alphonse, *USA: Jocelyn Dor Found Guilty of Supplying Firearms Illegally to 400 Mawozo Gang from the USA*, Le Nouvelliste (Feb. 28, 2024), <https://lenouvelliste.com/en/article/247005/usa-jocelyn-dor-found-guilty-of-supplying-firearms-illegally-to-400-mawozo-gang-from-the-usa> (Jocelyn Dor, a U.S.-based Haitian citizen affiliated with the 400 Mawozo armed group, was sentenced to 60 months in prison for smuggling firearms into Haiti).

<sup>574</sup> Phillips, *Top UN expert warns of deteriorating situation in Haiti: 'It's apocalyptic'* (Apr. 4, 2024) (the UN Expert on Human Rights in Haiti expressed amazement “that you can’t get food or medicine into Haiti, but you still get guns and bullets coming in . . . I can’t believe my government can’t inspect those boats leaving from the Miami River and pull out every rifle and bullet because Haiti doesn’t produce any guns or bullets”); Mérancourt & Coletta, *When Haiti's gangs shop for guns, the United States is their store* (Apr. 5, 2024) (the Expert called on “much, much more vigorous enforcement of the arms embargo by everybody, but certainly the United States”). See also Weaver & Charles, *There's an arms race in Haiti and it's fueled by Florida's pipeline of weapons of war* (May 21, 2024) (“[U.S.] Customs and Border Protection agents are more focused on imports coming into the U.S. . . . [and] rely on tips from informants about firearms and other contraband in export shipments before deciding whether to inspect them. . . . They don’t even require paperwork for export shipments valued at \$2,500 or less. . . . [T]he agency’s specific inspection policy on exports to Haiti . . . hasn’t changed since the escalation of weapons smuggling and the ongoing insurrection by heavily armed gangs.”); Haiti Libre, *Haiti - Insecurity : The DHS is trying to stop the illegal flow of weapons and ammunition from the USA to Haiti* (Apr. 3, 2024), <https://www.haitilibre.com/en/news-42031-haiti-insecurity-the-dhs-is-trying-to-stop-the-illegal-flow-of-weapons-and-ammunition-from-the-usa-to-haiti.html>.

<sup>575</sup> Hu et al., *In a city cut off from the world, guns and drugs keep flowing* (May 15, 2024).

<sup>576</sup> See, e.g., Haiti Libre, *Haiti - FLASH : Cap-Haïtien, Seizure of weapons and ammunition, 2 men wanted*, (Apr. 8, 2024), <https://www.haitilibre.com/en/news-42067-haiti-flash-cap-haitien-seizure-of-weapons-and-ammunition-2-men-wanted.html> (reporting that police in Cap-Haïtien seized weapons and ammunition trafficked from Miami); AlterPresse, *Criminalité : Environ 10 mille cartouches, en provenance de la République Dominicaine, saisies à Mirebalais par la Police nationale d’Haïti* (Jan. 3, 2024), <https://www.alterpresse.org/spip.php?article29967> (reporting on a raid in Mirebalais during which police seized 9,960 5-mm caliber cartridges, “found in boxes containing chickens from the Dominican Republic”).

<sup>577</sup> Hu et al., *In a city cut off from the world, guns and drugs keep flowing* (May 15, 2024); Mérancourt & Coletta, *When Haiti's gangs shop for guns, the United States is their store* (Apr. 5, 2024); Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), p. 12; Weaver & Charles, *There's an arms race in Haiti and it's fueled by Florida's pipeline of weapons of war* (May 21, 2024). See also *supra* Section III.

<sup>578</sup> Mérancourt & Coletta, *When Haiti's gangs shop for guns, the United States is their store* (Apr. 5, 2024) (“[A] Justice Department official said Haitian police are so overwhelmed by the security crisis here that they’re not focused on firearms tracing — a key tool for U.S. investigators.”); Hu et al., *In a city cut off from the world, guns and drugs keep flowing* (May 15, 2024) (reporting that Haiti’s overwhelmed police force is unable to effectively patrol Haiti’s mountainous interior and long coastline); Weaver & Charles, *There's an arms race in Haiti and it's fueled by Florida's pipeline of weapons of war* (May 21, 2024); Le Cour Grandmaison et al., *A Critical Moment: Haiti's Gang Crisis and International Responses* (Feb. 2024), p. 21. See also UNSC, *Letter dated 15 April 2024 from the Secretary-General addressed to the President of the Security Council* (Apr. 19, 2024), ¶¶ 14-15 (discussing arms and drugs coming into Haiti through the southern departments due to their “poorly monitored airspace, and unpatrolled coastline”).

