

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

Since IJDH's last Update on Human Rights and Rule of Law in Haiti,¹ the country has remained in a crisis that, even as it has deep security, humanitarian, and economic dimensions, fundamentally revolves around governance collapse.¹ The humanitarian and economic situation is still catastrophic,² while the violence – already at levels associated with armed conflicts since at least February³ – has deepened.⁴ Armed groups with clear connections to political and economic elites continue to brutalize civilians.⁵ The number of people killed due to violence by armed groups increased sharply in 2023,⁶ with the UN reporting at least 3,960 people killed between January and November,⁷ compared with 2,183 in 2022.⁸ The number of kidnappings also increased, from 1,359 in 2022, to at least 2,951 from January to November 2023.⁹ The impact on the population has been devastating,¹⁰ resulting in increased internal displacement¹¹ and migration.¹² At the root of the worsening human rights situation is a governance crisis characterized by entrenched impunity and government corruption, mismanagement, and deployment of armed groups for advancing political ends.¹³ Haiti is being governed extra-constitutionally and, since January, has had no elected officials.¹⁴ Reports by the UN Panel of Experts established pursuant to UN Security Council (UNSC) resolution 2653¹⁵ and the UN Expert on Human Rights in Haiti¹⁶ documented extensive evidence of corruption among Haiti's political elite;¹⁷ government complicity with illicit arms trafficking from the United States into Haiti;¹⁸ and collusion among armed groups, government officials, and police officers.¹⁹ Institutionalized impunity for these and other human rights abuses is a further driver of Haiti's intersecting crises.²⁰

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

International actors say that urgent action is necessary to address the catastrophe in Haiti.²⁶ Nevertheless, they continue to prop up the very actors responsible for the crisis,²⁷ even as Haitians continue to protest Henry's misrule²⁸ and insist that a participatory transition is a necessary first step to restoring democratic rule in Haiti.²⁹ Such international support³⁰ removes any incentive for Henry to engage in meaningful dialogue with civil society and political actors mobilizing toward a consensus transition.³¹ As a result, Henry continues to refuse to negotiate in good faith.³² International policies are failing Haiti in a multitude of other ways, including through persistent failure to stem weapons trafficking into Haiti,³³ immigration policies that deny refuge to most Haitians fleeing the crisis,³⁴ and gross underfunding of humanitarian relief.³⁵ International discussions around human rights in Haiti also still largely marginalize Haitian civil society and human rights advocates,³⁶ a tangible illustration of the many ways in which the international community is ignoring Haitian voices.³⁷

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

¹ Institute for Justice and Democracy in Haiti (IJDH), Human Rights and the Rule of Law in Haiti: Key Recent Developments December 2022 through May 2023 (2023), https://www.ijdh.org/wp-content/uploads/2023/08/HRU-June-2023-FINAL_updated-8.14.pdf (hereinafter **IJDH June 2023 Update**). All previous IJDH Updates are available on the IJDH website at *Publications: Human Rights Updates*, IJDH, <http://www.ijdh.org/news-and-resources/publications/> (last visited Dec. 6, 2023).

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

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

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

Violence by armed groups has grown worse both in scope and brutality,³⁹ causing grave direct and indirect harms and impeding all aspects of daily life.⁴⁰ The resulting impacts on Haiti's economy and humanitarian situation⁴¹ fuel further violence as armed groups prey on increasingly desperate Haitians – particularly children and youth – for recruitment.⁴² Nearly 200,000 people have been displaced by the violence.⁴³ Significant drivers of this complex insecurity dynamic include government and police corruption and collusion with armed groups,⁴⁴ the ever-weakening police force,⁴⁵ systemic impunity for perpetrators,⁴⁶ crushing poverty,⁴⁷ and a lack of basic government services.⁴⁸

Violence by armed groups and related displacement

- Violence by armed groups has intensified further since IJDH's previous Update.⁴⁹ Reporting indicates that at least 200 armed criminal groups are operating in Haiti.⁵⁰ The capital – as much as 80 percent of which is under the control of armed groups, according to most estimates⁵¹ – remains the epicenter.⁵² But the insecurity has continued to expand beyond Port-au-Prince to areas previously considered safe,⁵³ especially the adjacent Artibonite Department,⁵⁴ where, according to the UN, violence has risen to levels “mirroring th[ose] seen in Port-au-Prince.”⁵⁵
- At least 3,960 deaths between January and November 2023 are attributable to violence by armed groups;⁵⁶ victims include 340 women and 89 children.⁵⁷ There were at least eleven mass killings between May and November.⁵⁸
- Armed groups continue to employ brutal tactics against civilians to maintain territorial control.⁵⁹ These include shooting indiscriminately at civilians living in or moving between neighborhoods controlled by rival groups;⁶⁰ executing people;⁶¹ mutilating and burning people alive;⁶² and destroying property.⁶³ Members of armed groups also continue to use sexual violence, including collective rape, to terrorize and control the population.⁶⁴ The widespread insecurity continues to impact the freedom of movement⁶⁵ and obstruct access to humanitarian aid⁶⁶ and basic goods and services, including food, water, medical care, and education.⁶⁷
- The Haitian government and the International Organization for Migration (**IOM**) estimate that the violence has displaced at least 194,624 people,⁶⁸ at least 131,000 of them in Port-au-Prince.⁶⁹ According to close observers, the real number is almost certainly higher. Women and children make up the majority of internally displaced persons.⁷⁰ As violence surges in the Artibonite Department,⁷¹ some of those who had sought refuge there after being displaced from Port-au-Prince are being displaced for a second time.⁷² Whatever government support or protection for displaced persons exists is inadequate,⁷³ and police have used force to evict them from spaces where they have gathered.⁷⁴ Displaced persons also continue to be met with hostility by other civilians over fears that they might have affiliations with armed groups,⁷⁵ as well as competition over scarce resources⁷⁶ and inadequate humanitarian assistance.⁷⁷ As a result, displaced persons who had previously been temporarily residing with friends and family are increasingly seeking refuge in makeshift shelters,⁷⁸ including schools⁷⁹ and outdoor parks.⁸⁰ The government's failure to take substantive responsibility for displaced persons has left them vulnerable to violence, rape, kidnapping, extortion, and recruitment by armed groups.⁸¹ Displacement sites are also overcrowded and unsanitary,⁸² with limited access to healthcare, food, and potable water,⁸³ leaving displaced persons at increased risk of malnutrition and diseases like cholera.⁸⁴ Flooding and earthquakes have led to further displacement⁸⁵ and exacerbated the already inhumane conditions at displacement sites.⁸⁶

Continuing kidnapping epidemic

- The already staggering number of kidnappings by armed groups continues to increase,⁸⁷ up from 1,359 reported in 2022⁸⁸ to 2,951 between January and November 2023.⁸⁹ The real numbers are likely even higher due to underreporting.⁹⁰
- As of September, the Artibonite Department overtook Port-au-Prince in the number of kidnappings.⁹¹ Collective kidnappings of groups of people, often from buses and cars, have also increased in the region.⁹²
- Armed groups continue to kidnap people across all segments of the population⁹³ for revenue.⁹⁴ The vast majority of victims (approximately 93 percent) are Haitian.⁹⁵ Women and girls are at a high risk of sexual violence during kidnappings,⁹⁶ including as a means of pressuring families to pay.⁹⁷ Those who resist kidnapping are sometimes executed.⁹⁸

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

- The de facto government remains unable and unwilling to address the catastrophic insecurity,⁹⁹ primarily as a result of its extensive and consistent collusion with armed groups¹⁰⁰ and police ineffectiveness.¹⁰¹ The government's inaction has prompted widespread frustration among Haitians,¹⁰² including members of Henry's own High Transitional Council (**HCT**).¹⁰³
- Despite significant international aid directed at improving police capacity,¹⁰⁴ the Haitian National Police (**PNH**) continues to lack sufficient personnel, resources, and training to effectively confront the armed groups.¹⁰⁵ Police numbers are shrinking:¹⁰⁶ 1,045 officers left the PNH between January and September.¹⁰⁷ According to the UN, this leaves an active force of around 9,000 to 13,000,¹⁰⁸ only around 4,000 of whom are available for active policing nationwide at any given time.¹⁰⁹ The government's failure to ensure adequate and timely pay is a significant driver of attrition¹¹⁰ and fuels police collusion with armed groups.¹¹¹ Unmitigated and extreme risk – armed groups target police – is another,¹¹² as is increased emigration.¹¹³ Many active-duty officers are also used by political and business elites for their personal security, further reducing the number of police available for public protection.¹¹⁴ As of September 30, 45 out of 412 police buildings were either under the direct control of armed groups or non-operational following repeated attacks.¹¹⁵ As a result of these challenges, police have abandoned certain areas completely,¹¹⁶ leaving residents with no defense.¹¹⁷
- The civilian-led *Bwa Kale*¹¹ self-protection movement, started in April by residents of Port-au-Prince as a means of confronting armed group violence in the absence of functioning state institutions,¹¹⁸ has spread across the country.¹¹⁹ Armed civilians have killed at least 388 people suspected of belonging to armed groups extrajudicially,¹²⁰ sometimes with police encouragement or complicity.¹²¹ *Bwa Kale* actions, some of which have been described as “lynchings,” embody the state's failure in its responsibility to protect.¹²² They also risk harming innocent civilians,¹²³ exacerbating the violence, damaging trust within communities, and further undermining the rule of law.¹²⁴ Some armed groups have targeted members of *Bwa Kale*,¹²⁵ even forming their own movement in response (known as *Zam Pale* – “guns speak”);¹²⁶ others have allied with *Bwa Kale* as a means of countering rival armed groups.¹²⁷
- Haiti remains dangerous for human rights defenders and journalists.¹²⁸ Threats and violence against the *Centre d'analyse et recherche en droits de l'homme (CARDH)* – including the kidnapping of a staff member on October 29¹²⁹ – forced the organization to suspend its activities indefinitely on November 22.¹³⁰ Members of several human rights organizations, including the *Réseau National de Défense des Droits Humains (RNDDH)* and *Fondasyon Je Klere (FJKL)*, have been accused of defamation after publishing reports on human rights violations and corruption.¹³¹ Haitian grassroots organization *Femme en Action Contre la Stigmatisation et la Discrimination Sexuelle (FACSDIS)* reported that many organizations working to defend

¹¹ 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/>.

LGBTQI+ rights in Haiti are at risk due to insecurity.¹³² According to Pascale Solages, the co-founder of Haitian feminist organization *Nègès Mawon*, members of her organization received threats on social media after organizing a demonstration for abortion rights in September.¹³³ The de facto government continues to fail to protect against, investigate, and prosecute such threats and attacks.¹³⁴

II. Government misconduct, including institutionalized violence and corruption

Since IJDH's last Update, no progress has been made toward restoring constitutionality and democratic governance in Haiti.¹³⁵ Unelected and illegitimate de facto Prime Minister Henry has continued to eschew most dialogue and compromise, impeding efforts by civil society and political opposition to reach a consensus around the transition that all actors assert Haiti needs.¹³⁶ Instead, Henry has taken measures to consolidate his illegitimate rule.¹³⁷ There is strong evidence of persistent government and police collusion with and infiltration by armed groups,¹³⁸ as well as police brutality against the civilian population, especially those criticizing or challenging the government.¹³⁹ Widespread corruption remains a long-standing symptom and driver of Haiti's governance crisis,¹⁴⁰ and continues to undermine state institutions.¹⁴¹

- Henry has made clear that he intends to operate with or without a political consensus.¹⁴² Efforts to facilitate dialogue among Henry, civil society, and political actors mobilizing toward a consensus transition have largely failed, primarily because Henry refuses to negotiate in good faith or concede power.¹⁴³ His persistent intransigence and failure in his responsibility to protect the Haitian people from insecurity have led to calls for his resignation as a prerequisite for any democratic transition.¹⁴⁴ Against this background, Henry claims to be moving Haiti toward elections, including by progressing efforts to reestablish the Provisional Electoral Council (CEP)¹⁴⁵ through the HCT he unilaterally installed,¹⁴⁶ all without input or support from relevant political and civil society actors.¹⁴⁷ He is widely perceived as lacking the legitimacy or credibility to organize elections given his own performance and the track record of other PHTK-affiliated governments, which have failed to hold a single timely or fair election since 2010.¹⁴⁸
- Government officials and political elites continue to collude with armed groups to maintain power and for personal gain.¹⁴⁹ A recent report by the UN Panel of Experts documented extensive collusion with armed groups by PHTK founder and former President Michel Martelly, former member of parliament Prophane Victor, and former Senate leader Youri Latortue.¹⁵⁰ The Experts are also investigating other allegations of collusion between armed groups and political actors.¹⁵¹ Consistent related findings¹⁵² and a series of foreign sanctions against political elites who are alleged to finance armed groups' criminal activities indicate the issue is ongoing and widespread.¹⁵³ At least 25 of those sanctioned are affiliated with the PHTK.¹⁵⁴ According to a former senior police official, each armed group commandeers at least two or three police officers.¹⁵⁵ There is consistent evidence that police officers provide weapons and vehicles to armed groups.¹⁵⁶ There have been no material efforts by Haitian authorities to investigate these ties or hold perpetrators accountable.¹⁵⁷
- The PNH continues to use excessive force against civilians. Police officers routinely use tear gas to repress anti-government protests¹⁵⁸ and have targeted journalists reporting on such demonstrations.¹⁵⁹ In July, police officers used tear gas to forcibly evict displaced persons taking refuge near the U.S. embassy.¹⁶⁰ RNDDH reported that a police officer and a heavily-armed individual attacked its premises on August 18, shortly after the organization had published a report detailing collusion between armed groups, police, and government officials.¹⁶¹ Miragoâne government prosecutor Jean Ernest Muscadin continues to illegally and summarily execute individuals suspected of belonging to armed groups.¹⁶²
- Pervasive corruption at all levels of government is a significant driver of insecurity and continues to undermine institutional legitimacy.¹⁶³ For example, a report by the UN Panel of Experts revealed a six-year scheme by former Director General of Customs Romel Bell¹⁶⁴ to divert customs revenue, abet criminal activities within the customs agency, and evade taxes.¹⁶⁵ Former state authorities' misappropriation of state equipment has left government agencies unable to maintain canals, leading to extensive flooding.¹⁶⁶ A former civil servant highlighted

long-standing issues of corruption in Haiti's Consulate General in Paris.¹⁶⁷ Impunity for corruption remains the norm, although there are indications of some efforts to address it.¹⁶⁸ These include a continued investigation by Haiti's Anti-Corruption Unit (**ULCC**) into allegations of misappropriation of public property, illegal taking of interest, forgery, influence peddling, and criminal conspiracy by officials in Haiti's Social Assistance Fund.¹⁶⁹ The ULCC also continues to take steps to investigate and prosecute corruption by high-ranking government officials,¹⁷⁰ including three former senators.¹⁷¹ Officials involved in investigating corruption have been targets of violence.¹⁷²

III. Lack of access to justice and chronic impunity

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

Justice sector dysfunction and chronic impunity

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

^{III} *Tribunaux de Paix* (Peace Courts) are Haiti's lowest courts, equivalent to a court of common pleas or a trial court. Decisions made by a *Tribunal de Paix* may be appealed in Courts of First Instance. Jameson Francisque, *Comprendre comment s'organise le système judiciaire haïtien*, AYIBO POST (Dec. 17, 2020), <https://ayibopost.com/comprendre-comment-sorganise-le-systeme-judiciaire-haitien/>.

began questioning suspects in late August.²⁰³ The judge also questioned former Prime Minister Michel Martelly and attempted to question de facto Prime Minister Ariel Henry, who refuses to appear.²⁰⁴ Both have been accused of complicity in the assassination, though neither has been named as a formal suspect.²⁰⁵ Despite recommendations from the Central Directorate of the Judicial Police that arrest warrants be issued for a number of Haitian political and business elites,²⁰⁶ police have arrested just two former officials: former justice official Joseph Félix Badio, who in spite of a warrant for his arrest had been living freely in Port-au-Prince since the assassination,²⁰⁷ and former Jacmel mayor Macky Kessa.²⁰⁸

- Impunity likewise persists for other high profile cases²⁰⁹ – let alone cases outside public scrutiny – including the 2018 La Saline massacre;²¹⁰ the assassinations of former Port-au-Prince Bar Association President Monferrier Dorval,²¹¹ political activist Antoinette Duclair, journalist Diego Charles,²¹² and LGBTQI+ activist Charlot Jeudy;²¹³ and the embezzlement of over \$2 billion from the PetroCaribe development fund.²¹⁴ The lack of accountability is emblematic of the broader culture of impunity in Haiti.²¹⁵

Inhumane prison conditions

- Haiti’s pretrial detention rate is at least 84 percent.²¹⁶ Many incarcerated individuals spend longer in pretrial detention than the length of any sentence that could be imposed based on their alleged wrongdoing,²¹⁷ with some detained for over a decade.²¹⁸ It is practically impossible for them to challenge their detention.²¹⁹ The pace of ongoing hearings²²⁰ is having negligible impact given the scale of the problem.²²¹
- Authorities continue to fail to provide incarcerated individuals with adequate food,²²² clean water,²²³ sanitation facilities,²²⁴ and medical care.²²⁵ At least 219 detainees died in 2022²²⁶ and 108 more between April and October 5, mostly as a result of malnutrition-related complications and inadequate health care.²²⁷
- Incarcerated individuals also remain at substantial risk of violence from prison officials and fellow detainees.²²⁸ Fear of retribution – particularly when the perpetrator is a prison official – prevents many from reporting attacks.²²⁹
- Prisons are increasingly overcrowded,²³⁰ with cells at over 331 percent occupancy,²³¹ up from an already shocking 285 percent in April.²³² According to the UN Expert on Human Rights in Haiti, the juvenile prison in Port-au-Prince is at over 350 percent occupancy.²³³ Severe overcrowding increases the likelihood of illness, including tuberculosis and cholera²³⁴ and exacerbates the above-described harms.
- Women and minors continue to be particularly vulnerable due to the absence of sufficient dedicated facilities.²³⁵ Incarcerated pregnant women and girls are often denied prenatal and postnatal care, increasing risks of health issues.²³⁶

IV. Lack of equal rights and protections

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

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

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

Office for the Coordination of Humanitarian Affairs (**OCHA**) recorded over 16,470 cases of GBV in 2022,²⁴³ with one observer reporting a 377 percent increase in incidence of GBV from prior years.²⁴⁴ At least 452 women and children were reportedly victims of sexual violence between October 2022 and June 2023.²⁴⁵ A *Médecins Sans Frontières* (**MSF**) clinic that treats victims of sexual violence reported in October that it receives 400 new cases every month.²⁴⁶ Haitian feminist organization *Négés Mawon* reported responding to over 110 cases of sexual violence by armed groups between January and August 2023.²⁴⁷ A June survey conducted by Haitian feminist organization *Marijàn* found that 20 percent of women in the Cité Soleil and Canaan neighborhoods of Port-au-Prince reported being raped.²⁴⁸ The real incidence is likely even higher due to chronic underreporting²⁴⁹ (driven by fear of retaliation and social exclusion,²⁵⁰ as well as distrust of the judicial system²⁵¹) and a lack of standardized case documentation.²⁵²

- Armed groups continue to use calculatingly brutal sexual violence²⁵³ as a tool for holding territory,²⁵⁴ punishing people living under the control of rival armed groups,²⁵⁵ and instilling fear in the local population.²⁵⁶ Women who are kidnapped²⁵⁷ are often raped,²⁵⁸ leading to long-lasting physical and emotional trauma.²⁵⁹ Armed groups reportedly also subject women to sexual slavery²⁶⁰ and sometimes forcibly recruit them.²⁶¹ Age does not protect from sexual violence – armed groups commonly target girls as young as ten and elderly women.²⁶² As a result, women and girls are often effectively confined to their homes out of fear of violence, further impeding their ability to access critical services and participate in public life, including work and school.²⁶³ Women and girls displaced by the violence are at a heightened risk of sexual exploitation and abuse.²⁶⁴
- Victims of GBV face systemic barriers to accessing critical services and judicial recourse.²⁶⁵ Violence and roadblocks by armed groups, high transportation costs, and reduced hospital operations due to insecurity further complicate victims' access to medical and psychosocial care for physical trauma, pregnancy, and sexually transmitted infections.²⁶⁶ Whatever dedicated services are available for victims are primarily provided by local and humanitarian organizations rather than the state.²⁶⁷
- Pregnant women are particularly impacted by the lack of access to healthcare,²⁶⁸ with women reportedly dying at home because they are unable to reach a hospital.²⁶⁹ Abortion remains illegal under all circumstances.²⁷⁰ As a result, women seeking abortion are forced to undergo clandestine procedures, putting them at increased risk of complications.²⁷¹ In spite of the challenging legal landscape and pervasive insecurity, women took to the streets on September 28 to demand that the state decriminalize abortion.²⁷²
- Armed groups continue to inflict violence on children, resulting in serious physical and emotional trauma.²⁷³ According to the OHCHR, armed groups are coercing children into joining,²⁷⁴ and minors make up as many as 30 to 50 percent of armed group members.²⁷⁵ Armed groups have been known to execute children who try to leave.²⁷⁶ Children are also especially vulnerable to and impacted by malnutrition,²⁷⁷ cholera,²⁷⁸ and inaccessible healthcare.²⁷⁹ As a result, nearly 3 million children are in need of urgent humanitarian assistance²⁸⁰ – up from 2.6 million in 2022.²⁸¹ Approximately 1 million children did not attend school in 2023 due to a combination of insecurity, high education costs, and a dysfunctional education sector.²⁸² Girls are disproportionately at risk of dropping out of school.²⁸³ Children make up nearly half of all persons displaced by insecurity in Haiti.²⁸⁴ Approximately 30,000 children live in private orphanages,²⁸⁵ where they are at increased risk of forced labor, human trafficking, and physical and sexual abuse.²⁸⁶
- Haiti's rural farmers, "*peyizan*," remain vulnerable to attacks by armed groups²⁸⁷ and violent land grabs.²⁸⁸ The latter are often carried out at the direction of or in collusion with political actors.²⁸⁹ In November, the UN reported that armed groups have been occupying farmers' land and demanding farmers pay "taxes" to gain access.²⁹⁰
- There is still little available data on the human rights situation for many other marginalized groups in Haiti.²⁹¹ LGBTQI+ persons face discrimination and chronic marginalization on account of their sexual orientation and gender identity, and are not protected under the law.²⁹² This leaves them vulnerable to harassment and violence.²⁹³ Insecurity also exacerbates long-

standing stigma and discrimination against persons with disabilities.²⁹⁴ Women and children with disabilities are disproportionately vulnerable to violence by armed groups, including rape, and are more likely to be left behind as communities flee.²⁹⁵ For example, armed individuals twice attacked an orphanage for children with disabilities in Arcahaie (in September and October), kidnapping staff, attempting to rape a female resident, and looting the facility.²⁹⁶

V. Collapse of economic and social rights

Haiti's social and economic landscape remains dire. The majority of Haitians are living in poverty²⁹⁷ and many lack access to food, clean water, healthcare, and education.²⁹⁸ The insecurity and governance crises described in this Update are causing additional impacts,²⁹⁹ including the closures of hospitals and schools³⁰⁰ and the continued spread of cholera throughout the country.³⁰¹ Haiti also remains particularly vulnerable to impacts from climate change and natural disasters,³⁰² which exacerbate the difficult humanitarian situation.³⁰³ Collectively, these challenges are rooted in long-term under-development and institutional dysfunction,³⁰⁴ including as a result of persistent foreign interference and extraction³⁰⁵ and diversion of public resources by Haitian officials.³⁰⁶ Sustainable solutions to Haiti's intersecting crises thus require addressing these structural drivers of social and economic weakness and inequality.

Economy in decline

- Haiti's economy remains in its fifth consecutive year of decline,³⁰⁷ with approximately 59 percent of Haitians living in poverty.³⁰⁸ Average inflation for 2023 is at 46.3 percent,³⁰⁹ and the cost of many food staples remains over 20 percent higher than one year ago.³¹⁰ As a result, poor families are spending over 65 percent of their budget on food and transportation.³¹¹
- Insecurity exacerbates the long-term structural drivers of Haiti's economic decline.³¹² Extortion and violence by armed groups along key transportation routes continue to disrupt the flow of goods through Haiti,³¹³ driving up prices and destabilizing the economy³¹⁴ while increasing revenues for armed groups.³¹⁵ Insecurity has devastated Haiti's agricultural sector,³¹⁶ which normally accounts for over 20 percent of Haiti's gross domestic product and employs nearly 50 percent of the population.³¹⁷ According to the UN Panel of Experts, armed groups also collect "taxes" from the population for public services (like water and electricity) that they do not provide, pushing people deeper into poverty.³¹⁸ Transportation costs have more than doubled since 2022,³¹⁹ primarily as a result of lingering high fuel prices³²⁰ and extortion of fuel carriers by armed groups.³²¹ Insecurity also continues to impact foreign trade and economic activity.³²²
- On September 17, the Dominican Republic sealed its border with Haiti,³²³ blocking all trans-border commerce for nearly one month.³²⁴ Although Dominican authorities partially reopened the border for limited trade on October 11,³²⁵ Haitian authorities have blocked goods from entering Haiti through the Ouanaminthe-Dajabón border crossing in a bid to pressure the Dominican government to renegotiate relations between the two countries.³²⁶
- The chronic lack of economic opportunity is a major driver of recruitment by armed groups,³²⁷ as many see joining an armed group as their only means of survival.³²⁸

Access to water

- Over half of Haitians lack access to adequate drinking water or hygiene and sanitation services.³²⁹ Only eleven percent have access to running water.³³⁰ Haitians report resorting to using contaminated wells, swamps, and untreated rainwater for their water needs,³³¹ increasing their vulnerability to water-borne diseases, including cholera.³³² Women and children are the first to be impacted by the lack of access to clean water because they are generally responsible for collecting it.³³³
- Ongoing insecurity exacerbates long-standing problems with water access that are rooted in persistent government failures to build and maintain water and sanitation infrastructure.³³⁴ UNICEF reported in October that two out of the Artibonite Department's three major water treatment plants were forced to shut down due to insecurity, while the third faces distribution

challenges.³³⁵ The UN's 2016 promise to improve Haiti's water, sanitation, and hygiene infrastructure as part of its plan to eliminate UN-introduced cholera³³⁶ remains unfulfilled.³³⁷

- Climate change, environmental degradation, and extractive industries further threaten water security in Haiti.³³⁸ Heavy flooding in June filled entire neighborhoods in Port-au-Prince with sewage water³³⁹ and contaminated dozens of water tanks in the North-West Department, damaging the water supply network.³⁴⁰

Access to food

- Haiti's food crisis is on par with the most severe hunger emergencies in the world,³⁴¹ and nearly half the population is in need of humanitarian and food assistance.³⁴² Nearly a quarter of children under five suffer from chronic severe malnutrition,³⁴³ with 100,000 children at immediate risk of starving to death.³⁴⁴ The number of acutely food insecure Haitians has decreased from 4.9 million reported in IJDH's last Update³⁴⁵ to approximately 4.4 million as of November.³⁴⁶ The UN Integrated Office in Haiti (**BINUH**) and the World Food Programme attribute the decrease to a temporary improvement in some of the distribution issues that impeded access to food, and warn that the number is likely to go back up in 2024.³⁴⁷ Of those 4.4 million, approximately 2.9 million and 1.4 million are facing crisis-level and emergency-level food insecurity,^v respectively.³⁴⁸ Over 97 percent of people in the communes of Croix-des-Bouquets and Delmas (urban areas near Port-au-Prince heavily impacted by violence) are eating at most one meal a day.³⁴⁹ Over 45 percent of people living in the Artibonite Department, where violence by armed groups has rapidly escalated, are acutely food insecure.³⁵⁰
- Insecurity³⁵¹ and inflated food prices³⁵² are the primary drivers of the acute food crisis. Residents of areas controlled by armed groups, in particular, often have difficulty accessing food, sometimes for months at a time.³⁵³ Increased presence of armed groups and related roadblocks have complicated food production and distribution,³⁵⁴ especially in the Artibonite Department, Haiti's main agricultural region.³⁵⁵ According to a November UN report, armed groups are directly targeting farmers, extracting ransom payments, stealing crops, and destroying irrigation canals.³⁵⁶ Armed groups also often kidnap and rape women – historically the backbone of Haiti's food distribution network³⁵⁷ – on their way to market.³⁵⁸
- Longer-term drivers of Haiti's protracted food insecurity include persistent foreign interference with Haiti's food sovereignty;³⁵⁹ inadequate humanitarian support;³⁶⁰ government neglect of Haiti's agricultural sector;³⁶¹ and environmental challenges that impact food production.³⁶²

Access to healthcare

- Armed groups continue to target hospitals, staff, and patients for violence and kidnappings.³⁶³ An attack on the University Hospital in Mirebalais on September 26 forced approximately half of the hospital's more than 350 patients, many of them critically ill and in need of life-saving care, to flee.³⁶⁴ On November 15, armed individuals surrounded the Fontaine Hospital Center in Port-au-Prince, forcing dozens of patients and employees to evacuate and the Center to close indefinitely.³⁶⁵ The MSF facility in Tabarre was forced to suspend operations in July and August after armed men abducted a patient from the facility.³⁶⁶ Members of the *Gran Ravin* armed group took control of the Sanatorium Hospital in Carrefour-Feuilles, a treatment center for those with pulmonary diseases and auto-immune disorder syndrome, for two days in late August,³⁶⁷ forcing the hospital to close in early September.³⁶⁸
- Even where hospitals are operating, violence and roadblocks by armed groups continue to impede physical access for patients and healthcare workers.³⁶⁹ Only a quarter of healthcare

^v Crisis-level food insecurity refers to households that are living with high or above-usual acute malnutrition or are barely able to meet their food needs through depleting essential livelihood assets or crisis-coping strategies. Emergency-level food crisis refers to households either living with very high acute malnutrition and excess mortality or only able to meet their food needs by resorting to emergency livelihood strategies and asset liquidation. *What is the IPC?*, FAMINE EARLY WARNING SYSTEMS NETWORK (**FEWS**), <https://fews.net/about/integrated-phase-classification> (last visited Dec. 6, 2023).

facilities in the Artibonite Department remain accessible.³⁷⁰ Related distribution issues have resulted in shortages of fuel³⁷¹ and critical medical supplies,³⁷² further limiting the provision of adequate healthcare.³⁷³ The closure of the border with the Dominican Republic has exacerbated these challenges.³⁷⁴

- Haiti's healthcare system remains on the verge of collapse due to chronic under-resourcing.³⁷⁵ Government spending on healthcare is around one percent of Haiti's gross domestic product – far below the six percent considered necessary by the World Health Organization.³⁷⁶ Only about 40 percent of Haitians have access to healthcare, in part because there are not enough public healthcare institutions to serve the population, and many cannot afford care in private institutions.³⁷⁷ Just 42 percent of healthcare facilities offer a full range of basic services³⁷⁸ and approximately 75 percent lack adequate medical supplies and personnel.³⁷⁹ Strikes by healthcare workers to protest lack of payment, staffing issues, and poor management have disrupted services at multiple healthcare institutions.³⁸⁰ These challenges have driven many healthcare professionals to flee Haiti, further impeding access to care.³⁸¹
- These challenges distinctly impact women and girls,³⁸² whose access to medical care is already limited due to long-standing under-resourcing and structural barriers.³⁸³
- Cholera – recklessly introduced to Haiti by UN peacekeepers in 2010 before reemerging in October 2022³⁸⁴ – continues to infect Haitians.³⁸⁵ As of August 26 (last available data at time of writing), the Haitian Ministry of Health reported 3,835 confirmed cases, 62,790 suspected cases, and 850 deaths.³⁸⁶ With cholera treatment centers overwhelmed and insecurity impeding access to medical care and testing, the real numbers are likely much higher.³⁸⁷ Chronic problems with Haiti's water, sanitation, and hygiene infrastructure – exacerbated by insecurity³⁸⁸ and heavy flooding³⁸⁹ – are a significant driver of the spread.³⁹⁰ Above-described malnutrition increases the severity of symptoms and likelihood of death.³⁹¹

Access to education

- Violence by armed groups targeting schools and displacement pressures have made education largely inaccessible.³⁹² Many schools remain closed due to the violence, particularly in Port-au-Prince and the Artibonite Department.³⁹³ Others are nonfunctional because they are housing displaced persons³⁹⁴ or because armed groups are using them as bases for their criminal operations.³⁹⁵ The government has not made adequate efforts to facilitate school openings or offer support for schools that are unable to open because they are serving as informal displacement sites.³⁹⁶ Schools that have stayed open are not necessarily safe – for example, over 400 students and teachers were trapped for several days in mid-October inside their school in Port-au-Prince when fighting between armed groups prevented them from leaving.³⁹⁷ Many children do not attend classes because they do not want to risk making the dangerous journey through territory controlled by armed groups to get to school.³⁹⁸
- Chronic under-resourcing and dysfunction within Haiti's school system further disrupt access to education.³⁹⁹ The national education budget decreased for the second year in a row, down to just 10.3 percent of the national budget for the 2023-2024 fiscal year.⁴⁰⁰ Many educators have gone on strike to protest poor teaching conditions and the government's continued failure to pay teachers in a timely manner.⁴⁰¹ Others have fled the country altogether, prompting concerns that Haiti risks a teacher shortage.⁴⁰²
- Approximately 85 percent of Haiti's schools are private and charge fees that low-income families cannot afford.⁴⁰³ Approximately one million children are at risk of dropping out because they cannot afford private school tuition,⁴⁰⁴ with poor families often forced to choose between spending money on food or education.⁴⁰⁵

VI. Emigration pressures

- Haiti's intersecting insecurity and humanitarian crises continue to drive Haitians to emigrate.⁴⁰⁶ Foreign states have continued to impose restrictions on asylum grounded in classism and anti-Black racism, and to repatriate Haitians seeking refuge at their borders⁴⁰⁷ – all even as they urge

their own citizens to leave Haiti due to the dire insecurity situation.⁴⁰⁸ U.S. immigration policies continue to have the effect of excluding the most vulnerable Haitians from safety.⁴⁰⁹

- The number of Haitians fleeing the catastrophic human rights situation in Haiti continues to increase,⁴¹⁰ primarily because the pressures driving emigration in the first place remain unaddressed.⁴¹¹ U.S. Customs and Border Patrol encountered 164,823 Haitian migrants in the United States between January and October,⁴¹² over twice as many as in all of 2022.⁴¹³ Haitian migrants continue to make dangerous and often deadly journeys over land and sea in search of safety.⁴¹⁴ Migrant smuggling is a profitable business, including for some Haitian officials facilitating trafficking.⁴¹⁵ Nicaragua featured as a base for trafficking in recent months,⁴¹⁶ with over 31,400 Haitians taking expensive charter flights to Nicaragua⁴¹⁷ where traffickers are waiting to take them north to the United States.⁴¹⁸
- Foreign states continue to remove many Haitians who reach their borders,⁴¹⁹ despite persistent criticism by UN officials,⁴²⁰ U.S. lawmakers,⁴²¹ and human rights organizations⁴²² that many removals are inhumane and illegal. The Dominican Republic – now responsible for 96 percent of all removals⁴²³ – expelled more Haitians in the first half of 2023 than in all of 2022.⁴²⁴ Anti-Haitian and anti-Black rhetoric fuels these mass expulsions,⁴²⁵ with reports that Dominican authorities target Haitians for removal regardless of their immigration status and solely on the basis of their skin color.⁴²⁶ Dominican authorities continue to detain and remove pregnant and breastfeeding women.⁴²⁷ Despite repeatedly acknowledging the severity of the insecurity and humanitarian crises in Haiti,⁴²⁸ the U.S. government continues to remove Haitian migrants.⁴²⁹
- Dominican authorities have also deployed measures to prevent Haitians from entering the Dominican Republic, including blanket denials of visas to Haitians,⁴³⁰ a ban on most flights between the two countries,⁴³¹ and continued construction of a border wall.⁴³² The Dominican Republic’s closure of its land border with Haiti on September 17 has prevented all land migration between the two countries.⁴³³
- The U.S. government has continued its humanitarian parole program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV), which offers lawful entry into the United States based on humanitarian need to a limited number of migrants (shared without allocation among the four nationalities).⁴³⁴ The CHNV program has allowed many Haitians to settle in the United States.⁴³⁵ However, U.S. immigration policy is on balance harshly restrictive toward Haitian migrants and has the effect of discriminating against the most marginalized. This is a product of illegal limitations on asylum⁴³⁶ that are not offset by the CHNV program, which is inaccessible to most Haitians – particularly those most vulnerable to Haiti’s insecurity and humanitarian crises.⁴³⁷ The recent dramatic increase in prices of flights from Haiti to the United States further impacts migrants.⁴³⁸
- Haitian migrants who are returned to Haiti are particularly vulnerable to recruitment by armed groups⁴³⁹ and sexual exploitation and abuse.⁴⁴⁰ Assistance to returnees, provided primarily by IOM, remains grossly inadequate.⁴⁴¹ Returnees with prior criminal records continue to be distinctly at risk: a group of 17 returnees who served time for criminal convictions in the United States were immediately detained upon their arrival in Haiti on November 30 and kept for two days without access to food, water, medical care, or sleeping mats before being released.⁴⁴²

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

Haiti’s intersecting crises are rooted in centuries of harmful and exploitative conduct by foreign actors, stretching back to enslavement, colonialism, and France’s extortion of the “Independence Debt.”⁴⁴³ The debt ultimately cost Haiti US \$21-115 billion in economic growth,⁴⁴⁴ while also laying the foundations for subsequent foreign extraction and interference that have stunted Haiti’s democracy and development and directly precipitated the present crises.⁴⁴⁵ Despite a consensus among international actors that Haiti is experiencing a humanitarian catastrophe and urgent responsive action is needed,⁴⁴⁶ humanitarian relief efforts remain grossly underfunded.⁴⁴⁷ The international community is directing its primary focus towards the UNSC-authorized Multinational Security Support (MSS) mission to Haiti,⁴⁴⁸ which risks further entrenching the political actors responsible for Haiti’s crises⁴⁴⁹ and repeating the grave and unremedied harms of past interventions.⁴⁵⁰ Persistent international support for Haiti’s corrupt,

illegitimate, and repressive de facto government further impedes solutions to the crises, undermines Haitians' right to self-determination,⁴⁵¹ and directly ignores Haitian voices protesting his misrule.⁴⁵²

- On October 2 – after a year of concerted U.S.-dominated international pressure⁴⁵³ – the UNSC authorized the MSS, a non-UN mission mandated to provide operational support to the PNH for a term of twelve months (to be reviewed after nine).⁴⁵⁴ Kenya has agreed to lead the mission and provide 1,000 police officers.⁴⁵⁵ Kenya's own assessment determined that a successful mission would require the deployment of 10,000 to 20,000 personnel for three years⁴⁵⁶ and as much as \$600 million in funding for the one year of the mission presently authorized.⁴⁵⁷ MSS funding and additional troop contributions are voluntary,⁴⁵⁸ raising serious concerns about its viability. Other UN voluntary funds – such as those set up for victims of the UN-introduced cholera epidemic in Haiti and UN sexual exploitation and abuse – remain severely under-resourced and unable to deliver promised results.⁴⁵⁹ Further, many Haitian civil society⁴⁶⁰ and leading diaspora groups⁴⁶¹ remain deeply opposed to the MSS on the grounds that de facto Prime Minister Henry has no constitutional authority to request such an intervention,⁴⁶² that the MSS will further entrench Henry's undemocratic regime,⁴⁶³ and that it lacks adequate safeguards to ensure prevention of and remedies for human rights abuses.⁴⁶⁴ The deepening insecurity has nevertheless driven many Haitians to view foreign intervention as necessary to address the worst of the violence,⁴⁶⁵ in spite of general wariness borne of harms caused by past foreign actions.⁴⁶⁶ There are also concerns with Kenyan leadership, as Kenyan police have a troubling record of human rights abuses⁴⁶⁷ and do not speak Haitian Creole or French.⁴⁶⁸ Moreover, Kenya's role in the MSS is being vigorously contested domestically.⁴⁶⁹ At the time of writing, Kenya's parliament had approved the government's request to deploy police officers as part of the MSS, but Kenya's High Court was blocking the deployment until at least January 26, 2024 in response to a lawsuit challenging the mission's constitutionality.⁴⁷⁰
- International actors continue to prop up de facto Prime Minister Henry, including by (i) supporting his “National Consensus Document for an Inclusive Transition and Fair Elections” (“**December Accord**”)⁴⁷¹ – widely rejected by Haitians as a means of consolidating illegitimate power through unfair elections, unconstitutional changes to Haiti's constitution, and illegal court-packing⁴⁷² – and (ii) treating him as an indispensable actor in any transitional agreement.⁴⁷³ International backing has allowed Henry to effectively veto any development that meaningfully restricts the power of the corrupt, repressive actors he embodies.⁴⁷⁴ When international actors have put pressure on Henry to participate in political dialogue,⁴⁷⁵ he has attended meetings but consistently refused to meaningfully compromise towards fair elections or reneged on commitments with no apparent consequences.⁴⁷⁶
- There is universal acknowledgment that Haiti's crisis is enabled by weapons and ammunition trafficked into the country, primarily from the United States.⁴⁷⁷ The U.S. government has announced a number of related initiatives,⁴⁷⁸ but prosecutions of complicit individuals appear limited⁴⁷⁹ and the initiatives inadequate relative to the nature and scale of the problem.⁴⁸⁰
- Foreign states and the UN have continued to sanction Haitian individuals accused of corruption or collusion with armed groups.⁴⁸¹ Twenty-five of them are PHTK officials, leaders, or prominent allies.⁴⁸² Since IJDH's last Update, Canada announced sanctions on two former members of Haiti's parliament, three leaders of armed groups, and several Haitian business elites.⁴⁸³ The UN sanctioned an additional four armed group leaders.⁴⁸⁴ According to RNDDH, foreign sanctions have not been impactful in terms of addressing violence by armed groups.⁴⁸⁵
- Since IJDH's last Update, the UN has continued targeted country visits and reporting,⁴⁸⁶ and BINUH's mandate was extended again until July 15, 2024.⁴⁸⁷ Haitian and international civil society and human rights organizations continue to criticize BINUH for its persistent failure to address credible allegations of government collusion with armed groups and complicity in perpetuating the current crisis.⁴⁸⁸

¹ Noteworthy reports providing an overview of Haiti's human rights situation published during the reporting period include: (i) UN Human Rights Office of the High Commissioner (**OHCHR**), Criminal violence extends beyond Port-au-Prince: The situation in Lower Artibonite from January 2022 to October 2023 (Nov. 2023), <https://www.ohchr.org/sites/default/files/documents/countries/haiti/Haiti-report-criminal-violence-artibonite-2023-EN.pdf>; (ii) UN Integrated Office in Haiti (**BINUH**), Human rights situation: Main trends, Quarterly report: July-September 2023 (2023), https://binuh.unmissions.org/sites/default/files/2023_q3_rapport_trimestriel_droits_humains_en.pdf; (iii) UN Security Council (**UNSC**), BINUH: Report of the Secretary General, UN Doc. S/2023/768 (Oct. 16, 2023), <https://binuh.unmissions.org/sites/default/files/s-2023-768.pdf> (hereinafter **Oct. 2023 Report of the UN Secretary-General**); (iv) Réseau National de Défense des Droits Humains (**RNDDH**), Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023 (Oct. 11 2023), <https://web.rnddh.org/wp-content/uploads/2023/10/8-Rap-Justice-11Oct2023-FR.pdf>; (v) RNDDH, Crise sécuritaire et situation des personnes déplacées internes en Haïti: Plaidoyer pour une réponse étatique adéquate (Oct. 2023) https://web.rnddh.org/wp-content/uploads/2023/10/1-RNDDH.ASFC-Rapport_DeplaceesInternes_Haiti_AJULIH_13Oct2023.pdf; (vi) Beatrice Mosello, Lucas Destrijcker & Spencer Adrian McMurray, 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; (vii) Human Rights Council (**HRC**), Findings of the appointed expert on the situation of human rights in Haiti, UN Doc. A/HRC/54/79 (Sep. 25, 2023), available at: <https://reliefweb.int/report/haiti/findings-appointed-expert-situation-human-rights-haiti-ahrc5479-advance-unedited-version>; (viii) Congressional Research Service (**CRS**), Haiti: Recent Developments and U.S. Policy (last updated Sep. 18, 2023), <https://crsreports.congress.gov/product/pdf/R/R47394/10>; (ix) UNSC, Final report of the Panel of Experts on Haiti submitted pursuant to resolution 2653 (2022), UN Doc. S/2023/647 (Sep. 15, 2023) (hereinafter **Final report of the Panel of Experts on Haiti**); (x) Human Rights Watch (**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>; (xi) RNDDH, The Increasing violence in the West and Artibonite departments: RNDDH denounces the complicity of the CSPN (Aug. 18, 2023), <https://web.rnddh.org/wp-content/uploads/2023/08/7-RapM-Escalade-de-violences-Carrefour-Feuilles-18Aout2023-ENG.pdf>; (xii) UNSC, BINUH: Report of the Secretary-General, UN Doc. S/2023/492 (Jul. 3, 2023), <https://undocs.org/Home/Mobile?FinalSymbol=S/2023/492> (hereinafter **Jul. 2023 Report of the UN Secretary-General**); (xiii) BINUH, Human rights situation: Main trends, Quarterly report: April-June 2023 (2023), https://binuh.unmissions.org/sites/default/files/human_rights_situation_in_haiti_quarterly_report_april_-_june_2023_0.pdf; and (xiv) World Bank, Gender-Based Violence, Country Profile Haiti (June 2023), <https://openknowledge.worldbank.org/server/api/core/bitstreams/7848fc4d-d9aa-41a0-ac73-9c38b4b17d2c/content>. See also Haiti Relief & Reconstruction Watch, CEPR, <https://cepr.net/blog/haiti-relief-reconstruction-watch/> (last visited Dec. 10, 2023).

² See *infra* Section V (Collapse of economic and social rights).

³ See, e.g., *Haiti insecurity 'comparable' to nations at war, says UN*, FRANCE 24 (Apr. 25, 2023), <https://www.france24.com/en/americas/20230424-haiti-insecurity-comparable-to-nations-at-war-says-un>; *Haiti: Severe levels of insecurity must not be an obstacle to much needed humanitarian aid*, INTERNATIONAL COMMITTEE OF THE RED CROSS (Feb. 8, 2023), <https://www.icrc.org/en/document/haiti-severe-levels-insecurity-must-not-be-obstacle-much-needed-humanitarian-aid>.