<sup>579</sup> Since IJDH’s last Update, the U.S. government announced sanctions on one former Prime Minister, two former Senators, and four armed group leaders. U.S. Department of State, *Leveraging Tools to Promote Accountability and Counter Global Corruption*, (Dec. 11, 2023), <https://www.state.gov/leveraging-tools-to-promote-accountability-and->

[counter-global-corruption/](#) (former Prime Minister Jean-Max Bellerive and former Senators Néel Cassy and Richard Lenine Hervé Fourcand were sanctioned for “abusing . . . [their] public position by participating in corrupt activity that undermined the integrity of Haiti’s government”); U.S. Department of the Treasury, *Treasury Designates Perpetrators of Human Rights Abuse and Commemorates the 75th Anniversary of the Universal Declaration of Human Rights* (Dec. 8, 2023), <https://home.treasury.gov/news/press-releases/jy1972> (armed group leaders Johnson “Izo” Andre, Renel “Ti Lapli” Destina, Wilson “Lanmo San Jou” Joseph, and Vitelhomme Innocent were sanctioned for their involvement in serious human rights abuses as leaders of criminal groups in Haiti). See also 118th Congress, S.396 - *Haiti Criminal Collusion Transparency Act of 2023* (May 4, 2023), <https://www.congress.gov/bill/118th-congress/senate-bill/396> (a proposed U.S. law that would mandate additional sanctions based on annual reports documenting collusion between political actors and armed groups in Haiti). The U.K. government sanctioned two former senior officials. Foreign, Commonwealth & Development Office, *UK and allies sanction human rights abusers* (Dec. 8, 2023), <https://www.gov.uk/government/news/uk-and-allies-sanction-human-rights-abusers> (former Interior Ministry Director General Fednel Monchery and former Presidential Departmental Delegate Joseph Pierre Richard Duplan were sanctioned for their involvement in the 2018 La Saline massacre). See also IJDH, *Foreign Sanctions Against Haitian Individuals (December 2020 -Present)* (May 2024), [https://docs.google.com/document/d/1RG0k34CaID3QmxHt1XW-S\\_C8Aeyj9VumIqkhtmiopdo/edit](https://docs.google.com/document/d/1RG0k34CaID3QmxHt1XW-S_C8Aeyj9VumIqkhtmiopdo/edit) (tracking foreign sanctions against Haitian individuals for, among other abuses, corruption, arms trafficking, protecting and enabling illegal activities of armed criminal groups, and gross and systemic human rights violations). At least 25 of those sanctioned are affiliated with Haiti’s PHTK party. IJDH, *Sanctioned Haitian individuals associated with the Pati Ayisyen Tèt Kale (PHTK)*, [https://docs.google.com/document/d/1j\\_q95vvgiIAiW4nZ28-ftjwvjSi3iYc0gRhdaSAWmgo/edit#heading=h.kclf4qy0io03](https://docs.google.com/document/d/1j_q95vvgiIAiW4nZ28-ftjwvjSi3iYc0gRhdaSAWmgo/edit#heading=h.kclf4qy0io03) (last visited Jun. 7, 2024) (tracking foreign sanctions against high-ranking government officials and associates affiliated with Haiti’s PHTK party).

<sup>580</sup> UNSC, Letter dated 25 March 2024 from the Panel of Experts established pursuant to Security Council resolution 2653 (2022) addressed to the President of the Security Council, ¶ 10 (Mar. 29, 2024), <https://www.ecoi.net/en/file/local/2106563/n2405750.pdf>. See also Weaver & Charles, *There’s an arms race in Haiti and it’s fueled by Florida’s pipeline of weapons of war* (May 21, 2024) (“U.N. officials say . . . that prominent politicians and business operators sanctioned by the U.S., Canada and the Dominican Republic have been involved in the illicit [weapons] trade.”).

<sup>581</sup> For example, the U.S. government has not sanctioned former President and PHTK founder Michel Martelly, as well as a number of other ministers and public officials affiliated with the PHTK. See IJDH, *Sanctioned Haitian individuals associated with the Pati Ayisyen Tèt Kale (PHTK)* (last visited Jun. 7, 2024).