⁴ The Institute for Economics and Peace in its 2023 Global Peace Index (**GPI**) classified Haiti's internal security problem as "outright violent conflict." Haiti "recorded the biggest deterioration in peacefulness in the region and the second largest deterioration in the 2023 GPI," dropping 17 places in the 2023 GPI and now standing in 129th place overall. It has deteriorated in all three GPI domains: Societal Safety and Security; the extent of Ongoing Domestic and International Conflict; and the degree of Militarization. Institute for Economics & Peace, GPI 2023 9, 15, 21, 23-24 (June 2023), <https://www.visionofhumanity.org/wp-content/uploads/2023/06/GPI-2023-Web.pdf>. See also *infra* Section I (Violations of the right to life and security of the person).

⁵ See, e.g., *Oct. 2023 Report of the UN Secretary-General* at ¶ 27; HRW, "Living a Nightmare." See also *infra* Section I (Violations of the right to life and security of the person); Section II (Government misconduct, including institutionalized violence and corruption).

⁶ See *infra* note 49.

⁷ *Haiti: Gangs move into rural areas as Türk says new force 'must be deployed,' UN NEWS* (Nov. 28, 2023), <https://news.un.org/en/story/2023/11/1144067>.

- ⁸ UNSC, BINUH: Report of the Secretary-General ¶ 13, UN Doc. S/2023/41 (Jan. 17, 2023), https://binuh.unmissions.org/sites/default/files/sgs_report_on_binuh_-_17_january_2023_1.pdf.
- ⁹ *Haiti: Gangs move into rural areas as Türk says new force 'must be deployed'*; Haiti: Surge in gun trafficking fuels spike in gang violence, UN NEWS (Mar. 3, 2023), <https://news.un.org/en/story/2023/03/1134097>.
- ¹⁰ See, e.g., Luke Taylor, *'We have no time to heal': floods followed by earthquake heap more trauma on Haiti*, THE GUARDIAN (Jul. 11, 2023), <https://www.theguardian.com/global-development/2023/jul/11/we-have-no-time-to-heal-floods-followed-by-earthquake-heap-more-trauma-on-haiti> (“NGOs are warning that the mental and emotional impact of the . . . violence and previous calamities, will be felt for generations unless addressed.”); Press Release, UNICEF, *Kidnappings of children and women spiking at alarming rates in Haiti* (Aug. 7, 2023), <https://www.unicef.org/press-releases/kidnappings-children-and-women-spiking-alarming-rates-haiti>.
- ¹¹ See, e.g., [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 50 (reporting 200,000 displaced as of October 2023); [IJDH June 2023 Update](#) at 2 (160,000 as of June 2023). See also *infra* note 68.
- ¹² See, e.g., [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 20. See also *infra* note 410.
- ¹³ See, e.g., HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 6; HRW, *“Living a Nightmare”* (discussing decades of corruption and weaponization of armed groups by political actors). See also *infra* Section II (Government misconduct, including institutionalized violence and corruption).
- ¹⁴ 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>; Kristina Fried, *New promises from Washington for Haiti as the term for its assassinated president ends Monday*, MIAMI HERALD (Feb. 6, 2022), <https://www.miamiherald.com/opinion/article258104658.html>.
- ¹⁵ UNSC Resolution 2653 establishes a sanctions regime that includes travel bans, asset freezes, and targeted arms embargoes by UN Member States against Haitian individuals engaging in or supporting activities of armed groups, arms and other illicit trafficking, human rights abuses, sexual and gender-based violence, obstruction of humanitarian aid, or attacks against UN personnel or premises in Haiti. Resolution 2653 also establishes a Committee (the UN Panel of Experts) made up of UNSC Members tasked with seeking and reviewing information about other individuals who may be engaging in these activities and designating them to be subjects of sanctions as appropriate. UNSC, Resolution 2653 (2022), UN Doc. S/RES/2653 (2022) (Oct. 21, 2022), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/646/04/PDF/N2264604.pdf?OpenElement> ¶ 21; Final report of the Panel of Experts on Haiti.
- ¹⁶ HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#). O’Neill was appointed pursuant to UN General Assembly (UNGA) resolution 52. UNGA, Technical assistance and capacity-building to improve the human rights situation in Haiti, in connection with a request from the authorities of Haiti for coordinated and targeted international action, UN Doc. A/HRC/52/L.17/Rev.1 (Mar. 30, 2023), <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2FL.17%2FREV.1&Language=E&DeviceType=Desktop&LangRequested=False>.
- ¹⁷ HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶¶ 17, 22-24, 31; Final report of the Panel of Experts on Haiti at ¶¶ 69-77, 106-08; see also IJDH, *Foreign Sanctions Against Haitian Individuals* (December 2020 - Present), https://docs.google.com/document/d/1RG0k34CaID3QmxHt1XW-S_C8Aeyj9Vum1qkhumiopdo/edit (last visited Dec. 6, 2023) (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); 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 (last visited Dec. 6, 2023) (tracking foreign sanctions against high-ranking government officials and associates affiliated with Haiti’s Pati Ayisyen Tèt Kale (PHTK) party). See also *infra* notes 481-85.
- ¹⁸ Final report of the Panel of Experts on Haiti at ¶¶ 84-85, 104. See also HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 6.
- ¹⁹ HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶¶ 10, 27, 31; Final report of the Panel of Experts on Haiti at ¶¶ 82-86, 168-79.
- ²⁰ See *infra* Section III (Lack of access to justice and chronic impunity).
- ²¹ See, e.g., Harvard Law School International Human Rights Clinic, Yale Law School Lowenstein International Human Rights Clinic & NYU School of Law Global Justice Clinic, Joint Statement from U.S. Human Rights Clinics on Haiti’s Constitutional Referendum (Jun. 8, 2021), https://chrgi.org/wp-content/uploads/2021/06/210608_Referendum-Statement_Law-School-Clinics_.pdf; Final report of the Panel of Experts on Haiti at ¶ 27 (“The Haitian judicial system has long suffered from politicization and entrenched

corruption and has been deliberately undermined by successive Governments.”); Brian Concannon, *Biden must stop propping up the old guard in Haiti*, RESPONSIBLE STATECRAFT (Nov. 12, 2021), <https://responsiblestatecraft.org/2021/11/12/how-biden-can-support-democracy-in-haiti/>; Pierre Espérance, *Wrong US Call – Haiti Needs a Credible Transitional Government*, JUST SECURITY (Jul. 22, 2021), <https://www.justsecurity.org/77552/wrong-us-call-haiti-needs-a-credible-transitional-government/>.

²² See, e.g., Scott Neuman, *Ariel Henry Is Set To Be Haiti’s New Prime Minister. Here’s What To Know About Him*, NPR (Jul. 20, 2021), <https://www.npr.org/2021/07/20/1018280279/ariel-henry-swearing-in-haiti-new-prime-minister>.

²³ Henry was not installed through any Haitian process, but via a press release from the Core Group, a group of powerful countries that does not include Haiti. BINUH, Communiqué du Core Group (Jul. 17, 2021), <https://binuh.unmissions.org/fr/communiqué-du-core-group-4>. See also Monique Clesca, *Haiti’s Rule of Lawlessness: Why a Military Intervention Would Only Entrench the Island’s Problems*, FOREIGN AFFAIRS (Mar. 10, 2023), <https://www.foreignaffairs.com/central-america-caribbean/haitis-rule-lawlessness>; Monique Clesca, *My Group Can Save Haiti. Biden Is Standing in Our Way.*, NEW YORK TIMES (Dec. 1, 2021), <https://www.nytimes.com/2021/12/01/opinion/haiti-commission-government.html>; Katz, *The U.S Is Preparing an Outsourced Invasion of Haiti*.

²⁴ See, e.g., Francklyn B. Geffrard, *L’accord de Montana ne veut plus négocier avec Ariel Henry. Il réclame sa démission et de son gouvernement pour faciliter une sortie de crise...*, RHI NEWS (Sep. 7, 2023), <https://www.rhinews.com/actualites/laccord-de-montana-ne-veut-plus-negocier-avec-ariel-henry-il-reclame-sa-demission-et-de-son-gouvernement-pour-faciliter-une-sortie-de-crise/>; RNDDH, *The Increasing violence in the West and Artibonite departments: RNDDH denounces the complicity of the CSPN* at ¶ 17; Juhakenson Blaise, *‘SOS Lapolis’ cries in Haiti met with silence, raising suspicions*, HAITIAN TIMES (Aug. 15, 2023), <https://haitiantimes.com/2023/08/15/sos-lapolis-cries-in-haiti-met-with-silence-raising-suspicions/>; Francklyn B. Geffrard, *Nouveau raid des bandits de “Gran Ravin” sur Carrefour-Feuilles...*, RHI NEWS (Aug. 14, 2023), <https://www.rhinews.com/actualites/nouveau-raid-des-bandits-de-gran-ravin-sur-carrefour-feuilles/>; Dimitry Charles, *La terreur infligée par les gangs oblige la population de Carrefour-Feuilles à marcher contre l’insécurité*, JUNO7 (Aug. 8, 2023), <https://www.juno7.ht/popula-carrefour-feuilles-a-marche-contre-linsecurite/>; RNDDH, *The resurgence of acts against lives and property: RNDDH urges police authorities to act.* (Jul 13, 2023), <https://web.rnddh.org/wp-content/uploads/2023/07/5-CP-Situation-securitaire-13Juil2023-ENG-1.pdf> ¶ 42. See also Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations (Aug. 21, 2023), available at: https://www.ijdh.org/open_letters/lettre-ouverte-des-organisations-de-la-societe-civile-haitienne-et-defense-des-droits-humains-pour-une-mise-en-garde-des-pays-africains-contre-les-mefaits-dune-intervention-etrangere-illegitime-en-h/ (ten Haitian civil society and human rights organizations describing Henry’s de facto regime as “illegal, corrupt and complicit in human rights abuses” in a letter to the African Union opposing intervention); NHEAON & FANM in Action, *National Haitian American Elected Officials Network (NHEAON) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti* (Sep. 22, 2023), available at: <https://ijdh.org/wp-content/uploads/2023/09/NHEAON-and-FANM-in-Action-to-Biden-Administration-Letter-Final-Amended.pdf> (a group of Haitian-American elected officials describing Henry’s de facto government as being “ineffective and inept in governing and providing basic security to protect vulnerable Haitians”); Francklyn B. Geffrard, *« La gestion d’Ariel Henry est le dernier coup de massue pour mettre fin à la démocratie en Haïti », Alexandre Telfort...*, RHI NEWS (Jul. 19, 2023), <https://www.rhinews.com/actualites/la-gestion-dariel-henry-est-le-dernier-coup-de-massue-pour-mettre-fin-a-la-democratie-en-haiti-alexandre-telfort/> “Ariel Henry’s management over the past two years is the latest blow to put an end to democracy in Haiti.”); HRC, *Findings of the appointed expert on the situation of human rights in Haiti* (sharing observations from Haitians that the state is weak and absent and presenting evidence of ongoing government collusion with armed groups that is fueling the crises); *infra* note 99.

²⁵ For example, Henry has continued pushing for elections that cannot be free or fair. See, e.g., Robenson Geffrard, *Ariel Henry visits the CEP offices in Pétiön-Ville*, LE NOUVELLISTE (Sep. 29, 2023), <https://www.lenouvelliste.com/en/article/244651/ariel-henry-visite-les-locaux-du-cep-a-petion-ville>; @Radio_Metronome, X (Nov. 9, 2023, 9:08 AM), https://twitter.com/Radio_Metronome/status/1722617103268848009; Sir Ronald Sanders, *Haiti urgently needs a genuine and representative transitional government*, ST. KITTS & NEVIS OBSERVER (Jul. 14, 2023), <https://www.thestkittsnevisobserver.com/haiti-urgently-needs-a-genuine-and-representative-transitional-government/>. See also *infra* notes 145-48. Henry has also continued to block efforts by civil society and political actors to come to a transitional agreement. See, e.g., Juhakenson Blaise, *Haitian politicians harden stances, fail Caricom’s 4th attempt at consensus*, HAITIAN TIMES (Nov. 14, 2023), <https://haitiantimes.com/2023/11/15/haitian-politicians-harden-stances-fail-caricom-4th-attempt-at-consensus/>;

Juhakenson Blaise, *Haiti still in stalemate after ‘failed’ talks in Jamaica*, HAITIAN TIMES (Jun. 14, 2023), <https://haitiantimes.com/2023/06/14/haiti-still-in-stalemate-after-failed-talks-in-jamaica/>; Clesca, *My Group Can Save Haiti. Biden Is Standing in Our Way*. See also *infra* notes 142-44.

²⁶ See *infra* note 446.

²⁷ See *infra* notes 471-77.

²⁸ See, e.g., Onz Chéry, *Jean-Charles resumes protests against Haitian PM Henry*, HAITIAN TIMES (Aug. 23, 2023), <https://haitiantimes.com/2023/08/23/jean-charles-resumes-protests-against-haitian-pm-henry/>; Peterson Luxama, *Haïti-insécurité : Délaissés, les habitants de Carrefour-Feuille vont cibler Ariel Henry*, RADIO METRONOME (Aug. 11, 2023), <https://metronomehaiti.com/haiti-insecurite-delaisses-les-habitants-de-carrefour-feuille-vont-cibler-ariel-henry/>; Juhakenson Blaise & Murdith Joseph, *Henry celebrates armed force option amid calls for his resignation*, HAITIAN TIMES (Jul. 21, 2023), <https://haitiantimes.com/2023/07/21/henry-celebrates-armed-force-option-amid-calls-for-his-resignation/>; Crise : Manifestation à Port-au-Prince pour dénoncer deux ans de gestion calamiteuse d’Ariel Henry en Haïti, ALTERPRESSE (Jul. 20, 2023), <https://www.alterpresse.org/spip.php?article29481>. See also *Oct. 2023 Report of the UN Secretary-General* at ¶ 11 (reporting 746 protests between July and September “denouncing insecurity and State weakness and expressing socioeconomic grievances”); *infra* note 158.

²⁹ See, e.g., Bureau des Avocats Internationaux (BAI) et al., *Urgent Civil Society Appeal for a Rights-Based International Response to the Crisis in Haiti*, IJDH (Jun. 12, 2023), <https://www.ijdh.org/wp-content/uploads/2023/06/12062023-Haiti-Civil-Society-Declaration-ENG-version.pdf> (respected Haitian civil society and human rights organizations issuing a joint statement denouncing the catastrophic human rights and humanitarian situation generated by Haiti’s corrupt, repressive government and calling on international actors to stop supporting the very actors responsible for Haiti’s crisis); NHEAON & FANM in Action, *National Haitian American Elected Officials Network (NHAEO) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti* (the largest network of Haitian-American elected & appointed officials in the United States (NHAEO) issuing a statement with FANM in Action urging the U.S. government to “immediately stop propping up the unconstitutional de facto regime to stabilize Haiti’s current political crisis and encourage the building of a consensus government to move Haiti toward embracing a democratic process”); Clesca, *Haiti’s Rule of Lawlessness: Why a Military Intervention Would Only Entrench the Island’s Problems*; Monique Clesca, *Haiti’s Fight for Democracy: Why the Country Must Rebuild Before It Votes*, FOREIGN AFFAIRS (Feb. 1, 2022), <https://www.foreignaffairs.com/articles/haiti/2022-02-01/haitis-fight-democracy>; Pierre Espérance, *More Police Won’t Solve Haiti’s Crisis*, FOREIGN POLICY (Jul. 4, 2023), <https://foreignpolicy.com/2023/07/04/haiti-crisis-henry-police-gangs-security-politics-united-states/>.

³⁰ See *infra* notes 471-77.

³¹ See, e.g., NHEAON & FANM in Action, *National Haitian American Elected Officials Network (NHAEO) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti*; Blaise Malley, *UN Closer To Approving Armed Intervention To Secure Haiti*, RESPONSIBLE STATECRAFT (Aug. 8, 2023), <https://responsiblestatecraft.org/2023/08/08/un-closer-to-approving-armed-intervention-to-secure-haiti/>.

³² See *infra* notes 142-44.

³³ See *infra* notes 477-81.

³⁴ See *infra* Section VI (Emigration pressures).

³⁵ See *Haiti Plan de Réponse Humanitaire 2023*, FINANCIAL TRACKING SERVICE, <https://fts.unocha.org/plans/1121/summary> (last visited Dec. 6, 2023) (as of December 6, the 2023 UN Humanitarian Response Plan for Haiti is only 32.9 percent funded); Food and Agriculture Organization of the UN (FAO) & World Food Programme (WFP), *Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook vii* (2023), https://docs.wfp.org/api/documents/WFP-0000153539/download/?_ga=2.57340268.753540653.1699381775-1376339329.1699213937.

³⁶ For example, only one representative of a Haitian human rights organization spoke during an October 10 Human Rights Council hearing on human rights in Haiti after the University of Minnesota Human Rights Center yielded their time to Mario Joseph, Managing Attorney of the Haitian human rights law firm BAI. *ID: HC on Haiti – 44th Meeting, 54th Regular Session of Human Rights Council*, UN WEB TV (Oct. 10, 2023), <https://media.un.org/en/asset/k1n/k1n3q5zoy9>.

³⁷ See BAI’s Mario Joseph Calls on the International Community to Listen to Haitians at the 54th Session of the UN Human Rights Council, IJDH, https://www.ijdh.org/ijdh_events/bais-mario-joseph-calls-on-the-international-community-to-listen-to-haitians-at-the-54th-session-of-the-un-human-rights-council/ (last visited Dec. 6, 2023) (BAI’s Mario Joseph “called on the international community to stop ignoring the voices of

Haitians and propping up the corrupt, repressive de facto government in Haiti”); @ijdh, X (Oct. 12, 2023, 9:37 AM), <https://twitter.com/ijdh/status/1712462594617889027>; Charnette Frederic & Marleine Bastien, *President Biden isn’t listening to Haitians. He should before it’s too late*, MIAMI HERALD (Nov. 9, 2023), <https://www.miamiherald.com/article281594743.html>. International actors continue to disregard the many letters and statements published by Haitian and diaspora organizations opposing intervention and calling on the international community to stop propping up de facto Prime Minister Henry. See, e.g., BAI et al., *Urgent Civil Society Appeal for a Rights-Based International Response to the Crisis in Haiti*; NHEAON & FANM in Action, *National Haitian American Elected Officials Network (NHAEO) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti*.

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

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

⁴⁰ See Press Release, UNICEF, *Kidnappings of children and women spiking at alarming rates in Haiti* (reporting that civilians are “under constant terror”); Luke Taylor, *‘There’s no police or state’: Haitians helpless as violence and brutality soars*, THE GUARDIAN (Aug. 14, 2023), <https://www.theguardian.com/world/2023/aug/14/haiti-violence-abuse-killing-human-rights-watch>.

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

⁴² See, e.g., Edith M. Lederer, *Growing gang violence is devastating Haitians, with major crime at a new high*, UN envoy says, AP NEWS (Oct. 23, 2023), <https://apnews.com/article/haiti-gangs-violence-kenya-police-security-children-ac867cb3f36d2234d6f28606825298e2>; *Oct. 2023 Report of the UN Secretary-General* at ¶33. See also *infra* notes 274-76, 327-28.

⁴³ Kervens Adam Paul, *Insécurité : la Protection civile estime le nombre de déplacés à près de 200 000 personnes*, LE NOUVELLISTE (Oct. 5, 2023), <https://lenouvelliste.com/article/244748/insecurite-la-protection-civile-estime-le-nombre-de-deplaces-a-pres-de-200-000-personnes>.

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

⁴⁵ See *infra* notes 104-17.

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

⁴⁷ See *infra* note 308.

⁴⁸ See, e.g., *infra* note 267.

⁴⁹ See BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at 3 (reporting 2,161 victims of murder, injury, and kidnapping in the third quarter of 2023, representing a 16 percent increase from the previous quarter); FAO & WFP, *Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook* at 16 (“The incidence of murder and kidnapping in Haiti rose for the fifth consecutive year.”); Lederer, *Growing gang violence is devastating Haitians, with major crime at a new high*, UN envoy says; *Deepening violence in Haiti* (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council), OHCHR (Oct. 10, 2023), <https://www.ohchr.org/en/statements-and-speeches/2023/10/deepening-violence-haiti>; HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 4 (“Gangs have threatened the authority of the State on a scale never seen before.”); Scott Simon, *Violence in Haiti escalates among a civilian vigilante movement*, NPR (Sep. 2, 2023), <https://www.npr.org/2023/09/02/1197419190/violence-in-haiti-escalated-amidst-a-civilian-vigilante-movement> (according to a long-time Haiti reporter, the “current state of Haiti’s violence . . . [is] ‘unprecedented’ even in light of many decades of violent conditions persisting in the country”); Matt Rivers, *Haiti fights for its life in the streets: Reporter’s notebook*, ABC NEWS (Jun. 2, 2023), <https://abcnews.go.com/International/haiti-fights-life-streets-reporters-notebook/story?id=99772762>.

⁵⁰ Evens Sanon & Dánica Coto, *UN human rights official is alarmed by sprawling gang violence in Haiti*, PBS NEWS HOUR (Oct. 31, 2023), <https://www.pbs.org/newshour/world/un-human-rights-official-is-alarmed-by-sprawling-gang-violence-in-haiti>; Matt Rivers, *Haiti’s gang violence worsens humanitarian crisis amid political turmoil*, ABC NEWS (Jul. 31, 2023), <https://abcnews.go.com/International/haitis-gang-violence-worsens-humanitarian-crisis-amid-political/story?id=101098571> (“[S]even major gang coalitions operate across the country, made up of some 200 affiliated groups.”); ACAPS, *Haiti: Humanitarian impact of gang violence 1* (Jun. 2, 2023), https://www.acaps.org/fileadmin/Data_Product/Main_media/20230602_acaps_briefing_note_haiti_humanitarian_impact_of_gang_violence.pdf (estimating 200-300 armed groups in operation). See also RNDDH, *Crise*

[sécuritaire et situation des personnes déplacées internes en Haïti](#) at 7 (reporting approximately 300 armed groups in operation); Vanessa Buschschlüter, *Haiti: Where aid delivery depends on talking to 300 gangs*, BBC NEWS (Oct. 11, 2023), <https://www.bbc.com/news/world-latin-america-67064819>; HRW, [“Living a Nightmare”](#) (reporting approximately 300 armed groups in operation).

⁵¹ See, e.g., Final report of the Panel of Experts on Haiti at ¶ 48 (“The whole of the Port-au-Prince metropolitan area is affected by gang activity, to varying degrees. . . . Areas under direct control and under influence represent about 80 per cent of the Port-au-Prince metropolitan area. The remaining 20 per cent suffers from the incursions by gangs looking to conduct kidnappings, robberies, murders and other crimes.”); Jacqueline Charles, *U.N. high commissioner for human rights makes urgent appeal for security mission for Haiti*, MIAMI HERALD (Sep. 28, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article279866074.html>; Jacqueline Charles, *Efforts to move disabled Haiti kids to Jamaica meets resistance; prime minister is silent*, MIAMI HERALD (Sep. 18, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article279395219.html>; Luke Taylor, *Haiti: 97% of households in some areas suffering from severe hunger*, THE GUARDIAN (Aug. 18, 2023), <https://www.theguardian.com/global-development/2023/aug/18/haiti-hunger-crisis-mercy-corps>; *Haiti human rights group warns kidnappings and killings are on the rise after brief respite*, INDEPENDENT (Jul. 14, 2023), <https://www.independent.co.uk/news/haiti-ap-puerto-rico-san-juan-doctors-without-borders-b2375552.html>; Laura Gamba, *2 years after assassination of Haiti’s president, country continues spiraling into chaos*, AA (Aug. 7, 2023), <https://www.aa.com.tr/en/americas/2-years-after-assassination-of-haiti-s-president-country-continues-spiraling-into-chaos/2939462>; Rivers, *Haiti fights for its life in the streets: Reporter’s notebook*. See also HRW, [“Living a Nightmare”](#) (“Haitian human rights organizations and international organizations assess that criminal groups currently control nearly all of the metropolitan area of Port-au-Prince, an alarming expansion compared to December 2022, when these organizations estimated that criminal groups controlled 60 percent of this area.”).

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

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

⁵⁴ [IJDH June 2023 Update](#) at 2.

⁵⁵ *Haiti: Children facing triple threat of insecurity, malnutrition, disease*, UN NEWS (Oct. 4, 2023), <https://news.un.org/en/story/2023/10/1141897>. See also OHCHR, [Criminal violence extends beyond Port-au-Prince: The situation in Lower Artibonite from January 2022 to October 2023](#); BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 3 (reporting that violence in the Artibonite department “accounts for 27% of all recorded victims (compared to 13% in the previous quarter)”; [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 30; Final report of the Panel of Experts on Haiti at ¶ 49 (“The department of Artibonite . . . is the second largest hotspot for gang violence. . . . The most active gang [in the region], Gran Grif (also known as the Savien gang), has exponentially enlarged its area of control and influence since 2022.”); HRW, [“Living a Nightmare”](#); Press Release, Fondasyon Je Klere (FJKL), *Bas Artibonite : Une vague de terreur s’abat sur la région pendant le mois de juillet 2023 dans l’indifférence des autorités étatiques* (2023), <https://www.fjkl.org.ht/images/doc/FJKL10BasArtibonitesituationdeterreurcommuniqu.pdf>; Jean Pharès Jérôme, *Qui volera au secours du bas Artibonite ?*, LE NOUVELLISTE (Aug. 4, 2023), <https://lenouvelliste.com/article/243775/qui-volera-au-secours-du-bas-artibonite>.

⁵⁶ *Haiti: Gangs move into rural areas as Türk says new force ‘must be deployed’*; see also [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 11 (reporting 3,334 homicides from January to September, with 1,239 occurring between July 1 and September 30); [Deepening violence in Haiti \(delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council\)](#) (“Between 1 January and 30 September 2023, we have recorded 5,599 cases of gang related violence, including 3,156

killings.”); UN Office for the Coordination of Humanitarian Affairs (OCHA), Latin America & The Caribbean Weekly Situation Update 1 (Nov. 20, 2023), available at: <https://reliefweb.int/report/haiti/latin-america-caribbean-weekly-situation-update-20-november-2023> (reporting at least 166 people killed as a result of violence by armed groups in Cité Soleil in November); BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 4 (reporting at least 1,576 people killed or injured in the third quarter of 2023); *Bulletin Of Kidnapping For The Third Quarter Of 2023 (#13) And Disaggregated Statistics On Homicides And Violent Deaths In Haiti*, CENTRE D’ANALYSE ET DE RECHERCHE EN DROITS DE L’HOMME (CARDH) (Oct. 12, 2023), <https://cardh.org/archives/4688> (reporting 1,564 people killed between January 1 and September 30); BINUH, [Human rights situation: Main trends, Quarterly report: April-June 2023](#) at 3 (reporting over 1,860 deaths between April and June, representing a 14 percent increase from the previous quarter). Human Rights Watch noted that quantifying deaths is difficult: “[b]ecause criminal groups burned the bodies of many of the victims, and due to the limited access to health care and lack of a functioning judicial system, it was difficult to obtain medical records, autopsy reports, or death certificates.” HRW, [“Living a Nightmare”](#).

⁵⁷ [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 11.

⁵⁸ Francklyn B. Geffrard, “*Les gangs armés ont perpétré au moins 10 massacres, faisant plus de 100 morts et au moins 250 mille déplacés entre mai et août 2023*”, selon la POHDH..., RHI NEWS (Sep. 19, 2023), <https://www.rhinews.com/actualites/les-gangs-armes-ont-perpetre-au-moins-10-massacres-faisant-plus-de-100-morts-et-au-moins-250-mille-deplaces-entre-mai-et-aout-2023-selon-la-pohdh/>; Roberson Alphonse, *L’essence sort de Varreux, le sang continue de couler à Cité Soleil*, LE NOUVELLISTE (Nov. 16, 2023), <https://lenouvelliste.com/article/245434/lessence-sort-de-varreux-le-sang-continue-de-couler-a-cite-soleil> (reporting that the G-Pèp coalition of armed groups carried out mass violence in Cité Soleil in November, sparked by the death of Iskar Andrice, a member of the rival G9 an fanmi (G9) armed group coalition). See also RNDDH, [Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023](#) at 5 (reporting that “at least five massacres and large-scale armed attacks were perpetrated in the Ouest department” between October 2022 and October 2023); BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 4 (reporting that many of those killed “were victims of large-scale attacks, notably by gangs belonging to the G-Pèp coalition, in neighborhoods such as Carrefour Feuilles (Port-au-Prince), Meyer (Croix-des-Bouquets), and Carradeux (Tabarre)”; Charles, [U.N. high commissioner for human rights makes urgent appeal for security mission for Haiti](#) (“In recent months, Haiti has seen recurrent, indiscriminate, large-scale attacks, often against entire neighborhoods and their residents.”); Press Release, RNDDH, The victims of massive human rights violations file a complaint with the Haitian judicial authorities (Sep. 19, 2023), <https://web.rnddh.org/wp-content/uploads/2023/09/8-CP-3-plaintes-3massacres-sous-Ariel-Henry-19Sept2023-ENG.pdf> (discussing a massacre in Carrefour-Feuilles that resulted in the deaths and disappearances of approximately 104 people between August 4 and September 12).

⁵⁹ See [Oct. 2023 Report of the UN Secretary-General](#) at ¶¶ 27, 28; BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 3-4 (reporting that armed groups use coordinated attacks “to reinforce control over key roads, in order to facilitate the transport of kidnap victims back to their bases”); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 9; Final report of the Panel of Experts on Haiti at ¶ 19 (“The levels of violence and the depths of cruelty that gangs will go to in violating human rights are unprecedented.”); HRW, [“Living a Nightmare”](#).

⁶⁰ [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 30; Final report of the Panel of Experts on Haiti at ¶¶ 147-51; Diego Da Rin, *Haitians Turn to Mob Justice as the Gang Threat Festers*, INTERNATIONAL CRISIS GROUP (Jul. 3, 2023), <https://www.crisisgroup.org/latin-america-caribbean/haiti/haitians-turn-mob-justice-gang-threat-festers>; BINUH, [Human rights situation: Main trends, Quarterly report: April-June 2023](#) at 3.

⁶¹ See, e.g., BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 4 (“There are regular reports of executions or detention of people challenging their authority or refusing to obey their orders.”); [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 28 (“Entire families, including children, were executed inside their homes.”).

⁶² HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 9 (“Gangs have shown increasing brutality, mutilating and burning bodies in public and then sharing the horrific images on social media.”); Lederer, [Growing gang violence is devastating Haitians, with major crime at a new high, UN envoy says](#); [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 28.

⁶³ See, e.g., BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 6 (“[B]etween July and September, more than 600 homes and businesses were vandalized, looted, or set on fire by gangs, most during or after large-scale attacks.”); *Mobile Clinics Deployed in New Displacement Sites in the metropolitan area of Port-au-Prince, Haiti*, UNICEF (Sep. 9, 2023), <https://www.unicef.org/haiti/en/stories/mobile-clinics-deployed-new-displacement-sites-metropolitan-area-port-au-prince-haiti>; FJKL, [Bas Artibonite : Une vague de terreur s’abat sur la région pendant le mois de juillet 2023](#)

dans l'indifférence des autorités étatiques (reporting dozens of houses pillaged and/or burned in the Artibonite region in July); *Haïti-Criminalité : Deux employés tués et quatre autres blessés dans une attaque armée contre l'entreprise Rhum Bakara*, ALTERPRESSE (Jul. 24, 2023), <https://www.alterpresse.org/spip.php?article29490> (reporting an attack on the Rhum Bakara company, during which armed individuals stole eight company trucks, set three on fire, and ransacked the company's offices); @Radio_Metronome, X (Jun. 10, 2023, 10:33 PM), https://twitter.com/Radio_Metronome/status/1667721785561739265 ("Heavily armed bandits looted and then set fire to the home of the former President of the Haitian Senate.").

⁶⁴ See, e.g., [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 31; Press Release, RNDDH, [The victims of massive human rights violations file a complaint with the Haitian judicial authorities](#); [Deepening violence in Haiti \(delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council\)](#); Lisa Zengarini, *Haitian bishops urge end to 'genocide' of defenceless people by gangs*, VATICAN NEWS (Sep. 19, 2023), <https://www.vaticannews.va/en/church/news/2023-09/haitian-bishops-urge-end-to-genocide-of-people-by-gangs.html>; HRW, ["Living a Nightmare": Missionaries become target of gangs battling for supremacy in Haiti](#), LA CROIX INTERNATIONAL (Jul. 12, 2023), <https://international.la-croix.com/news/world/missionaries-become-target-of-gangs-battling-for-supremacy-in-haiti/18120> ("Haitian Church activists accuse armed groups in . . . Port-au-Prince of . . . rape and taking teenagers as child soldiers and for sex work."); FJKL, [Bas Artibonite : Une vague de terreur s'abat sur la région pendant le mois de juillet 2023 dans l'indifférence des autorités étatiques](#); UNICEF Executive Director Catherine Russell's remarks on Haiti at the Daily Press Briefing by the Office of the Spokesperson for the Secretary-General (Jun. 29, 2023), <https://www.unicef.org/press-releases/unicef-executive-director-catherine-russells-remarks-haiti-daily-press-briefing>. See also *infra* notes 253-64.

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

⁶⁶ See, e.g., Final report of the Panel of Experts on Haiti at ¶¶ 155-57 ("During the first quarter of 2023, humanitarian organizations documented close to 330 impediments to humanitarian assistance, including robberies and kidnappings, which constitute serious violations of international human rights law.").

⁶⁷ See, e.g., *Haiti: William O'Neill, Expert on the human rights situation in Haiti, concludes his official visit*, OHCHR (Oct. 31, 2023), <https://www.ohchr.org/en/statements-and-speeches/2023/10/haiti-william-oneill-expert-human-rights-situation-haiti-concludes>; *Haiti's crisis deepens as thousands displaced by violence*, AL JAZEERA (Aug. 16, 2023), <https://www.aljazeera.com/news/2023/8/16/haitis-crisis-deepens-as-thousands-displaced-by-violence>. See also *infra* Section V (Collapse of economic and social rights).

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

⁶⁹ *Escalating violence threatens thousands of children in Port-au-Prince, Haiti*, UNICEF (Sep. 11, 2023), <https://www.unicef.org/lac/en/press-releases/escalating-violence-threatens-thousands-children-port-au-prince-haiti>; Press Release, International Rescue Committee, *Haitian women and girls bear the brunt of the escalating*

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

⁷⁰ *Mobile Clinics Deployed in New Displacement Sites in the metropolitan area of Port-au-Prince, Haiti*. See also Press Release, International Rescue Committee, *Haitian women and girls bear the brunt of the escalating violence, warns IRC during 16 Days of Activism against Gender-Based Violence campaign* (reporting that women make up more than half of all persons displaced in the West department); Marijàn, *Violence Basée sur le Genre 1, 4* (June 2023), https://img1.wsimg.com/blobby/go/26ef5187-0ccb-472d-9fc3-5d7ec25ed84e/MARIJA%CC%80N_RAPPORTE%CC%81CHOS_Juin2023.pdf (hereinafter **Marijàn June Report**) (63 percent of 299 women surveyed from the Cité Soleil and Canaan neighborhoods reported being displaced because of violence).

⁷¹ See *supra* notes 54-55.

⁷² HRW, “*Living a Nightmare*.”

⁷³ According to the UN Panel of Experts, this failure constitutes a human rights violation. Final report of the Panel of Experts on Haiti at ¶ 153. See also RNDDH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 21; Dánica Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo*, AP NEWS (Jun. 22, 2023), <https://apnews.com/article/haiti-homelessness-gangs-violence-slum-bf84227061d549092311d91cf9e57771>; *Criminalité : La Frakka exige des dispositions pour faciliter le retour des familles déplacées dans leurs quartiers en Haïti*, ALTERPRESSE (Nov. 29, 2023), <https://www.alterpresse.org/spip.php?article29884>.

⁷⁴ Jonasson Odigène, *Fleeing from Bandits, Chased by Police: The Ordeal of Refugees Hoping for Safety at the American Embassy*, LE NOUVELLISTE (Jul. 25, 2023), <https://lenouvelliste.com/en/article/243580/fleeing-from-bandits-chased-by-police-the-ordeal-of-refugees-hoping-for-safety-at-the-american-embassy> (reporting that police used tear gas to evict displaced persons taking shelter by the U.S. embassy in Port-au-Prince); Press Release, RNDDH, *Chasing the internally displaced persons: RNDDH condemns the behavior of the Acting Director General of the PNH* (Jul. 26, 2023), https://web.rnddh.org/wp-content/uploads/2023/07/6-CP-Chasse-Refugies-de-Tabarre-26Juil2023.ENG_.pdf.

⁷⁵ See Rolph Louis-Jeune, *Par crainte des gangs, des propriétaires à P-au-P refusent de louer leurs maisons*, AYIBO POST (Jul. 10, 2023), <https://ayibopost.com/par-crainte-des-gangs-des-proprietaires-a-p-au-p-refusent-de-louer-leurs-maisons/>; Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo*.

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

⁷⁷ See, e.g., OCHA, *Haiti: Humanitarian Response Overview, Situation Report* (May 2023), available at: <https://reliefweb.int/report/haiti/haiti-humanitarian-response-overview-situation-report-may-2023> (reporting in June that aid reached only ten percent of neighborhoods housing displaced persons).

⁷⁸ As *Displacement Soars, Haiti Requires USD 21 Million for Emergency Shelter, Protection Services*, IOM (Oct. 10, 2023), <https://www.iom.int/news/displacement-soars-haiti-requires-usd-21-million-emergency-shelter-protection-services> (reporting that approximately 70,000 displaced persons are living in “inadequate and precarious spontaneous settlements and collective centers”); Jérôme Wendy Norestyl, *Cimetière de P-au-P : des déplacés de Carrefour-Feuilles cohabitent avec les morts*, AYIBO POST (Sep. 5, 2023), <https://ayibopost.com/cimetiere-de-p-au-p-refuge-de-dizaines-de-deplaces-de-carrefour-feuilles/> (reporting that the vast majority those displaced by violence in Carrefour-Feuilles are living “in extremely precarious conditions in approximately twenty accommodation sites in the capital,” including the Port-au-Prince cemetery); Cesar, *Haitians shelter in sports center as fresh attacks displace nearly 9,000* (“Hundreds of [displaced] people

are crammed into small white tents in the courtyard of a sports center in the Haitian capital.”); Francklyn B. Geffrard, *La POHDH indignée par la détérioration du climat d'insécurité et de violence dans en Haïti...*, RHI NEWS (Aug. 6, 2023), <https://www.rhinews.com/actualites/la-pohdh-indignee-par-la-deterioration-du-climat-dinsecurite-et-de-violence-dans-en-haiti/> (reporting that displaced persons, including pregnant women, children, and the elderly, are sleeping “in the streets, in public places, in churches, and in schools in appalling conditions that violate their rights and their dignity as human beings”); Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo*.

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

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

⁸¹ See *Marijàn June Report* at 4 (reporting on conditions of displacement at camps in Cité Soleil and Canaan); Marijàn, *Violence Basée sur le Genre 5* (May 2023), <https://img1.wsimg.com/blobby/go/26ef5187-0ccb-472d-9fc3-5d7ec25ed84e/VBG-%C3%89CHOS-MAI%202023-MARIJ%C3%80N.pdf> (hereinafter **Marijàn May Report**) (reporting on conditions of displacement at the Delmas 19 displacement camp); Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo*; *Haiti: William O'Neill, Expert on the human rights situation in Haiti, concludes his official visit*; HRW, “*Living a Nightmare*”; RNDDH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 22-23 (reporting that displacement sites “are not equipped to ensure a degree of privacy for the women and girls, who have to wash in the open air” and that many women are gang raped at displacement sites, prompting them to return to their communities where “they are often physically and/or sexually assaulted again by armed gangs, who consider them traitors because they chose to take refuge elsewhere at the time of the armed clashes”); *id.* at 24 (“Armed groups are demanding up to 30% of the money . . . [displaced persons] have been given [by international organizations] to feed their families and go to hospital.”). See also OCHA, *Haiti: Humanitarian Response Overview, Situation Report* (reporting that the neighborhoods hosting displaced persons remain extremely vulnerable to further violence).

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

⁸³ *Mobile Clinics Deployed in New Displacement Sites in the metropolitan area of Port-au-Prince, Haiti*; *Marijàn June Report* at 4; *Marijàn May Report* at 5; *Haiti: William O'Neill, Expert on the human rights situation in Haiti, concludes his official visit*; Germina Pierre Louis, *CARDH Calls for Better Assistance for Displaced People in Carrefour-Feuilles*, LE NOUVELLISTE (Aug. 24, 2023), <https://lenouvelliste.com/en/article/244106/cardh-calls-for-better-assistance-for-displaced-people-in-carrefour-feuilles>; HRW, “*Living a Nightmare*”; Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo* (“People at the shelters sometimes can only afford to eat one mango a day. Many young children are malnourished.”).

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

⁸⁵ See, e.g., *Gang Violence Displaces 165,000 in Haiti, Hinders Aid Effort*, IOM (Jun. 8, 2023), <https://www.iom.int/news/gang-violence-displaces-165000-haiti-hinders-aid-efforts>. See also *infra* notes 302-03.

⁸⁶ See, e.g., [Marijàn June Report](#) at 4; [Marijàn May Report](#) at 5 (“The torrential rains have also flooded the temporary shelters, which are now overrun with all kinds of toxic waste.”); Coto, *Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo*; [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 50.

⁸⁷ BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 5 (reporting at least 585 people kidnapped between July and September, representing an almost 96 percent increase from the previous quarter); [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 11 (reporting that “[m]ajor crimes, including intentional homicides and kidnappings, surged at unprecedented rates,” with 701 kidnappings between July and September, a 244 percent increase from the same period in 2022); [Bulletin Of Kidnapping For The Third Quarter Of 2023 \(#13\) And Disaggregated Statistics On Homicides And Violent Deaths In Haiti](#) (reporting 362 kidnappings between July and September, 141.33 percent more than in the previous quarter); @opchaiti, X (Jul. 8, 2023, 12:09 PM), <https://twitter.com/opchaiti/status/1677711548029059072>.

⁸⁸ [Haiti: Surge in gun trafficking fuels spike in gang violence](#).

⁸⁹ [Haiti: Gangs move into rural areas as Türk says new force ‘must be deployed.’](#) See also [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 11 (reporting 1,787 people kidnapped between January and September, including 506 women and 65 children); [Deepening violence in Haiti \(delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council\)](#) (reporting 1,284 kidnappings between January and September); [Bulletin Of Kidnapping For The Third Quarter Of 2023 \(#13\) And Disaggregated Statistics On Homicides And Violent Deaths In Haiti](#) (reporting 901 kidnappings between January and September); Press Release, OCHA, *The humanitarian community in Haiti is deeply concerned about the continued escalation of violence* (Aug. 31, 2023), available at: <https://reliefweb.int/report/haiti/humanitarian-community-haiti-deeply-concerned-about-continued-escalation-violence> (reporting at least 970 people kidnapped between January and August). The slight lull in kidnappings between April and June, which some attributed to the rise of the civilian-led *Bwa Kalé* self-defense movement, was short-lived. See BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 5 (reporting at least 585 people kidnapped between July and September); BINUH, [Human rights situation: Main trends, Quarterly report: January-March 2023](#) 3 (2023), https://binuh.unmissions.org/sites/default/files/human_rights_quarterly_report_-_q1_2023.pdf (reporting 395 kidnappings between January and March); BINUH, [Human rights situation: Main trends, Quarterly report: April-June 2023](#) at 5 (reporting 298 people kidnapped between April and June). See also *Criminalité : 1,564 personnes tuées et plus de 900 autres enlevées de janvier à septembre 2023 en Haïti, selon le Cardh*, ALTERPRESSE (Oct. 12, 2023), <https://www.alterpresse.org/spip.php?article29758> (reporting that CARDH “notes an increase in kidnapping due to the weakening of the *Bwa Kale* movement and the absence of measures to prevent the resurgence of gang violence.”); @opchaiti, X (Jul. 8, 2023, 12:09 PM).

⁹⁰ See Final report of the Panel of Experts on Haiti at ¶ 78.

⁹¹ BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 3, 5 (“Kidnappings in the Artibonite department rose by 166% compared with the previous quarter (from 142 to 378).”). See also [Haiti: Children facing triple threat of insecurity, malnutrition, disease](#) (reporting that nearly half of the 298 kidnappings countrywide between May and June took place in the lower Artibonite Department); *Violence Des Gangs Et Kidnapping/Gang Violence And Kidnapping*, CARDH (Aug. 4, 2023), <https://cardh.org/archives/4579> (over a quarter of the 83 kidnappings CARDH reported in July occurred in the lower Artibonite Department).

⁹² See, e.g., *Haïti-Criminalité : Une cinquantaine de personnes de nouveau kidnappées par des gangs armés dans l’Artibonite*, ALTERPRESSE (Sep. 4, 2023), <https://www.alterpresse.org/spip.php?article29627> (reporting that the *Baz Gran Grif* armed group kidnapped 30 people from a bus on September 2, the same day that the *Palmis* armed group kidnapped nearly 20 people in a nearby commune).

⁹³ HRW, [“Living a Nightmare”](#) (those kidnapped “include civil servants, judicial officials, health and education workers, and others perceived to have access to financial resources, as well as some who happened to be in the wrong place at the wrong time”). See, e.g., [Haïti-Criminalité : Kidnapping de 5 employés de la Cour des comptes à Laboule 12](#) (armed individuals kidnapped five employees of the Superior Court of Auditors and Administrative Disputes on November 6); Lederer, [Growing gang violence is devastating Haitians, with major crime at a new high, UN envoy says](#) (“[G]ang members dressed as police officers kidnapped the secretary general of the High Transition Council”); [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 53 (as of October, “at least 40 medical doctors had been kidnapped since the beginning of 2022”); Jacqueline Charles, *A church service was invaded by bandits in Haiti and it was captured live on Facebook*, MIAMI HERALD (Oct. 8, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article280272204.html> (reporting that armed individuals attempted to kidnap a pastor); Charles, [Efforts to move disabled Haiti kids to Jamaica meets resistance: prime minister is silent](#) (reporting that eight employees of an orphanage were kidnapped); *Release of Pierre Louis Opont after two months of captivity*, LE NOUVELLISTE (Aug. 28, 2023),

<https://lenouvelliste.com/en/article/244132/release-of-pierre-louis-opont-after-two-months-of-captivity> (reporting that former president of the Provisional Electoral Council Pierre Louis Opont was finally released two months after being kidnapped by the *Kraze Baryè* armed group); Joe Hernandez, *A New Hampshire nurse and her child have been kidnapped in Haiti*, NPR (Jul. 30, 2023), <https://www.npr.org/2023/07/30/1190975869/new-hampshire-nurse-kidnapped-haiti-alix-dorsainvil>; @Radio_Metronome, X (Jul. 22, 2023, 5:58 AM), https://twitter.com/Radio_Metronome/status/1682872747699892224 (reporting that journalist Blondine Tanis was kidnapped, driving Radio Rénovation FM to suspend its programming).

⁹⁴ BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 5; HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 8; Final report of the Panel of Experts on Haiti at ¶ 78 (“In cases reported to the Panel, the amounts paid in ransom vary greatly depending on the profile of victims, ranging from \$7,000 to \$500,000 for foreign targets and prominent figures.”); HRW, [“Living a Nightmare”](#) (according to a Haitian civil society representative, kidnapping “is the only business that’s functioning in Haiti today”); Press Release, UNICEF, [Kidnappings of children and women spiking at alarming rates in Haiti](#) (“[A]n entrenched network of gangs see kidnapping their countrymen as one of the few lucrative industries. . . . Gedeon Jean, CARDH’s executive director, tells CNN that . . . his organization has been expecting a resurgence in hostage-taking as gangs look to recoup some financial losses suffered due to international sanctions and at the height of the Bwa Kale movement.”).

⁹⁵ [Bulletin Of Kidnapping For The Third Quarter Of 2023 \(#13\) And Disaggregated Statistics On Homicides And Violent Deaths In Haiti](#); HRW, [“Living a Nightmare”](#) (“The victims are primarily Haitian nationals. . . . Some foreigners have also been kidnapped, including 40 in the first half of 2023.”).

⁹⁶ See, e.g., BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 5; [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 30.

⁹⁷ See, e.g., HRW, [“Living a Nightmare.”](#)

⁹⁸ See, e.g., [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 30.

⁹⁹ See, e.g., Final report of the Panel of Experts on Haiti at ¶¶ 22-25; RNDDH, [The Increasing violence in the West and Artibonite departments: RNDDH denounces the complicity of the CSPN](#) at ¶¶ 17-18.

¹⁰⁰ See, e.g., [Deepening violence in Haiti \(delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council\)](#); HRW, [“Living a Nightmare.”](#) See also *infra* notes 149-54.

¹⁰¹ See, e.g., [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 17; Final report of the Panel of Experts on Haiti at ¶ 22 (“The police has limited budget, is grossly understaffed, is ill-equipped and ill-trained to tackle the complexity of the situation on the ground, and lacks the capacity to regain territory occupied by gangs.”). See also *infra* notes 155-56.

¹⁰² See, e.g., Geffrard, [L'accord de Montana ne veut plus négocier avec Ariel Henry. Il réclame sa démission et de son gouvernement pour faciliter une sortie de crise...](#); Robenson Geffrard, *Intellectuals Suggest Joint Actions Involving PNH, FAD'H, and the Public to Confront Armed Gangs*, LE NOUVELLISTE (Aug. 18, 2023), <https://www.lenouvelliste.com/en/article/244001/intellectuals-suggest-joint-actions-involving-pnh-fadh-and-the-public-to-confront-armed-gangs> (In a joint declaration, a group of over 70 Haitian academics, writers, and former government officials denounced “the authorities’ silence and passivity in the face of the tragedy faced by families,” asking “[h]ow many hundreds of our women and children must be raped, executed, and burned before the authorities make every effort to put an end to the scourge of gangs and their sponsors?”); RNDDH, [The Increasing violence in the West and Artibonite departments: RNDDH denounces the complicity of the CSPN](#) at ¶ 17; Blaise, [‘SOS Lapolis’ cries in Haiti met with silence, raising suspicions](#); Geffrard, [Nouveau raid des bandits de “Gran Ravin” sur Carrefour-Feuilles...](#) (reporting that people displaced by violence in Carrefour-Feuilles “denounce the ‘inaction and indifference’ of the authorities in the face of the arrogance of the gangs” and “accuse the authorities of colluding with the thugs, against whom no energetic action has been taken to neutralize them”); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 7 (“One resident of Bel Air, speaking for many, said that: ‘The State is absent, there are no police or other officials operating there.’”); Charles, [La terreur infligée par les gangs oblige la population de Carrefour-Feuilles à marcher contre l'insécurité](#); RNDDH, [The resurgence of acts against lives and property: RNDDH urges police authorities to act.](#) at ¶ 42; FJKL, [Bas Artibonite : Une vague de terreur s'abat sur la région pendant le mois de juillet 2023 dans l'indifférence des autorités étatiques](#); Jérôme, [Qui volera au secours du bas Artibonite ?](#).

¹⁰³ See, e.g., Jean Daniel Sénat, *High Council of the Transition Washes Its Dirty Laundry with Ariel Henry in Broad Daylight*, LE NOUVELLISTE (Oct. 26, 2023), <https://www.lenouvelliste.com/en/article/245111/high-council-of-the-transition-washes-its-dirty-laundry-with-ariel-henry-in-broad-daylight> (reporting on Henry’s failure to address the kidnapping of one of the three members of the HCT he created); Jake Johnston & Chris

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

¹⁰⁴ See, e.g., BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 8; [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 18; Humeysa Pamuk & Michelle Nichols, *US pledges new aid for Haiti, urges UN to authorize security mission*, REUTERS (Sep. 22, 2023), <https://www.reuters.com/world/us-pledges-new-aid-haiti-urges-un-authorize-security-mission-2023-09-22/>; James McCarten, *Trudeau announces \$80M for Haiti, calls for country to find own solutions*, GLOBAL NEWS (Sep. 21, 2023), <https://globalnews.ca/news/9976693/haiti-canada-aid-justin-trudeau/>.

¹⁰⁵ De facto Prime Minister Henry has himself acknowledged that “[t]he national police force is weak. It lacks resources and has lost many members. [It] is not prepared or well trained. That is why police interventions are limited and many [police officers] are attracted by the gangs.” HRW, [“Living a Nightmare.”](#) See also [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 17 (“The lack of an effective national strategy for operations and reform, the absence of dedicated, equipped and well-trained anti-gang units, increasing losses in operational capacity, the loss or degradation of operational assets following targeted gang attacks and shortfalls in resource management pose monumental challenges.”); RNDDH, [Crise sécuritaire et situation des personnes déplacées internes en Haïti](#) at 18; Juhakenson Blaise, *Bandits burned down 2 police stations in 2 weeks in Haiti*, HAITIAN TIMES (Oct. 5, 2023), <https://haitiantimes.com/2023/10/05/bandits-burned-down-2-police-stations-in-2-weeks-in-haiti/>; HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 26; Final report of the Panel of Experts on Haiti at ¶ 22; Robenson Geffrard, *How many police officers are there in the PNH, and what do they do?*, LE NOUVELLISTE (Aug. 21, 2023), <https://www.lenouvelliste.com/en/article/244034/how-many-police-officers-are-there-in-the-pnh-and-what-do-they-do>. Meanwhile, armed groups “are getting stronger, richer, better armed and more autonomous. . . . resulting in firepower exceeding that of the police.” Final report of the Panel of Experts on Haiti at ¶ 18. The police force’s capacity challenges have prompted the Haitian Armed Forces – which has a history of being used to repress popular dissent and whose leadership is directly implicated in grave human rights violations – to begin recruiting cadets. *Haiti - FLASH : The Haitian army is recruiting cadets, registrations open*, HAITI LIBRE (Oct. 10, 2023), <https://www.haitilibre.com/en/news-40696-haiti-flash-the-haitian-army-is-recruiting-cadets-registrations-open.html>; IJDH & BAI, *Reversing Post-Raboteau Massacre Trial Impunity* (Jul. 2020), <https://ijdh.org/wp-content/uploads/2020/07/IJDH-Briefing-Raboteau-in-2020-FINAL-EN.pdf> 2-3. See also Final report of the Panel of Experts on Haiti at ¶ 23 (noting that the armed forces “have very little defence and security capacity”).

¹⁰⁶ See, e.g., [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 17.

¹⁰⁷ [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 17. See also Jacqueline Charles, *Almost 800 cops in Haiti have left the force in what the U.N. calls a ‘staggering loss,’* MIAMI HERALD (Sep. 2, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article278879309.html> (reporting that the police force “lost nearly 800 officers in the first six months of this year. . . . ‘compared to an average attrition of around 400 police per year in the past’”).

¹⁰⁸ [Oct. 2023 Report of the UN Secretary-General](#) at Annex 1.6 (reporting 12,701 active officers in the force); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 26 (“With approximately 13,000 estimated active-duty officers and a population of approximately 11 million, Haiti has about half the number of police officers recommended by experts on police matters.”); Pierre Espérance, *Haiti Doesn’t Need More Guns. It Needs a New Government.*, NEW YORK TIMES (Oct. 4, 2023), <https://www.nytimes.com/2023/10/04/opinion/haiti-police-gangs.html> (claiming there were approximately 9,000 officers in Haiti as of October 4); *UN Chief Urges Deployment of Police Special Forces and Military Support to Combat Gangs in Haiti*, U.S. NEWS (Aug. 15, 2023), <https://www.usnews.com/news/world/articles/2023-08-15/un-chief-urges-deployment-of-police-special-forces-and-military-support-to-combat-gangs-in-haiti> (reporting about 10,000 police officers in Haiti as of August 15); Alexandra Sharp, *Kenya Offers to Lead an Intervention in Haiti*, FOREIGN POLICY (Aug. 3, 2023), <https://foreignpolicy.com/2023/08/03/kenya-haiti-police-intervention-gang-violence-un/> (reporting 9,000 active duty police officers in Haiti as of August 3).

¹⁰⁹ Final report of the Panel of Experts on Haiti at ¶ 24 (noting that this is “exceptionally low in any context, but even more so in Haiti”). See also Espérance, [Haiti Doesn’t Need More Guns. It Needs a New Government.](#) (reporting “barely 3,500 individual [police] on the streets on any given day”); Gamba, [2 years after assassination of Haiti’s president, country continues spiraling into chaos](#) (reporting 3,500 police officers on active duty at any given time); [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 17 (reporting 3,300 officers on public duty at any given time).

¹¹⁰ See CRS, [Haiti: Recent Developments and U.S. Policy](#) at 7. See also HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 26; Francklyn B. Geffrard, *Crise à la PNH : Des policiers haïtiens n’ont pas reçu leur salaire depuis 8 mois...*, RHI NEWS (Aug. 3, 2023),

<https://www.rhinews.com/actualites/crise-a-la-pnh-des-policiers-haitiens-nont-pas-recu-leur-salaire-depuis-8-mois/>; ACAPS, [Haiti: Humanitarian impact of gang violence](#) at 3.

¹¹¹ See HRW, [“Living a Nightmare”](#) (“Police are underpaid, not well equipped, and they will easily join criminal activities in order to get more money.”). See also Luke Taylor, *Haitian cops are poorly paid and outgunned - and part of the problem*, THE GUARDIAN (Feb. 2, 2023) <https://www.theguardian.com/world/2023/feb/02/haiti-cops-outgunned-gangs>.

¹¹² See, e.g., [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 17 (reporting 40 police officers killed due to violence by armed groups between January and September); Blaise, [Bandits burned down 2 police stations in 2 weeks in Haiti](#) (29 killed between January 10 and September 7); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶¶ 4, 26 (more than 32 killed between January and September); Final report of the Panel of Experts on Haiti at ¶ 25 (36 killed between January and August); Geffard, [How many police officers are there in the PNH, and what do they do?](#) (34 killed between January and June); RNDDH, *Vingt-huitième anniversaire de l’institution policière : Le RNDDH dénonce les conditions de travail des agents-tes de la PNH* (Jun. 11, 2023), <https://web.rnddh.org/wp-content/uploads/2023/06/6-Rap-PNH-12Jun2023-FR.pdf.pdf> (29 violently deceased in the first half of 2023).

¹¹³ HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 26 (“[A] large number have applied to leave the country under the new United States parole programme.”). See also *infra* notes 434-37.

¹¹⁴ See, e.g., RNDDH, [Crise sécuritaire et situation des personnes déplacées internes en Haïti](#) at 18.

¹¹⁵ [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 17. See also HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 4; Blaise, [Bandits burned down 2 police stations in 2 weeks in Haiti](#) (suspected members of armed groups attacked and set fire to the police stations in Saut-d’Eau and Thomazeau on September 22 and October 4, respectively); Dimitry Charles, *Mirebalais: des individus armés ont attaqué la ville, l’HUM visé par des tirs d’armes automatiques*, JUNO7 (Sep. 26, 2023), <https://www.juno7.ht/mirebalais-des-individus-armes-ont-attaque-la-ville/> (reporting that armed individuals set fire to the police station in Saut-d’Eau in September); Radio Tele Metronome, Twitter (Sept. 6, 2023), https://twitter.com/Radio_Metronome/status/1699588842003554761 (reporting that members of the 400 Mawozo armed group took control of the police substation in Thomazeau in September); [Armed group sets fire to police station in Haiti](#) (reporting that members of the Gran Ravin armed group set fire to the police substation in Savane Pistache on August 30); *Haïti-Criminalité : Un policier national tué par balle à Carrefour Feuilles, dans une attaque de bandits armés*, ALTERPRESSE (Aug. 7, 2023), <https://www.alterpresse.org/spip.php?article29538> (reporting that members of the Gran Ravin armed group attempted to take control of the police substation in Savane Pistache on August 5).

¹¹⁶ See, e.g., Jean Daniel Sénat, *Tabarre, Croix-des-Bouquets, Pétiön-Ville, and Liancourt under the Terror of Armed Gangs*, LE NOUVELLISTE (Jul. 24, 2023), <https://lenouvelliste.com/en/article/243562/tabarre-croix-des-bouquets-petion-ville-et-liancourt-sous-la-terreur-des-gangs-armes> (reporting that “police have fled” the lower Artibonite since January, with “no more police operations [in the area] since May”); *Haïti-Violences : Les familles de Carrefour Feuilles en danger « permanent »*, ALTERPRESSE (Aug. 23, 2023), <https://www.alterpresse.org/spip.php?article29589> (“Police patrols in armored vehicles only came to park in front of the police station in Carrefour-Feuilles, without taking steps to dislodge the armed bandits.”); @Radio_Metronome, X (Jul. 23, 2023, 12:09 PM), https://twitter.com/Radio_Metronome/status/1683147397134794752 (reporting that the police had abandoned Liancourt, a commune in the Artibonite Department, for over six months).

¹¹⁷ Juhakenson Blaise, *Gangs kill 29 in Artibonite during “nightmare” month for residents*, HAITIAN TIMES (Aug. 4, 2023), <https://haitiantimes.com/2023/08/04/gangs-kill-29-in-artibonite-during-nightmare-month-for-residents/>. See also RNDDH, [The Increasing violence in the West and Artibonite departments: RNDDH denounces the complicity of the CSPN](#) at ¶ 14 (reporting that in Carrefour-Feuille – one of the areas hit hardest by violence during the reporting period – police were ordered to only protect the local sub-station, rather than the population); *Haitian broadcaster Radio Antarctique burned down in gang attack*, COMMITTEE TO PROTECT JOURNALISTS (CPJ) (Jul. 28, 2023), <https://cpj.org/2023/07/haitian-broadcaster-radio-antarctique-burned-down-in-gang-attack/> (“The absence of Haitian law enforcement has become typical of the country’s state of insecurity over the last two years.”).

¹¹⁸ [IJDH June 2023 Update](#) at 3.

¹¹⁹ Lederer, [Growing gang violence is devastating Haitians, with major crime at a new high, UN envoy says](#); Final report of the Panel of Experts on Haiti at ¶ 57; BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 4 (reporting that killings by the Bwa Kale movement are “now mainly documented outside the capital”); [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 29 (reporting that the Bwa Kale movement “has now expanded to most departments, particularly the Artibonite, Centre and Grand-Anse Departments, and remains a concern”).

¹²⁰ [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 11; see also BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 4 (reporting 406 deaths, including 238 in the second quarter of 2023 and 168 in the third quarter); [Deepening violence in Haiti \(delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council\)](#) (reporting at least 420 people killed by members of the *Bwa Kale* movement or civilians generally in 2023); *Quatre Mois Depuis L'avènement Du « Bwa Kale », Statistiques Désagrégées Sur Les Homicides Par Catégorie En Haïti / Four Months Since The Start Of « Bwa Kale, Disaggregated Statistics On Homicides By Category In Haiti*, CARDH (Aug. 25, 2023), <https://cardh.org/archives/4628> (reporting 270 people killed by members of the *Bwa Kale* movement from April 24 to August 25); Jean Daniel Sénat, *Escalating Violence in Haiti: Death Toll Rises – 1,615 in 2021, 2,183 in 2022, and 2,439 So Far in 2023*, LE NOUVELLISTE (Aug. 18, 2023), <https://www.lenouvelliste.com/en/article/244003/escalating-violence-in-haiti-death-toll-rises-1615-in-2021-2183-in-2022-and-2439-so-far-in-2023> (reporting that “over 350 people have been lynched by the local population and self-defense groups” between April 24 and mid-August); Final report of the Panel of Experts on Haiti at ¶ 56 (reporting that the *Bwa Kale* movement has resulted in the deaths of 479 people between April and July 2023).

¹²¹ See, e.g., HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 28; HRW, [“Living a Nightmare.”](#)

¹²² See, e.g., BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 4 (“This phenomenon . . . illustrates the weakness of the police and judicial authorities in protecting the population.”); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 10 (“The *Bwa Kalé* movement demonstrates the population’s lack of trust in the State, especially in the police and the courts.”).

¹²³ See, e.g., Final report of the Panel of Experts on Haiti at ¶¶ 20, 57; HRW, [“Living a Nightmare”](#) (“Some victims were apparently targeted because they seemed unfamiliar to neighborhood residents or had tattoos or dreadlocks, or because their photos had been posted on social media.”). See also BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 4 (“While these murders, now mainly documented outside the capital, initially targeted gang members or suspected gang members, they are increasingly affecting individuals suspected of common crimes such as theft or rape.”).

¹²⁴ Final report of the Panel of Experts on Haiti at ¶¶ 59-60 (reporting that the *Bwa Kale* movement is contributing to arms proliferation and has “the potential to further destabilize the already dire security situation in the country”); [Deepening violence in Haiti \(delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council\)](#); HRW, [“Living a Nightmare.”](#)

¹²⁵ See, e.g., BINUH, [Human rights situation: Main trends, Quarterly report: April-June 2023](#) at 4 (reporting that armed groups targeted at least 31 people “for allegedly belonging to a local ‘self-defense group’ operating in the area of Source Matelas”).

¹²⁶ HRW, [“Living a Nightmare”](#); Final report of the Panel of Experts on Haiti at ¶¶ 61-62.

¹²⁷ See, e.g., Final report of the Panel of Experts on Haiti at ¶ 60.

¹²⁸ See, e.g., *id.* at Annex 39 (reporting “increasing attacks on journalists (six kidnapped and three killed so far this year) and human rights advocates”); *In Haiti, murders of journalists go unpunished amid instability and gang violence*, CPJ (Oct. 31, 2023), <https://cpj.org/2023/10/in-haiti-murders-of-journalists-go-unpunished-amid-instability-and-gang-violence/> (the governance and insecurity crises have forced journalists to work in “a climate of almost total lawlessness,” resulting in “a press corps that tries to report against all odds, but is often terrified into self-censorship,” with local journalists saying “they have never encountered a more dismal situation”); *Haitian broadcaster Radio Antartique burned in gang attack*; *Haitian radio reporter Blondine Tanis kidnapped amid wave of abductions*, CPJ (Jul. 26, 2023), <https://cpj.org/2023/07/haitian-radio-reporter-blondine-tanis-kidnapped-amid-wave-of-abductions/>; RNDDH, [The resurgence of acts against lives and property: RNDDH urges police authorities to act.](#) at ¶ 6 (reporting that members of the *Kraze Baryè* armed group kidnapped journalist Marie Lucie Bonhomme); *Haiti-Criminalité : L'organisation Rsf exige des dispositions pour faire libérer Pierre-Louis Opont, propriétaire de Télé Pluriel*, ALTERPRESSE (Jun. 28, 2023), <https://www.alterpresse.org/spip.php?article29428> (the continued kidnapping of members of the media “has raised fears among Haitian colleagues that they may suffer the same fate, inciting them to silence and self-censorship on any subject relating to armed gangs, of which they have become a prime target over the past two years.”); *‘I’ll be killed if they find me’: Radio reporter Maxo Dorvil flees Haiti amid gang violence*, CPJ (Nov. 27, 2023), <https://cpj.org/2023/11/ill-be-killed-if-they-find-me-radio-reporter-maxo-dorvil-flees-haiti-amid-gang-violence/> (“Haitian radio journalist Maxo Dorvil fled the country on November 7, 2023, after reporting that he was shot at twice in less than two weeks near his home on the outskirts of the capital Port-au-Prince.”); *Radio host Pierre Fils Saint-Amour kidnapped, Haiti - News : Zapping...*, HAITI LIBRE (Nov. 30, 2023), <https://www.haitilibre.com/en/news-41100-haiti-news-zapping.html> (reporting that radio host Pierre Fils Saint-Amour was kidnapped in late November). See also *infra* note 161.

- ¹²⁹ *Haiti human rights group suspends operations after threats*, REUTERS (Nov. 23, 2023), <https://www.reuters.com/world/americas/haiti-human-rights-group-suspends-operations-after-threats-2023-11-23/>.
- ¹³⁰ *The Center For Analysis And Research On Human Rights (CARDH) Is Suspending Its Activities Due To The Imminent Danger Threatening Its Staff/Le Centre D'analyse Et De Recherche En Droits De L'homme (CARDH) Suspend Provisoirement Ses Activités, En Raison Du Danger Imminent Qui Menace Son Personnel*, CARDH (Nov. 22, 2023), <https://cardh.org/archives/4691>; Nolan Zhu, *Haiti human rights NGO suspends operations due to increase in threats*, JURIST (Nov. 24, 2023), <https://www.jurist.org/news/2023/11/haiti-human-rights-ngo-suspends-operations-due-to-increase-in-threats/>.
- ¹³¹ Information shared by RNDDH lawyer Rosy Auguste Ducéna.
- ¹³² Information shared by a representative from FACSDIS.
- ¹³³ Information shared by Solages. See also *infra* note 272.
- ¹³⁴ See, e.g., *Crisis-hit Haiti fails to deliver justice for murdered journalists*, CPJ (Oct. 31, 2023), <https://cpj.org/2023/10/crisis-hit-haiti-fails-to-deliver-justice-for-murdered-journalists/> (Haiti has for the first time joined the Committee to Protect Journalist's 2023 Impunity Index, in third place behind Syria and Somalia); *In Haiti, murders of journalists go unpunished amid instability and gang violence* (citing multiple cases where the PNH has not followed through on investigations into killings of journalists by police and armed groups); Press Release, Inter-American Commission on Human Rights (IACHR), *RELE condemns the escalation of violence against journalists in Haiti and calls for comprehensive solutions with the accompaniment of the international community* (Oct. 3, 2023), https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/expressions/media_center/preleases/2023/237.asp (discussing violence against journalists in Haiti and impunity for perpetrators). According to Haitian human rights activist Nixon Boumba, the government has shown no interest in protecting human rights defenders in Haiti, including neighborhood activists organizing around improving access to basic needs, which makes it impossible for them to function.
- ¹³⁵ See, e.g., Blaise, *Haitian politicians harden stances, fail Caricom's 4th attempt at consensus*. See also *supra* notes 13-14, 21-25.
- ¹³⁶ NHEAON & FANM in Action, *National Haitian American Elected Officials Network (NHAEO) and FANM in Action Write to Oppose Biden Administration's Proposed International Military Intervention in Haiti*. See also *infra* notes 142-44.
- ¹³⁷ See *infra* notes 146-48.
- ¹³⁸ See Final report of the Panel of Experts on Haiti at ¶ 69; HRW, *"Living a Nightmare"*; Sénat, *Tabarre, Croix-des-Bouquets, Pétiön-Ville, and Liancourt under the Terror of Armed Gangs*; RNDDH, *The Increasing violence in the West and Artibonite departments: RNDDH denounces the complicity of the CSPN* at ¶¶ 18-20.
- ¹³⁹ See RNDDH, *The Increasing violence in the West and Artibonite departments: RNDDH denounces the complicity of the CSPN* at ¶ 18. See also *infra* notes 158-61.
- ¹⁴⁰ See, e.g., HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 6; HRW, *"Living a Nightmare."*
- ¹⁴¹ See *Deepening violence in Haiti (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council)*; HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶¶ 22-23; Final report of the Panel of Experts on Haiti at ¶¶ 168, 179.
- ¹⁴² See, e.g., Geffrard, *Ariel Henry visits the CEP offices in Pétiön-Ville* (in September, Henry declared "that he intends to organize elections in the country with or without a general political consensus"); @DrArielHenry, X (Sep. 25, 2023, 3:14 PM), <https://twitter.com/DrArielHenry/status/1706386717941375120> (Henry acknowledges that "some people disagree" about the urgent need to hold elections, but reaffirms that he "will lay the groundwork for elections to be held"); Sanders, *Haiti urgently needs a genuine and representative transitional government*.
- ¹⁴³ See, e.g., Juhakenson Blaise, *Third Caricom attempt fails to solve Haiti's political stalemate*, HAITIAN TIMES (Sep. 11, 2023), <https://haitiantimes.com/2023/09/11/third-caricom-attempt-fails-to-solve-haitis-political-stalemate/> (reporting that Henry initially failed to appear for discussions with opposition members at a talk facilitated by CARICOM, with a CARICOM leader noting that "Haiti's current government, led by Haiti's Prime Minister Ariel Henry, must do more in negotiations to address the ongoing governance crisis in the country"); Blaise, *Haiti still in stalemate after 'failed' talks in Jamaica* ("After three days of meetings in Jamaica, representatives from Haiti's various political and civil society groups proposed a resolution that Prime Minister Ariel Henry refused to agree to."); Juhakenson Blaise, *Haitians hold tense meetings in Jamaica after failed talks in Haiti*, HAITIAN TIMES (Jun. 13, 2023), <https://haitiantimes.com/2023/06/13/haitians-hold-tense-meetings-in-jamaica-after-failed-talks-in-haiti/> (Henry refused to discuss governance issues with representatives

of various Haitian political parties during negotiations in June facilitated by CARICOM). See also Sanders, [Haiti urgently needs a genuine and representative transitional government](#) (“After three days of a failed meeting from 11 to 13 June in Jamaica – which Henry had to be cajoled to attend – it was obvious that he has no interest in genuine power sharing.”); Daniela Mohor, Q&A: *The problem with the international force set for Haiti*, NEW HUMANITARIAN (Sep. 29, 2023), <https://www.thenewhumanitarian.org/interview/2023/09/29/qa-interview-international-force-haiti-problem> (according to Pierre Espérance, RNDDH Executive Director, “Ariel Henry’s government doesn’t want to make any concessions because they are comfortable with the unconditional support of the United States, Canada, and the United Nations”).

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

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

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

¹⁴⁷ See Sanders, [Haiti urgently needs a genuine and representative transitional government](#); IJDH June 2023 Update at 4.

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

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

protection of their wealth, respectively, have tended to compensate gangs with money and other resources for offering those services, a practice that has gradually enriched and empowered gangs.”).

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

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

¹⁵² See, e.g., [Haiti Criminal Collusion Transparency Act of 2023](#); HRW, “[Living a Nightmare](#)”; Geffrard, [Nouveau raid des bandits de “Gran Ravin” sur Carrefour-Feuilles...](#); [Haïti | Nuit d'horreur à Carrefour Feuilles – Ariel Henry est le « réel chef suprême et effectif des gangs armés criminels »](#); A Word...with Jason Johnson: *Haiti on the Brink*, SLATE (Aug. 11, 2023), <https://slate.com/transcripts/WnZyRINwTkVEUXRRdkdyTUJNdUMrcWZyblgxdWtGTnBNYkh5R083Mm1FTT0=>; Espérance, [More Police Won't Solve Haiti's Crisis](#). See also Final report of the Panel of Experts on Haiti at 2, ¶ 114 (noting that “the current lull in visible collusion between gangs and some members of the political and economic elite does not point towards a complete disengagement” and discussing ongoing collusion between politicians and armed groups to traffic drugs).

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

¹⁵⁴ See IJDH, [Sanctioned Haitian individuals associated with the Pati Ayisyen Tèt Kale \(PHTK\)](#). See also *supra* note 21.

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

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

¹⁵⁷ See, e.g., RNDDH, [Crise sécuritaire et situation des personnes déplacées internes en Haïti](#) at 20.

¹⁵⁸ See, e.g., RNDDH, [The Increasing violence in the West and Artibonite departments: RNDDH denounces the complicity of the CSPN](#) at ¶ 18; Evens Sanon, *Thousands in Haiti march to demand safety from violent gangs as killings and kidnappings soar*, AP NEWS (Aug. 8, 2023), <https://apnews.com/article/haiti-gangs-kidnapping->

[violence-march-c0588f68c7a209e7c95e3902284b3ff2](#); *Crise : Manifestation à Port-au-Prince pour dénoncer deux ans de gestion calamiteuse d'Ariel Henry en Haïti*. Police have also beaten and used tear gas against civilians attempting to renew their passports amid increased demand for travel documents as Haitians try to flee the country. See Mélodie Cerin, *Haitians Struggle to Access a New Path to the U.S.*, U.S. NEWS (Jun. 19, 2023), <https://www.usnews.com/news/best-countries/articles/2023-06-19/amid-chaos-haitians-struggle-to-access-a-new-path-to-the-u-s>. See also *infra* note 437.

¹⁵⁹ See, e.g., Cristina Caicedo Smit, *Vulnerable to Attack, Haitian Journalists Flee*, VOA NEWS (Sep. 8, 2023), <https://www.voanews.com/a/vulnerable-to-attack-haitian-journalists-flee/7260369.html> (“On July 31, a group of men attacked and beat [journalist Arnold Junior] Pierre while he covered a protest in the southwestern side of Port-au-Prince, and he said he also has received death threats from a police officer.”); *Police aggression against Haitian journalist denounced*, PRENSA LATINA (Jul. 21, 2023), <https://www.plenglish.com/news/2023/07/21/police-aggression-against-haitian-journalist-denounced/> (reporting that police assaulted Haitian journalist Pierre Daniel Lamartinière “several times with a communication radio, a truncheon, and other lethal weapons” as he covered an anti-government protest on July 21).

¹⁶⁰ Press Release, RNDDH, [Chasing the internally displaced persons: RNDDH condemns the behavior of the Acting Director General of the PNH](#). See also *supra* note 74.

¹⁶¹ Francklyn B. Geffrard, “Un policier et un individu lourdement armé attaquent les locaux du RNDDH” ..., RHI NEWS (Aug. 22, 2023), <https://www.rhinews.com/actualites/un-policier-et-un-individu-lourdement-arme-attaquent-les-locaux-du-rnddh/>; *Rnddh asks to open an investigation against Haitian police*, PRENSA LATINA (Aug. 24, 2023), <https://www.plenglish.com/news/2023/08/24/rnddh-asks-to-open-an-investigation-against-haitian-police/>.

¹⁶² RNDDH, [Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023](#) at ¶¶ 64-71; BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 5 (noting Muscadin’s continued actions “despite some efforts by the Ministry of Justice and Public Security to investigate and prosecute the executions attributed to [him]”).

¹⁶³ See, e.g., *Deepening violence in Haiti (delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council)* (“Widespread corruption, combined with poor oversight, has penetrated most of the State’s entities, including those in charge of law enforcement.”); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 22; Final report of the Panel of Experts on Haiti at ¶¶ 168, 179. See also *Corruption : 4 billion gourdes in public institutions, Haiti - News : Zapping*, HAITI LIBRE (Nov. 16, 2023), <https://www.haitilibre.com/en/news-40991-haiti-news-zapping.html> (according to the director of Haiti’s Anti-Corruption Unit (ULCC), “[a]cts of corruption within public institutions amount to more than 4 billion gourdes”); *infra* notes 481-85 (foreign sanctions reveal widespread and long-standing corruption among Haiti’s political elites).

¹⁶⁴ Bell is also subject to sanctions by the U.S. and Dominican governments for corruption. IJDH, [Foreign Sanctions Against Haitian Individuals \(December 2020 - Present\)](#).

¹⁶⁵ Final report of the Panel of Experts on Haiti at ¶¶ 175-76. See also *id.* at ¶¶ 82, 84-86 (discussing long-standing issues around corruption in Haiti’s customs agency as one of the “primary enablers of criminal activity”). The situation of corruption in the customs agency has reportedly improved following Bell’s dismissal in 2022. HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 25.

¹⁶⁶ Jean Junior Celestin, *Minister Pradel’s Promises Amidst Tractor Theft by Former Officials*, LE NOUVELLISTE (Jun. 7, 2023), <https://lenouvelliste.com/en/article/242715/des-tracteurs-du-ministere-des-travaux-publics-voles-par-des-anciens-elus-le-ministre-rosemond-pradel-multiplie-les-promesses>.

¹⁶⁷ *Diplomatie : Un cadre démissionne au consulat d’Haïti à Paris et exige une enquête sur la « corruption » et la « gabegie administrative »*, ALTERPRESSE (Jul. 27, 2023), <https://www.alterpresse.org/spip.php?article29509>.

¹⁶⁸ See, e.g., HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 24 (“[There has been only one conviction in a corruption case in the last 10 years.”); RNDDH, [Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023](#) at ¶¶ 3-4 (noting progress in several cases of corruption and arms trafficking that indicate investigating magistrates are willing to crack down on these issues). See also Michelson Césaire, *FJKL Urges Haitian Justice to Stop the Impunity of White-Collar Criminals*, LE NOUVELLISTE (Nov. 16, 2023), <https://www.lenouvelliste.com/en/article/245416/fjkl-urges-haitian-justice-to-stop-the-impunity-of-white-collar-criminals> (according to FJKL, “one of the main causes of corruption or poor governance lies in the impunity of deviant actors”).

¹⁶⁹ FJKL, *Corruption à la Caisse d’Assistance Sociale (CAS)* (Oct. 5, 2023), <https://www.fjkl.org.ht/images/doc/FJKL2-dossierCAS-rapport%20danalysedelOrdonnancedujugeJnMorin.pdf>. In September, the Minister of Social Affairs was indicted for embezzlement and corruption. Warrants were also issued for several other public officials. *Haiti - Justice : The Minister of Social Affairs, indicted for abuse of*

power and criminal conspiracy..., HAITI LIBRE (Oct. 1, 2023), <https://www.haitilibre.com/en/news-40629-haiti-justice-the-minister-of-social-affairs-indicted-for-abuse-of-power-and-criminal-conspiracy.html>.

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

¹⁷¹ See RNDDH, *Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023* at ¶¶ 121-28 (the ULCC initiated proceedings against former Senate Presidents Youri Latortue and Joseph Lambert for misappropriation of public property and illegal taking of interest, and criminal obstruction of justice, respectively); *Radio host Pierre Fils Saint-Amour kidnapped, Haiti - News : Zapping...*; Jean Corvington, *Détournement de fonds publics : Youri Latortue envoyé au tribunal criminel, Joseph Lambert au correctionnel*, Radio Metronome (Jun. 21, 2023), <https://metronomehaiti.com/detournement-de-fonds-publics-youri-latortue-envoye-au-tribunal-criminel-joseph-lambert-au-correctionnel/>; *Haiti-Corruption : L'Ulcc exige des poursuites judiciaires contre l'ex sénateur Nènel Cassy pour enrichissement illicite et fausse déclaration de patrimoine*, ALTERPRESSE (Nov. 15, 2023), <https://www.alterpresse.org/spip.php?article29848>; Francklyn B. Geffrard, *Nenel Cassy auditionné au cabinet d'instruction dans le cadre de l'enquête sur le scandale de corruption du BMPAD...*, RHI NEWS (Jul. 27, 2023), <https://www.rhinews.com/actualites/nenel-cassy-auditionne-au-cabinet-dinstruction-dans-le-cadre-de-lenquete-sur-le-scandale-de-corruption-du-bmpad/>; Latortue, Lambert, and Cassy are also subject to foreign sanctions. See IJDH, *Foreign Sanctions Against Haitian Individuals (December 2020 - Present)*.

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

¹⁷³ See, e.g., Final report of the Panel of Experts on Haiti at ¶ 27. See also generally BAI et al., *Justice Sector Challenges in Haiti* (2021), <https://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti-UPR-Submission-EN-1.pdf>; BAI & IJDH, *Written Submission for the December 10, 2020 Thematic Hearing Before the IACHR on the Subject of Impunity for Serious Human Rights Violations and the Lack of Judicial Independence in Haiti* (2020), https://www.ijdh.org/wp-content/uploads/2020/12/Written-Submission-for-IACHR-Thematic-Hearing-178PS-FINAL_web.pdf.

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

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

¹⁷⁶ See, e.g., Juhakenson Blaise, *US prosecutes major Haitian cases as Haiti's justice system freefalls*, HAITIAN TIMES (Jul. 7, 2023), <https://haitiantimes.com/2023/07/07/us-prosecution-of-major-haitian-cases-on-rise-as-haitis-justice-system-falls/>.

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

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

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

¹⁸⁰ See BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at 6.

¹⁸¹ See, e.g., *Haiti: UN Expert William O'Neill concludes official visit*, OHCHR (Jun. 28, 2023), <https://www.ohchr.org/en/statements/2023/06/haiti-un-expert-william-oneill-concludes-official-visit>.

¹⁸² See, e.g., Freedom House, *Haiti: Freedom in the World 2023* (2023), <https://freedomhouse.org/country/haiti/freedom-world/2023>.

¹⁸³ See *infra* notes 453-71.

¹⁸⁴ RNDDH reported that 509 cases were decided between October 2022 and October 2023, 495 of those without the assistance of a jury; only 2 jurisdictions out of 18 are currently holding jury trials. RNDDH, [Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023](#) at ¶¶ 173-76.

¹⁸⁵ *Id.* at ¶¶ 7, 178-80 (“[M]any cases were dismissed for unacceptable reasons, such as the defendants not being brought to court; heavy sentences were handed down for cases of theft, while lenient sentences were handed down for cases of rape.”).

¹⁸⁶ BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 6 (noting that “government authorities have taken no decision to relocate or reinforce security around these buildings, some of which are reportedly still occupied by gang members”; as a result, “the Port-au-Prince court and public prosecutor's office continue to temporarily occupy a small space lent by the Office de la Protection du Citoyen” and “the magistrates can only visit the court three days a week, which is far from sufficient for the number of cases in their charge”); [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 34; Final report of the Panel of Experts on Haiti at ¶ 29; HRW, “[Living a Nightmare](#)”; [Haiti: UN Expert William O'Neill concludes official visit](#). See also CRS, [Haiti: Recent Developments and U.S. Policy](#) at 7 (“Gangs overtook several of Haiti’s main courthouses in summer 2022, and many of the courthouses remain inoperable.”).

¹⁸⁷ See, e.g., HRW, “[Living a Nightmare](#)”; Joly, [Enlevés début novembre, les 5 employés de la Cour des comptes libérés](#); @opchaiti, X (Jul. 6, 2023, 10:24 AM), <https://twitter.com/opchaiti/status/1676960416596123649> (describing judges in charge of sensitive cases as “working in extremely poor security conditions”).

¹⁸⁸ Final report of the Panel of Experts on Haiti at ¶ 32; Press Release, OHCHR, [UN expert concerned about attack against Haitian Judge Wilner Morin](#) (Aug. 3, 2023), <https://www.ohchr.org/en/press-releases/2023/08/un-expert-concerned-about-attack-against-haitian-judge-wilner-morin>; HRW, “[Living a Nightmare](#).”

¹⁸⁹ See, e.g., HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 31; see also RNDDH, [Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023](#) at ¶¶ 16, 73 (reporting that a strike by clerks and magistrates over poor wages and working conditions from March 7 to June 19 “had a major impact on the operation of the justice system”). See generally BAI et al., [Justice Sector Challenges in Haiti](#); BAI & IJDH, [Written Submission for the December 10, 2020 Thematic Hearing Before the IACHR on the Subject of Impunity for Serious Human Rights Violations and the Lack of Judicial Independence in Haiti](#).

¹⁹⁰ *Número Spécial: Décret Établissant le Budget Général de la République d'Haïti Exercice 2023 - 2024*, LE MONITEUR (Sep. 29, 2023), <https://budget.gouv.ht/storage/app/uploads/public/651/c4b/fd0/651c4bfd07a4d805199361.pdf>, at 85.

¹⁹¹ HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 33.

¹⁹² See Francklyn B. Geffrard, *L'institut médico-légal au point mort depuis deux ans. Il ne réalise presque plus d'autopsie, dénonce Pierre Espérance...*, RHI NEWS (Aug. 8, 2023), <https://www.rhinews.com/actualites/linstitut-medico-legal-au-point-mort-depuis-deux-ans-il-ne-realise-presque-plus-dautopsie-denonce-pierre-esperance/>.

¹⁹³ See, e.g., Center for Gender and Refugee Studies (CGRS), Catholic Law School of Jérémie & Haiti Justice Partnership, *Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life 1* (June 2023), https://cgrs.uclawsf.edu/sites/default/files/Jeremie%20Prison%20Report_2023.06%20ENGLISH.pdf (“[C]orruption has had a crippling effect on Haiti’s justice system and prisons—grinding trials and judicial access to a halt.”). See also BAI et al., [Justice Sector Challenges in Haiti](#) at ¶¶ 8-13 (discussing political interference with Haiti’s judiciary).

¹⁹⁴ Blaise, [US prosecutes major Haitian cases as Haiti's justice system freefalls](#); RNDDH, [Crise sécuritaire et situation des personnes déplacées internes en Haïti](#) at 19. See also generally BAI et al., [Justice Sector Challenges in Haiti](#).

¹⁹⁵ See, e.g., RNDDH, [Crise sécuritaire et situation des personnes déplacées internes en Haïti](#) at 19 (reporting that no legal action has been taken against many well-known leaders of armed groups, even as “[t]hey themselves make declarations, both on the radio and on social networks, and openly threaten to attack the population,” and even though witnesses have provided “the Haitian judicial system with evidence that could have enabled it to take legal action”); Francklyn B. Geffrard, *Exécution d'Antoinette Duclair et de Diego Charles : Deux ans après, l'enquête judiciaire est au point mort...*, RHI NEWS (Jun. 30, 2023), <https://www.rhinews.com/actualites/execution-dantoinette-duclair-et-de-diego-charles-deux-ans-apres-lenquete-judiciaire-est-au-point-mort/> (although a number of individuals have been implicated in the 2021 assassinations

of journalist Diego Charles and activist Antoinette Duclair, to date none have been arrested). See also *infra* note 212. For example, *Kraze Baryè* leader Vitel'homme Innocent – who was added to the Federal Bureau of Investigation's Ten Most Wanted List in November – has not been arrested despite having been charged by the United States as a co-conspirator in two separate kidnappings. See Press Release, U.S. Attorney's Office District of Columbia, *Haitian Gang Leader Charged with Hostage Taking Offenses that Resulted in the Death of a U.S. Citizen in Haiti in October 2022* (Oct. 24, 2023), <https://www.justice.gov/usao-dc/pr/haitian-gang-leader-charged-hostage-taking-offenses-resulted-death-us-citizen-haiti>; *Haiti - FLASH USA : \$2M for the arrest of Vitel'homme Innocent*, HAITI LIBRE (Nov. 16, 2023), [https://www.haitilibre.com/en/news-40986-haiti-flash-usa-\\$2m-for-the-arrest-of-vitel-homme-innocent.html](https://www.haitilibre.com/en/news-40986-haiti-flash-usa-$2m-for-the-arrest-of-vitel-homme-innocent.html). Former police officer turned leader of the G9 armed group coalition Jimmy Chérizier has likewise never been arrested despite consistent evidence of his complicity in numerous grave rights violations and an outstanding warrant for his arrest for his involvement in the 2018 La Saline massacre. See BAI et al., *Justice Sector Challenges in Haiti*. See also *infra* note 210.

¹⁹⁶ See, e.g., Final report of the Panel of Experts on Haiti at ¶ 28. See also HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 32 (reporting that only three percent of arrested individuals are ever convicted of a crime); HRW, “*Living a Nightmare*” (reporting that although “there are a few open cases under investigation in the Haitian judicial system about alleged links between criminal groups and politicians, including former senators and ministers, government officials, and former members of the police force,” none have led to convictions in Haitian courts).

¹⁹⁷ RNDDH, *Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023* at ¶ 19; *Justice : 7 magistrats de nouveau écartés du système judiciaire, mais 28 autres certifiés en Haïti, selon le Cspj*, ALTERPRESSE (Jun. 28, 2023), <https://www.alterpresse.org/spip.php?article29426>. The CSPJ started its review process in January. See *IJDH June 2023 Update* at 5.

¹⁹⁸ See, e.g., RNDDH, *Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023* at ¶¶ 23-26; Jean Corvington, *L'incohérence du CSPJ !*, RADIO METRONOME (Jul. 12, 2023), <https://metronomehaiti.com/lincoherence-du-cspj/>.

¹⁹⁹ See, e.g., *Synthèse De L'atelier De Réflexion Sur Le Processus De Certification Des Magistrats En Haïti, Organisé Le 9 Août 2023*, CARDH (Sep. 26, 2023), <https://cardh.org/archives/4669>.

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

²⁰¹ See, e.g., RNDDH, *Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023* at ¶¶ 76-84. See also Jacqueline Charles, *Ex-Haiti President Michel Martelly meets with judge investigating murder of his successor*, MIAMI HERALD (Oct. 3, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article280068549.html>; Jake Johnston, *US Investigation into Haiti Assassination Is an Opportunity to Right Past Wrongs*, CEPR (Jul. 13, 2023), <https://cepr.net/us-investigation-into-haiti-assassination-is-an-opportunity-to-right-past-wrongs/>; “*Cup of blood*”: *Haiti official decries impunity in Moïse killing*, AL JAZEERA (Jul. 6, 2023), <https://www.aljazeera.com/news/2023/7/6/cup-of-blood-haiti-official-decries-impunity-in-moise-killing>. A parallel investigation in U.S. federal court has led to numerous ongoing prosecutions and two convictions. See Jacqueline Charles, *Another suspect in the assassination of Haiti's president set to plead guilty in Miami*, MIAMI HERALD (Nov. 8, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article281597188.html>; Gisela Salomon, *Retired Colombian army officer gets life sentence in 2021 assassination of Haiti's President*, AP NEWS (Oct. 27, 2023), <https://apnews.com/article/haiti-moise-president-killed-miami-3236a13f74c3ff5fa5300c21e314dc81>; Frances Robles & David C. Adams, *Key Suspect in Assassination of Haiti's President is Arrested*, NEW YORK TIMES (Oct. 19, 2023), <https://www.nytimes.com/2023/10/19/world/americas/suspect-assassination-haiti-president-captured.html>; Press Release, U.S. Attorney's Office Southern District of Florida, *Haitian-Chilean Citizen Sentenced to Federal Prison in Connection with Plot to Kill Haitian President* (Jun. 13, 2023), <https://www.justice.gov/usao-sdfl/pr/haitian-chilean-citizen-sentenced-federal-prison-connection-plot-kill-haitian>.

- ²⁰² Jacqueline Charles, 'The man was circulating among us every day.' How cops nabbed Haiti assassination suspect, MIAMI HERALD (Oct. 26, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article280916158.html>.
- ²⁰³ Charles, *Ex-Haiti President Michel Martelly meets with judge investigating murder of his successor*; Evens Sanon, *Haitian judge interviews Colombian suspects for the first time since the President was assassinated*, AP NEWS (Aug. 30, 2023), <https://apnews.com/article/haiti-presidential-assassination-moise-colombian-mercenaries-15546fb463ac121b10bbbe74a1acd151>.
- ²⁰⁴ Charles, *Ex-Haiti President Michel Martelly meets with judge investigating murder of his successor*; Robenson Geffrard, *Assassinat de Jovenel Moïse : le premier ministre Ariel Henry, des ministres et des directeurs généraux convoqués au cabinet d'instruction*, LE NOUVELLISTE (Aug. 4, 2023), <https://lenouvelliste.com/article/243757/assassinat-de-jovenel-moise-le-premier-ministre-ariel-henry-des-ministres-et-des-directeurs-generaux-convoques-au-cabinet-d-instruction>. The investigating judge also called in for questioning – for a second time – former acting President and Prime Minister Claude Joseph in late November; he has been accused of complicity in the assassination but is not currently a formal suspect. See *Dossier Jovenel Moïse: l'ancien premier ministre Claude Joseph invité à nouveau par le juge instructeur*, GAZETTE HAITI (Nov. 29, 2023), <https://gazettehaiti.com/node/10561>; Jeremy Kyrt, *Leaked Audio Confession Blows Lid Off Mystery of Haiti's Murdered President*, DAILY BEAST (Sep. 2, 2021), <https://www.thedailybeast.com/leaked-audio-confession-blows-lid-off-mystery-of-jovenel-moises-assassination>.
- ²⁰⁵ Charles, *Ex-Haiti President Michel Martelly meets with judge investigating murder of his successor*; Maria Abi-Habib & Anatoly Kurmanav, *Haiti Prosecutor Says Evidence Links Prime Minister to President's Killing*, NEW YORK TIMES (Sep. 14, 2023), <https://www.nytimes.com/2021/09/14/world/americas/haiti-henry-moise-assassination.html>.
- ²⁰⁶ Franklyn B. Geffrard, *De nouveaux inculpés dans l'assassinat de Jovenel Moïse : La DCPJ sollicite des mandats d'amener contre plusieurs responsables politiques et un présumé chef de gang...*, RHI NEWS (Sep. 1, 2023), <https://www.rhinews.com/actualites/de-nouveaux-inculpes-dans-l-assassinat-de-jovenel-moise-la-dcpj-sollicite-des-mandats-d-amener-contre-plusieurs-responsables-politiques-et-un-presume-chef-de-gang/> (recommending warrants be issued for the arrest of diplomat Ashkard Joseph Pierre, former *Court of Cassation* judge Windelle Coq Thélot, Francis Alexis Cinéus, alleged armed group leader Vitel'Homme Innocent, leader of the Kore Lavi party Dr. Ernest Harrison, and PHTK leader Liné Balthazar).
- ²⁰⁷ Robles & Adams, *Key Suspect in Assassination of Haiti's President is Arrested* (arrested on October 19).
- ²⁰⁸ Evens Sanon, *Police in Haiti detain a new suspect in the 2021 slaying of President Jovenel Moïse*, AP NEWS (Nov. 20, 2023), <https://apnews.com/article/haiti-suspect-jovenel-moise-macky-kessa-jacmel-a09b7397570cee0cb5841b59aa55bbd4> (arrested on November 20).
- ²⁰⁹ RNDDH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 20; BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at 7; RNDDH, *Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023* at ¶¶ 5, 14.
- ²¹⁰ 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 & Haitian Observatory for Crimes Against Humanity, *Killing with Impunity: State-Sanctioned Massacres in Haiti* (2021), https://hrp.law.harvard.edu/wp-content/uploads/2022/10/Killing_With_Impunity_1.pdf. See also RNDDH, *Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023* at ¶¶ 95-98 (despite several developments, including the arrest of Monchery on June 23 after he refused an invitation to appear before the investigating judge and the questioning – but not arrest – of Duplan on July 17, there is still no meaningful progress in the investigation); *Arrest warrant issued for former Haitian official*, PRENSA LATINA (Jun. 26, 2023), <https://www.plenglish.com/news/2023/06/26/arrest-warrant-issued-for-former-haitian-official/>. There has been no accountability for perpetrators of other major massacres in the last several years. See RNDDH, *Fonctionnement de l'appareil judiciaire haïtien au cours de l'année 2022-2023* at ¶¶ 99-110 (discussing the persistent lack of accountability for perpetrators of massacres in Plaine du Cul-de-Sac (April-May 2022), Cité Soleil (July 2022), and Carrefour-Feuilles (August-September 2023)); *Oct. 2023 Report of the UN Secretary-General* at ¶ 37 (discussing the lack of accountability for perpetrators of the 2017 Grand Ravine and 2019 Bel Air massacres).
- ²¹¹ Dorval was shot and killed outside his home just “just hours” after he “had denounced government mismanagement, a series of decrees, the constitutional reform project, and the subordination of elections thereto in a radio interview.” BAI et al., *Justice Sector Challenges in Haiti* at ¶ 6(d); BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at 7; RNDDH, *Fonctionnement de l'appareil judiciaire*

haïtien au cours de l'année 2022-2023 at ¶¶ 85-89; Jean Junior Celestin, *Bâtonnier Dorval Case: Detainee Freed Without Consultation of Investigating Judge*, LE NOUVELLISTE (Aug. 29, 2023)

<https://www.lenouvelliste.com/en/article/244181/batonnier-dorval-case-detainee-freed-without-consultation-of-investigating-judge> (describing evidentiary theft, court dysfunction, and the release of a suspect without the knowledge of the investigation judge as the principal obstacles to accountability).

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

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

²¹⁴ 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. BAI et al., [Justice Sector Challenges in Haiti](#) at ¶ 6(c); 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/>; *Haïti-Corruption/PetroCaribe : Le Rnddh souhaite la désignation d'un nouveau juge instructeur*, ALTERPRESSE (Jun. 15, 2023), <https://www.alterpresse.org/spip.php?article29383>.

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

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

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

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

²¹⁹ [Haiti: UN Expert William O'Neill concludes official visit](#).

²²⁰ See *supra* note 184.

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

²²² IACHR, Resolution 49/2023, Precautionary Measure No. 509-23, Lovely Lamour regarding Haiti ¶¶ 8, 22 (Aug. 20, 2023), https://www.oas.org/en/iachr/decisions/mc/2023/res_49-23_mc_509-23_ht_en.pdf (finding that, while detained, the pregnant petitioner "did not receive adequate food during pregnancy and does not currently receive it postpartum"); [Haiti: UN Expert William O'Neill concludes official visit](#); CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, [Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life](#) at 5 (reporting that 45 percent of incarcerated individuals interviewed in the Jérémie prison were going to bed hungry, and that "[c]ivil society organizations have had to step in and supplement with donations, though it's not sufficient").

²²³ Joanne Clark, *Inmates in Haiti's prisons deemed unsafe*, CARIBBEAN NATIONAL WEEKLY (Sep. 13, 2023), <https://www.caribbeannationalweekly.com/news/caribbean-news/inmates-in-haitis-prisons-deemed-unsafe/>

(reporting that the only women’s prison in Cabaret lacks access to drinking water); IACHR [Resolution 49/2023, Precautionary Measure No. 509-23, Lovely Lamour regarding Haiti](#) at ¶ 8; *Haiti: UN Expert William O’Neill concludes official visit*; CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, [Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life](#) at 5 (reporting “egregious” lack of access to potable water).

²²⁴ See, e.g., CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, [Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life](#) at 4 (reporting that incarcerated individuals are sometimes forced to use buckets in their cells instead of toilets, and that “[s]mall windows and poor ventilation exacerbate the situation”).

²²⁵ See [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 22 (reporting that “prison conditions have continued to deteriorate, marked by increased mortality rates, due in part to disruptions in the supply of medication”); CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, [Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life](#) at 5 (“The majority interviewed suffered from some kind of untreated medical conditions. . . . Fewer than 20% of respondents had received treatment for their medical conditions.”).

²²⁶ *Haiti - Justice : 219 detainees died of starvation or disease in Haitian prisons*, HAITI LIBRE (Sep. 5 2023) <https://www.haitilibre.com/en/news-40428-haiti-justice-219-detainees-died-of-starvation-or-disease-in-haitian-prisons.html>; *Haiti: UN Expert William O’Neill concludes official visit*.

²²⁷ [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 22 (reporting 75 died between July 1 and October 5); BINUH, [Human rights situation: Main trends, Quarterly report: April-June 2023](#) at 6-7 (reporting 33 died in April and June).

²²⁸ See, e.g., CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, [Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life](#) at 6 (reporting that “93% of individuals interviewed had personally witnessed at least one act of violence in the prison, . . . 32% had themselves suffered physical harm while incarcerated. . . . [and] nearly half of respondents had also been harmed during their arrest”).

²²⁹ See, e.g., *id.*

²³⁰ HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 37; Clark, [Inmates in Haiti’s prisons deemed unsafe](#) (“Originally designed to house a maximum of 10 inmates, these cells now accommodate over 100 men and women, ‘jam-packed like sardines.’”); CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, [Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life](#) at 3 (reporting that the Jérémie prison’s capacity is slightly over 60-70 incarcerated individuals, but in March the population of the prison reached 470).

²³¹ BINUH, [Human rights situation: Main trends, Quarterly report: July-September 2023](#) at 6; CRS, [Haiti: Recent Developments and U.S. Policy](#) at 7; BINUH, [Human rights situation: Main trends, Quarterly report: April-June 2023](#) at 6-7. See also CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, [Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life](#) at 3-4 (reporting that “[i]n the most densely-packed cells where there was not enough room for everyone to lie down at the same time, people were forced to squat or take turns sleeping,” and that individuals incarcerated in the Jérémie prison were not provided mattresses for sleeping).

²³² UNSC, BINUH: Report of the Secretary General ¶ 35, UN Doc. S/2023/274 (Apr. 14, 2023), https://binuh.unmissions.org/sites/default/files/sg_report_on_binuh_14_april_2023.pdf.

²³³ *Haiti: William O’Neill, Expert on the human rights situation in Haiti, concludes his official visit*.

²³⁴ See, e.g., *Haiti: UN Expert William O’Neill concludes official visit*; CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, [Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life](#) at 6.

²³⁵ See IACHR [Resolution 49/2023, Precautionary Measure No. 509-23, Lovely Lamour regarding Haiti](#) at ¶ 5 (concerning an 18-year-old pregnant petitioner who was “detained with adults and men in a police station that does not have spaces adapted to her specific needs”); *Haiti: William O’Neill, Expert on the human rights situation in Haiti, concludes his official visit*.

²³⁶ See IACHR [Resolution 49/2023, Precautionary Measure No. 509-23, Lovely Lamour regarding Haiti](#) at ¶¶ 5-9; *Haiti rights group decries ‘inhumane’ conditions in police jails*, REUTERS (Jun. 1, 2023), <https://www.reuters.com/world/americas/haiti-rights-group-decries-inhumane-conditions-police-jails-2023-06-02/>.

²³⁷ See, e.g., Mosello, Destrijcker & McMurray, [Roots for peace: Uncovering climate security challenges in Haiti and what to do about them](#) at 24 (discussing lack of representation and systemic barriers to accessing medical care and humanitarian aid for LGBTQI+ individuals); HRC, [Findings of the appointed expert on the](#)

[situation of human rights in Haiti](#) at ¶¶ 48, 51 (reporting that women and girls, particularly those living in rural areas, are more likely to live in poverty; discussing disproportionate vulnerability to violence among displaced persons and persons with disabilities); Final report of the Panel of Experts on Haiti at ¶ 130 (reporting that LGBTQI+ individuals are vulnerable to sexual violence); *News Alert: Dire Economic and Food Crisis Grips Haiti, Women Most at Risk*, MERCY CORPS (Aug. 17, 2023), <https://www.mercycorps.org/press-room/releases/dire-economic-food-crisis-grips-Haiti> (discussing gendered vulnerability to hunger); Leona Vaughn, Louis Herns Marcelin & Toni Cela, *Financial Inclusion is Key to Reducing Haiti's Vulnerability to Modern Slavery*, UNU CPR (Jul. 28, 2023), <https://unu.edu/cpr/blog-post/financial-inclusion-key-reducing-haitis-vulnerability-modern-slavery> (discussing how poverty exacerbates vulnerability to modern slavery); Plan International, *Analyse Rapide de Genre en Haïti 24-25* (Mar. 2023), <https://plan-international.org/uploads/sites/67/2023/06/Rapid-Gender-Analysis-Haiti-Full-Report-FRA.pdf> (finding that women and children are uniquely vulnerable to Haiti's economic downturn because they work longer hours but earn less than men, who also usually control the family finances); CGRS, Catholic Law School of Jérémie & Haiti Justice Partnership, *Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life* at 1 (“[T]he re-emergence of cholera and the collapse of critical services and access to basic necessities like food, water, and healthcare combined with extreme levels of poverty have contributed to a rampant and alarming decline in the right to health of detained individuals in particular.”); Rolph Louis-Jeune, *Moteurs de l'agriculture haïtienne, très peu de paysannes possèdent des terres*, AYIBO POST (Nov. 5, 2023), <https://ayibopost.com/moteurs-de-lagriculture-haitienne-tres-peu-de-paysannes-possedent-des-terres/> (although women represent 70 percent of Haiti's agricultural workforce, they are less likely than their male counterparts to own land, are under-represented in agricultural organizations, and are vulnerable to violence and eviction by male family members).

²³⁸ See Final report of the Panel of Experts on Haiti at ¶¶ 129, 132; HRW, *“Living a Nightmare”* (“‘Sexual violence is not only used as a weapon of war between criminal groups,’ an international humanitarian officer told Human Rights Watch. ‘But it has become a usual practice, just for their [criminal group members]’ pleasure, simply because they have the power to do so, since they have control of the population in the absence of the state.’”). See generally [Marijân June Report](#); [Marijân May Report](#).

²³⁹ See, e.g., HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶¶ 52-53 (discussing “the State’s lack of appropriate measures to prevent and protect women and girls from human rights violations and abuses.”); *id.* at ¶ 55 (“Those words echo those of a survivor from Cité Soleil who told Human Rights Watch investigators that: ‘They rape us because they are in control, because they have guns, because there is nobody to defend us. There is no police or State.’”); RNDDH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 25; *Genre : Le Rept exige des mesures adéquates pour lutter contre les violences faites aux femmes et filles en Haïti*, ALTERPRESSE (Nov. 27, 2023), <https://www.alterpresse.org/spip.php?article29876>.

²⁴⁰ See, e.g., [IJDH Participates in Webinar on Sexual Violence Against Women & Girls in Haiti](#); Haitian Women’s Collective (HWC), *HWC Webinar: Exploring Empowerment of Girls in Haiti: Challenges & Opportunities*, YOUTUBE (Oct. 31, 2023), <https://www.youtube.com/watch?v=d-ffWhgTh6c&t=4s>; HWC, *HWC: Reflecting on Sexual & Reproductive Health in Haiti: Achievements & Prospects*, YOUTUBE (Sep. 21, 2023), https://www.youtube.com/watch?v=k0HWm_LoUDQ; Ravensley Boisrond, *Des femmes marchent contre la pénalisation de l’avortement en Haïti*, LOOP NEWS (Oct. 2, 2023), <https://haiti.loopnews.com/content/des-femmes-marchent-pour-la-depenalisation-de-lavortement-en-haiti>. See also Press Release, UNICEF, *Kidnappings of children and women spiking at alarming rates in Haiti* (“‘I have witnessed the remarkable resilience of Haitian children, women and families as they face seemingly insurmountable challenges, refusing to surrender,’ said [UNICEF Regional Director for Latin America and the Caribbean, Garry] Conille. ‘However, their bravery is being met with increasing, unthinkable terror. It must stop now.’”).

²⁴¹ See Press Release, Disaster Law Project et al., *Advocates Responding to UN Inquiry Denounce Poverty-Linked Harms to Haitian Women and Girls & Recommend Actions to Advance Equality, Human Rights, SDGs* (Nov. 2022), https://www.ijdh.org/press_release/advocates-responding-to-un-inquiry-denounce-poverty-linked-harms-to-haitian-women-and-girls-recommend-actions-to-advance-equality-human-rights-sdgs/.

²⁴² [Deepening violence in Haiti \(delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council\)](#).

²⁴³ Jillian Watt, *Interaction member recommendations for the Haiti humanitarian response*, INTERACTION (Jun. 9, 2023), <https://www.interaction.org/blog/interaction-member-recommendations-for-the-haiti-humanitarian-response/>. According to the Deputy Special Representative for BINUH, nearly one-third of women between the ages of 15 and 49 have suffered physical violence. *Genre : Le système des Nations unies signale des niveaux*

alarmants de violences sexuelles et sexistes en Haïti, ALTERPRESSE (Nov. 27, 2023), <https://www.alterpresse.org/spip.php?article29874>.

²⁴⁴ HWC, *HWC: Reflecting on Sexual & Reproductive Health in Haiti: Achievements & Prospects* (Dr. Florence Jean-Louis, Executive Director of the Association for the Promotion of the Haitian Family (PROFAMIL), further noted that 29 percent of women ages 15 to 49 years old have experienced GBV, 12 percent were victims of sexual violence, and 34 percent experienced some form of intimate partner violence).

²⁴⁵ Charles, *U.N. high commissioner for human rights makes urgent appeal for security mission for Haiti*.

²⁴⁶ Christopher Newton, *The Many Violences Afflicting Haitians*, INSIGHT CRIME (Oct. 25, 2023), <https://insightcrime.org/news/many-violences-afflicting-haitians/>. See also HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 50 (“According to civil society organizations, there is direct evidence that more than half and as many as 70 per cent of women and girls have experienced some form of gender-based violence”); World Bank, *Gender-Based Violence, Country Profile Haiti* at 5 (“Twenty-eight percent of Haitian women aged 15 to 49 have reported experiencing some form of physical violence, and more than one woman in 10 women said they [had] been subjected to sexual violence.”).

²⁴⁷ HRW, *“Living a Nightmare.”*

²⁴⁸ *Marijàn June Report* at 2.

²⁴⁹ See HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 50; HRW, *“Living a Nightmare”*; Andre Paultré & Daniela Mohor, *‘We can’t find support’: Three women’s stories of repeated rape by Haitian gangs*, NEW HUMANITARIAN (Jun. 27, 2023), <https://www.thenewhumanitarian.org/news-feature/2023/06/27/we-cant-find-support-three-womens-stories-repeated-rape-haitian-gangs>. See also UN Population Fund (UNFPA), *Addressing Gender-Based Violence in Haiti 1* (June 2023), available at: <https://reliefweb.int/report/haiti/addressing-gender-based-violence-haiti-june-2023> (“Quantifying the extend of GBV or sexual violence in Haiti is impossible.”); see also BAI, IJDH & *Commision of Women Victims for Victims (KOFIVIV)*, *Gender-Based Violence in Haiti 2* (2021), <https://www.ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti-UPR-Submission-EN-1.pdf>.

²⁵⁰ HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 50; Final report of the Panel of Experts on Haiti at ¶ 131; UNFPA, *Addressing Gender-Based Violence in Haiti* at 1.

²⁵¹ See, e.g., HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 54-55 (“While police stations are supposed to have sexual and specific gender-based violence desks and a dedicated unit to combat sexual violence, significant operational, logistical and resource impediments hamper the effectiveness of the police to investigate sexual violence. Similarly, corruption of public services and impunity for cases of sexual violence and trafficking against women and girls is widespread.”); Plan International, *Analyse Rapide de Genre en Haïti* at 35 (reporting that police and judicial authorities receiving complaints from victims of GBV tend to blame the victim).

²⁵² Final report of the Panel of Experts on Haiti at ¶ 131.

²⁵³ See, e.g., *Marijàn June Report* at 1; BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at 5 (“[B]etween 11 August and 14 September, at least five women living in the Carrefour-Feuilles neighborhood were raped inside their homes. One was killed and her body burned after being raped.”); HRW, *“Living a Nightmare”* (“Many survivors of rape said that they were also beaten during the episodes of sexual violence, and one said the perpetrators penetrated her vagina with a stick.”); Gamba, *2 years after assassination of Haiti’s president, country continues spiraling into chaos* (“We are talking about systematic collective rapes. Several gang members repeatedly rape women from the same family in front of their relatives, and there have been cases in which the victim is killed right there, in front of their family members.”).

²⁵⁴ See, e.g., BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at 5; Final report of the Panel of Experts on Haiti at ¶ 132 (“The use of sexual and gender-based violence . . . is not merely the result of isolated incidents by rogue members, but appears to be a consistent tactic.”); *Genre : Le Rept exige des mesures adéquates pour lutter contre les violences faites aux femmes et filles en Haïti* (“Armed bandits use the bodies of women and girls as an instrument of combat.”).

²⁵⁵ See BINUH, *Human rights situation: Main trends, Quarterly report: July-September 2023* at 5; HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 48; Zengarini, *Haitian bishops urge end to ‘genocide’ of defenceless people by gangs*; HRW, *“Living a Nightmare.”*

²⁵⁶ See *Marijàn May Report* at 1; Final report of the Panel of Experts on Haiti at ¶ 132; *Haiti: Gangs Compete Over Crimes Against Women and Girls*, TELESUR (Jul. 24, 2023), <https://www.telesurenglish.net/news/Haiti-Gangs-Compete-Over-Crimes-Against-Women-and-Girls-20230724-0022.html>; *Haitians Turn to Mob Justice as the Gang Threat Festers*; BINUH, *Human rights situation: Main trends, Quarterly report: April-June 2023* at 5; *Genre : Le système des Nations unies signale des niveaux alarmants de violences sexuelles et sexistes en Haïti*.

- ²⁵⁷ Press Release, UNICEF, [Kidnappings of children and women spiking at alarming rates in Haiti](#).
- ²⁵⁸ HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 9; Final report of the Panel of Experts on Haiti at ¶ 132 (“Gangs use sexual and gender-based violence as an instrument of . . . extortion, as in the case of kidnappings, to obtain ransom.”).
- ²⁵⁹ See Press Release, UNICEF, [Kidnappings of children and women spiking at alarming rates in Haiti](#).
- ²⁶⁰ See e.g., [Marijàn June Report](#) at 1 (“In today’s marginalized neighborhoods, women and girls are used as sex objects, spies and bargaining chips with rival gang groups. In most cases, depending on their physical attractiveness, they are forced to serve as sex slaves at the whim of gang leaders.”); Final report of the Panel of Experts on Haiti at ¶ 132.
- ²⁶¹ [Marijàn May Report](#) at 1.
- ²⁶² [Haiti: Gangs Compete Over Crimes Against Women and Girls](#); [Marijàn May Report](#) at 4 (sharing survey results that include nine victims of rape over 50 years of age). See also Press Release, RNDDH, [The victims of massive human rights violations file a complaint with the Haitian judicial authorities](#) (reporting that during the period of August 4 to September 12, two cases of sexual violence were carried out against a mother and her daughter); [IJDH Participates in Webinar on Sexual Violence Against Women & Girls in Haiti](#). See also *infra* note 273.
- ²⁶³ See [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 31 (“In the Artibonite Department, women and girls are increasingly exposed to sexual violence during gang attacks or when they travel in public transportation vehicles along National Road 1.”); BINUH, [Human rights situation: Main trends, Quarterly report: April-June 2023](#) at 5; Plan International, [Analyse Rapide de Genre en Haïti](#) at 33-34.
- ²⁶⁴ See *supra* note 81.
- ²⁶⁵ See, e.g., RNDDH, [Crise sécuritaire et situation des personnes déplacées internes en Haïti](#) at 25 (reporting that the state has not fulfilled its promise to offer services and support to victims of sexual violence); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶¶ 52, 54-55 (discussing systemic barriers to accessing “medical, psychological, legal and socioeconomic services and reintegration support”); [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 31; RNDDH, [Fonctionnement de l’appareil judiciaire haïtien au cours de l’année 2022-2023](#) at ¶¶ 7, 56, 184-85 (reporting that “heavy sentences were handed down for cases of theft, while lenient sentences were handed down for cases of rape”); [Haiti: William O’Neill, Expert on the human rights situation in Haiti, concludes his official visit](#); [Deepening violence in Haiti \(delivered by Nada Al-Nashif United Nations Deputy High Commissioner for Human Rights at 54th session of the Human Rights Council\)](#); Mosello, Destrijcker & McMurray, [Roots for peace: Uncovering climate security challenges in Haiti and what to do about them](#) at 24 (“Access to prevention programmes and basic response services for survivors is extremely limited, underfunded, dependent on external sources, and affected by cultural and social norms.”). See also HRW, [“Living a Nightmare”](#) (“Of the 23 people whose sexual violence cases Human Rights Watch documented and which occurred between January and April 2023, 16 said they had not received any medical treatment before Human Rights Watch met with them and referred them to a hospital.”).
- ²⁶⁶ See, e.g., UNFPA, [Addressing Gender-Based Violence in Haiti](#) at 1; Emma Freire, *Looking for relief*, WORLD (Aug. 10, 2023), <https://wng.org/articles/looking-for-relief-1691639261>; [IJDH Participates in Webinar on Sexual Violence Against Women & Girls in Haiti](#). See also *infra* notes 382-83.
- ²⁶⁷ See, e.g., Mosello, Destrijcker & McMurray, [Roots for peace: Uncovering climate security challenges in Haiti and what to do about them](#) at 24 (“These services are almost exclusively linked to humanitarian programmes and hence only available in areas affected by emergencies.”). According to co-founder of Haitian feminist organization *Nègès Mawon* Pascale Solages, services for victims of GBV are provided primarily by local organizations. She noted that victims often come to *Nègès Mawon* after being unable to obtain assistance from the Ministry on the Status and Rights of Women in Haiti.
- ²⁶⁸ See HWC, [HWC: Reflecting on Sexual & Reproductive Health in Haiti: Achievements & Prospects](#) (according to a Mortality, Morbidity and Use of Services Survey, 70 percent of institutions offering contraceptives have run out of supplies, 67 percent of pregnant women complete their prenatal visits, 39 percent of women give birth at home, and 69 percent of women receive no postnatal care); Fenel Péliissier, *Haiti: Only 25% of Pregnant Women Receive Recommended Prenatal Care, According to WHO*, AYIBO POST (Aug. 2, 2023), <https://ayibopost.com/haiti-only-25-of-pregnant-women-receive-recommended-prenatal-care-according-to-who/> (“Only 25% of women in Haiti have completed the minimum of four prenatal visits recommended by the World Health Organization (WHO) since 2015.”); Freire, [Looking for relief: Aid efforts for Haitians suffer blow with kidnapping of American nurse and daughter](#), NPR (Aug. 2, 2023), <https://www.npr.org/2023/08/02/1191508372/aid-efforts-for-haitians-suffer-blow-with-kidnapping-of-american-nurse-and-daugh>. See also *infra* notes 382-83. Women and girls in displacement camps and areas controlled by

armed groups are particularly impacted, as rape by members of armed groups often results in unwanted pregnancies, including for teenage girls. [Marijàn June Report](#) at 1, 4; [Marijàn May Report](#) at 8.

²⁶⁹ Freire, [Looking for relief](#).

²⁷⁰ Alma Beauvais, *The Cost of Legalizing Abortion in Haiti*, THE NATION (Aug. 8, 2023), <https://www.thenation.com/article/world/abortion-in-haiti-challenges/>.

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

²⁷² Boisrond, [Des femmes marchent contre la pénalisation de l'avortement en Haïti](#). Demonstration organizers and participants received threats on social media. See *supra* note 133.

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

²⁷⁴ [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 33 (“The lack of economic and social opportunities for children and youth, including limited access to schools and high levels of food insecurity among children, are factors that are exploited by gangs, who offer these children regular access to food and money in exchange for their ‘work’ as a gang member.”); Lederer, [Growing gang violence is devastating Haitians, with major crime at a new high, UN envoy says](#); [Haiti: William O'Neill, Expert on the human rights situation in Haiti, concludes his official visit](#); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 49.

²⁷⁵ HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 49. See also Final report of the Panel of Experts on Haiti at ¶ 138 (“All gangs have minors in their ranks, whom they exploit for various purposes, including labour, spying, hostage care, surveillance, operating checkpoints and participating in attacks. As minors prove their loyalty and capabilities, they gain more responsibility within the criminal organization. Girls are typically involved in activities such as house chores and spying.”); Coto, [Chased from their homes by gangs, thousands of Haitians languish in shelters with lives in limbo](#) (reporting that armed groups “are now recruiting children as young as 8 at shelters”).

²⁷⁶ See, e.g., [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 33.

²⁷⁷ Inadequate access to food puts over 115,000 children under the age of five at risk of severe wasting, the most lethal form of undernutrition that turns common ailments into deadly diseases as children’s bodies lack virtually any protections against infections and are unable to absorb nutrients. *Child alert: Severe wasting*, UNICEF, <https://www.unicef.org/child-alert/severe-wasting> (last visited Dec. 6, 2023); Pierre-Richard Luxama, *UN agencies decry humanitarian crisis in Haiti and seek help for hungry families fleeing violence*, AP NEWS (Jun. 20, 2023), <https://apnews.com/article/haiti-crisis-hunger-violence-f8b34f48b00f119422c18d5108a5e076>; Rivers, [Millions in Haiti starve as food, blocked by gangs, rots on the ground](#). See also Harold Isaac, *UNICEF warns of food shortages at overcrowded Haiti camp*, REUTERS (Jun. 20, 2023), <https://www.reuters.com/world/americas/unicef-warns-food-shortages-overcrowded-haiti-camp-2023-06-20/>; Plan International, [Analyse Rapide de Genre en Haïti](#) at 29; *In Haiti, gang violence fomented child malnutrition tragedy*, FRANCE 24 (Aug. 6, 2023), <https://www.france24.com/en/live-news/20230806-in-haiti-gang-violence-fomented-child-malnutrition-tragedy> (“The gang violence ravaging Haiti has provoked a sharp rise in infant

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

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

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

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

²⁸¹ *IJDH June 2023 Update* at 7.

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

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

²⁸⁴ *Haiti: children trapped amid armed groups find safety and security*, UNICEF (Oct. 17, 2023), <https://www.unicef.org/lac/en/press-releases/haiti-children-trapped-amid-armed-groups-find-safety-and-security>; Francklyn Geffrard, “L’escalade de la violence menace des milliers d’enfants à Port-au-Prince”, *selon l’UNICEF...*, RHI NEWS (Sep. 11, 2023), <https://www.rhinews.com/actualites/lescalade-de-la-violence-menace-des-milliers-denfants-a-port-au-prince-selon-lunicef/>; *Escalating violence threatens thousands of children in Port-au-Prince, Haiti*. See also RNDH, *Crise sécuritaire et situation des personnes déplacées internes en Haïti* at 23 (“Under-schooled children in the disadvantaged areas from which the majority of [displaced] victims come have more difficulty than others in returning to school.”).

²⁸⁵ HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 53; Dánica Coto, *30,000 Haitian kids live in private orphanages. Officials want to shutter them and reunite families.*, AP NEWS (Jun. 12, 2023), <https://apnews.com/article/haiti-orphanages-reunification-efforts-e8bd5f8c5cc693f57de972ad7afe110c>. As previously reported in *IJDH Updates*, approximately 200,000 to 300,000 children live as *restaveks*, a practice resembling domestic servitude. See *IJDH June 2023 Update* at 8; *IJDH, Human Rights and the Rule of Law in Haiti: Key Recent Developments June through November 2022* 8 (2022), <https://www.ijdh.org/wp-content/uploads/2022/12/HRU-December-2022-FINAL.pdf>. See also *Restavek, RESTAVEK FREEDOM*, <https://restavekfreedom.org/issue/> (last visited Dec. 6, 2023).

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

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

²⁸⁸ See, e.g., Francklyn B. Geffrard, *Des paysans de Grand-Bassin manifestent contre la spoliation de leurs terres...*, RHI NEWS (Jul. 23, 2023), <https://www.rhinews.com/actualites/des-paysans-de-grand-bassin-manifestent-contre-la-spoliation-de-leurs-terres/>; *Agriculture : Plusieurs organisations continuent de dénoncer l’accaparement des terres dans le Nord et le Nord-Est d’Haïti*, ALTERPRESSE (Jun. 19, 2023), <https://www.alterpresse.org/spip.php?article29389>.

²⁸⁹ Geffrard, *Des paysans de Grand-Bassin manifestent contre la spoliation de leurs terres...; Agriculture : Plusieurs organisations continuent de dénoncer l'accaparement des terres dans le Nord et le Nord-Est d'Haïti*.

²⁹⁰ OHCHR, *Criminal violence extends beyond Port-au-Prince: The situation in Lower Artibonite from January 2022 to October 2023* at 23. See also *Oct. 2023 Report of the UN Secretary-General* at ¶ 32 (“Following a practice that has become common in the Artibonite Department, on 12 August, gang members occupied approximately 300 hectares of land owned by farmers in Petite Rivière de l’Artibonite and demanded a sum of money to vacate the area.”).

²⁹¹ *IJDH June 2023 Update* at 8.

²⁹² *What to know about Haiti as LGBTQIA+*, MPSM INC. (last updated Jun. 20, 2023) <https://www.mpsminc.org/post/what-to-know-about-haiti-as-lgbtqia>; Mosello, Destrijcker & McMurray, *Roots for peace: Uncovering climate security challenges in Haiti and what to do about them* at 24.

²⁹³ See, e.g., Final report of the Panel of Experts on Haiti at ¶ 130. According to FACSDIS, LGBTQI+ individuals are vulnerable to rape and violence in displacement camps.

²⁹⁴ See Jacqueline Charles, *Haiti Gangs take aim at disabled children: ‘Put those kids out of their misery or we will,’* MIAMI HERALD (Sep. 18, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article278637314.html>; Plan International, *Analyse Rapide de Genre en Haïti* at 34 (“According to people living with disabilities (70%), there are no safe places in the communities where they live.”).

²⁹⁵ See HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 51; Charles, *Efforts to move disabled Haiti kids to Jamaica meets resistance; prime minister is silent*; Mosello, Destrijcker & McMurray, *Roots for peace: Uncovering climate security challenges in Haiti and what to do about them* at 24-25.

²⁹⁶ Charles, *Haiti Gangs take aim at disabled children: ‘Put those kids out of their misery or we will’*; Jacqueline Charles, *‘Those criminals have no heart’: Armed bandits attack Haitian orphanage, steal everything*, MIAMI HERALD (Oct. 12, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article280387864.html#lnrr1u8oijn87qsd6>.

²⁹⁷ See UNICEF, *Humanitarian Action for Children: Haiti* (2023), <https://www.unicef.org/media/132191/file/2023-HAC-Haiti.pdf>.

²⁹⁸ See HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶¶ 13, 15; HRW, *“Living a Nightmare.”*

²⁹⁹ See HRW, *“Living a Nightmare.”*

³⁰⁰ See, e.g., Buschschlüter, *Haiti: Where aid delivery depends on talking to 300 gangs*; Charles, *Fresh gang violence traps over 100 school children in Haiti for a second day*.

³⁰¹ See Secteur EPAH Haïti, *Haiti - Advocacy note* (Sep. 2023), available at: <https://reliefweb.int/report/haiti/haiti-advocacy-note-scaling-quality-water-sanitation-and-hygiene-services-entry-point-save-lives-haiti-september-2023>.

³⁰² A study prepared in close collaboration with the UN Environment Programme, the UN Development Programme, the Ministry of Environment of Haiti, and the Climate Security Working Group (a coalition of over 60 UN agencies, Haitian institutions, international organizations, non-governmental organizations, and Haitian civil society organizations, joined by IJDH) found that climate change and environmental degradation exacerbate existing vulnerabilities, weaken communities’ resilience to shocks, and contribute to the deterioration of peace and stability in Haiti. Specifically, the study found that (1) climate-induced natural disasters exacerbate pre-existing issues with government response and prevention efforts; (2) climate change reduces access to natural resources and increases the use of harmful adaptation practices; (3) climate change and environmental degradation drive displacement and harm social cohesion; (4) climate and environmental pressures impact livelihoods and social safety nets, increasing especially young Haitians’ vulnerability to violence, exploitation, and abuse; and (5) fragile institutions and widespread insecurity exacerbate climate risks and undermine climate action efforts. Accordingly, the authors recommend addressing Haiti’s intersecting crises through “a new approach with an explicit focus on climate and peacebuilding, and with inclusion at its heart.” Mosello, Destrijcker & McMurray, *Roots for peace: Uncovering climate security challenges in Haiti and what to do about them*.

³⁰³ Torrential rain in June and a magnitude 4.9 earthquake that struck the western city of Jérémie on June 6 caused heavy flooding and damaged schools and critical infrastructure, increasing humanitarian assistance needs and leading to further death, injury, and displacement. See Jose Flecher, *Vivre dans des territoires perdus en temps de pluie*, LE NOUVELLISTE (Sep. 14, 2023), <https://lenouvelliste.com/article/244402/vivre-dans-des-territoires-perdus-en-temps-de-pluie>; OCHA, *Haiti: Humanitarian Response Overview, Situation Report* (June 2023), available at: <https://reliefweb.int/report/haiti/haiti-humanitarian-response-overview-situation-report-june-2023>.

2023; OCHA, Latin America & The Caribbean Weekly Situation Update (Jun. 26, 2023), <https://reliefweb.int/report/haiti/latin-america-caribbean-weekly-situation-update-26-june-2023>; Germina Pierre Louis, *Intempéries : la commune de Léogâne a toujours besoin d'aide*, LE NOUVELLISTE (Jun. 22, 2023), <https://lenouvelliste.com/article/243005/intemperies-la-commune-de-leogane-a-toujours-besoin-daide>; IOM, Haiti – Emergency Tracking Tool 18.3 – Displacement in the West department following the floods (June 2023), <https://dtm.iom.int/reports/haiti-emergency-tracking-tool-183-displacement-west-department-following-floods-june-2023>; *Gang Violence Displaces 165,000 in Haiti, Hinders Aid Effort*; Marvens Compere, *Rains, flooding and an earthquake mark week in Haiti*, HAITIAN TIMES (Jun. 8, 2023), <https://haitiantimes.com/2023/06/08/aftermath-of-heavy-rains-and-earthquake-photos/>; CARICOM expresses concern at deaths in Haiti, LOOP NEWS (Jun. 7, 2023), <https://caribbean.loopnews.com/content/caricom-expresses-concern-deaths-haiti>. See also Beatrice Mosello, Spencer A. McMurray & Laís C. Pereira, *Why international support for Haiti must include climate security*, NEW HUMANITARIAN (Aug. 3, 2023), <https://www.thenewhumanitarian.org/opinion/2023/08/03/why-international-support-haiti-must-include-climate-security>.

³⁰⁴ See, e.g., HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 12 (reporting that the state is “providing insufficient public services, especially in the most impoverished neighborhoods”); J.O. Haselhof, *Food, farms, livelihoods in Haiti also casualty of season’s first rains*, HAITIAN TIMES (Jun. 12, 2023), <https://haitiantimes.com/2023/06/12/food-farms-livelihoods-in-haiti-also-casualty-of-seasons-first-rains/> (according to experts, “any storm or earthquake puts Haiti at higher risk for loss of life and livelihoods because there’s no government or disaster mitigation infrastructure.”).

³⁰⁵ See generally Sandra Wisner & Brian Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*, 21 NORTHWESTERN J. HUM. RTS. 185 (2023), <https://scholarlycommons.law.northwestern.edu/njihr/vol21/iss3/1/>; Brian Concannon, Kristina Fried & Sasha Filippova, *Restitution for Haiti, Reparations for All: Haiti’s Place in the Global Reparations Movement*, U. MIAMI INTER-AM. L. REV. (2023) (forthcoming). See also *infra* notes 443-45.

³⁰⁶ See, e.g., HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 23.

³⁰⁷ *Haiti*, INTERNATIONAL MONETARY FUND (IMF), <https://www.imf.org/en/Countries/HTI> (last visited Dec. 6, 2023); *Crise haïtienne : La CFHCI prend position*, LE NOUVELLISTE (Sep. 20, 2023), <https://www.lenouvelliste.com/article/244501/crise-haitienne-la-cfhci-prend-position>; *Haiti to move into fifth year of economic recession*, PRENSA LATINA (Aug. 10, 2023), <https://www.plenglish.com/news/2023/08/10/haiti-to-move-into-fifth-year-of-economic-recession/>.

³⁰⁸ UNICEF, *Humanitarian Action for Children: Haiti*; Final report of the Panel of Experts on Haiti at ¶ 42; HRW, *“Living a Nightmare”*; ACAPS, *Haiti: A deep dive into the food security crisis 4* (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 (“Nearly 59% of the population lives below the poverty line, a figure that reaches 90% in rural areas.”); *Un nouveau Représentant de l’UNFPA en Haïti*, UNFPA (Jul. 13, 2023), <https://haiti.unfpa.org/fr/news/un-nouveau-repr%C3%A9sentant-de-lunfpa-en-ha%C3%AFti-0> (reporting 60 percent living below the poverty line); *The World Bank in Haiti*, WORLD BANK, <https://www.worldbank.org/en/country/haiti/overview> (last visited Dec. 6, 2023) (reporting that approximately 63 percent are living in poverty, with 34 percent living in extreme poverty – defined as living on less than US \$2.15 per day). See also *Oct. 2023 Report of the UN Secretary-General* at ¶ 43 (reporting that “[o]nly 2 per cent of the population spends more than \$10 daily,” with the gross income per capita – at US \$119 monthly – “well below the average of the American continent of \$2,458”).

³⁰⁹ *Inflation rate, average consumer prices*, IMF, <https://www.imf.org/external/datamapper/PCPIPCH@WEO/HTI?zoom=HTI&highlight=HTI> (last visited Dec. 6, 2023). See also *Haiti Inflation Rate*, TRADING ECONOMICS, <https://tradingeconomics.com/haiti/inflation-cpi> (last visited Dec. 6, 2023) (reporting that inflation was at 22.8 percent as of October); *Crise haïtienne : La CFHCI prend position* (reporting that inflation has exceeded 40 percent for a year as of September 20). This is down from an all-time high of 49.3 percent in January. The Haitian Institute of Statistics and Information Sciences attributes the decline to “among others, a slowdown in the increase of world prices for necessities, a fall in the exchange rate of the United States dollar on the local market, and a slight improvement in the, albeit unstable, availability of petroleum products.” *Oct. 2023 Report of the UN Secretary-General* at ¶ 43.

³¹⁰ *Haiti, Inflation*, DATAVIZ, https://dataviz.vam.wfp.org/economic_explorer/macro-economics/inflation (last visited Dec. 6, 2023). See also *Haiti - Economy : Inflation falls, but remains close to 40% (July 2023)*, HAITI LIBRE (Sep. 25, 2023), <https://www.haitilibre.com/en/news-40585-haiti-economy-inflation-falls-but-remains-close-to-40-july-2023.html> (according to the Haitian Institute of Statistics and Information, as of July, the price of rice had increased 41.4 percent, meat 62.7 percent, milk 41.4 percent, edible oil 57.1 percent, and sugar 40.0 percent since the previous year); Final report of the Panel of Experts on Haiti at ¶ 42 (“[F]ood prices increased

by up to 44 per cent amid increases in food imports and disruptions in basic supplies, including fuel, occasioned by gang violence and some economic actors.”).

³¹¹ Jacqueline Charles, *Record hunger, armed gangs and raging inflation: U.N. convenes special meeting on Haiti crisis*, MIAMI HERALD (Jun. 16, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article276434826.html>. See also FEWS, *Despite the decline in food prices, the purchasing power of poor households is not improving* (Aug. 2023), <https://fews.net/latin-america-and-caribbean/haiti/food-security-outlook-update/august-2023> (“Despite the decline in food prices, the purchasing power of poor households is not improving.”); Plan International, *Analyse Rapide de Genre en Haïti* at 29 (reporting that female heads of households sometimes go without eating to prioritize getting food for their children).

³¹² See *Oct. 2023 Report of the UN Secretary-General* at ¶ 43; Final report of the Panel of Experts on Haiti at ¶ 19 (describing the violence as “decimat[ing] the national economy”); Malick W. Ghachem, *The Real Intervention Haiti Needs*, FOREIGN AFFAIRS (Sep. 14, 2023), <https://foreignpolicy.com/2023/09/14/haiti-crisis-intervention-gangs-colonialism-france-us-history-monetary-policy/> (discussing Haiti’s colonial past and persistent foreign intervention in Haiti’s affairs as the primary drivers of “a financial crisis many centuries in the making,” with “pervasive state-sanctioned gang activity . . . just the most visible reflection” of the crisis).

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

³¹⁴ See