<sup>582</sup> CARE, *As Violence and Hunger Persist, Haitians Struggle to Adapt and Survive* (May 30, 2024) (Muhamed Bizimana, CARE’s Assistant Country Director in Haiti, says “‘NGOs are working around the clock to respond to people’s needs. There’s a mistaken impression that because of the gangs, no work can take place. But really, the biggest limitation is that the humanitarian response is so poorly funded, especially for local NGOs. There are very limited resources to do the work that needs to be done.’”); Save the Children, *Haiti: 600 Children Daily Dodging Gunfire as They Flee Haitian Capital in Month of Violence* (Apr. 24, 2024); Brad Dress, *Haiti faces collapse of humanitarian support: ‘What happens next is anyone’s guess’*, The Hill (Apr. 3, 2024), <https://thehill.com/policy/international/4570846-haiti-faces-collapse-of-humanitarian-support-what-happens-next-is-anyones-guess/> (reporting that Haiti is competing with “other world crises, including those in Ukraine and Gaza”); Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024) (according to a top official at the U.S. Agency for International Development’s Bureau for Humanitarian Assistance, the money allocated by the agency is insufficient to meet needs).

<sup>583</sup> OCHA, *Haiti Country snapshot for 2024* (2024), <https://fts.unocha.org/countries/96/summary/2024>.

<sup>584</sup> Charles, *Haiti’s health sector is on life support as doctors and nurses flee gang violence* (Mar. 31, 2024) (reporting “114 documented incidents where aid operations were affected by the unabated violence” in March); Dress, *Haiti faces collapse of humanitarian support: ‘What happens next is anyone’s guess’* (Apr. 3, 2024); Robles, *How 360,000 Haitians Wound Up Living in Empty Lots and Crowded Schools* (May 8, 2024); Abi-Habib, *Why Do Aid Groups Stay in Lawless Haiti?* (May 25, 2024). See also *supra* notes 87, 414, 417.

<sup>585</sup> See, e.g., Jake Johnston, *Who decides who runs Haiti?*, Le Monde Diplomatique (Feb. 2022), <https://mondediplo.com/2022/02/06haiti> (“In the decade after the [2010] quake, less than 3% of US foreign assistance went to local organisations. More than half went to a handful of companies located inside the Beltway, in Washington DC, Maryland and Virginia. Thousands of Westerners now live off ‘aid’ of which Haiti sees very little. . . . International aid that bypasses local institutions ends up undermining the very state that is ostensibly being ‘built’. In Haiti, some 80% of basic public services like health and education are provided by NGOs, church groups and the private sector. Meanwhile, local industry can get crowded out by the aid industry’s reliance on imports.”). See generally, Johnston, *Aid State: Elite Panic, Disaster Capitalism, and the Battle to Control Haiti* (2024).

<sup>586</sup> Abi-Habib, *Why Do Aid Groups Stay in Lawless Haiti?* (May 25, 2024) (“‘Individual aid projects can be fine and offer help, but they are still part of a broader system that has undermined the state, reduced capacity and has partially led to the current situation that is unfolding,’ said Jake Johnston, a Haiti expert at the Center for Economic and Policy Research. . . . ‘What has led to the rise of violence and insecurity is in many ways the lack of state presence — the lack of capacity — and that is largely the result of aid programs.’”). See also RNDH, 14 years after the earthquake of January 12, 2010 : The victims of the earthquake and insecurity are living side by side in the

camps, while the state authorities remain indifferent (Jan. 12, 2024), [https://web.rnddh.org/wp-content/uploads/2024/01/1-Rap-Seisme-12Jan2024.ENG\\_-1.pdf](https://web.rnddh.org/wp-content/uploads/2024/01/1-Rap-Seisme-12Jan2024.ENG_-1.pdf).

<sup>587</sup> Press Release, UN, Security Council Extends Mandate of United Nations Integrated Office in Haiti, Unanimously Adopting Resolution 2692 (2023), (Jul. 14, 2023) <https://press.un.org/en/2023/sc15356.doc.htm>.

<sup>588</sup> BINUH, *Report of the Secretary-General* (Apr. 16, 2024), ¶¶ 69-71 (“The attrition rate among national staff, standing at 25 per cent, has further exacerbated the limited human resources capacities. An upsurge in political uncertainty and gang-related violence, coupled with a recurrent disruption of critical services and the global supply chain, has rendered the outsourcing of numerous support services impractical.”).

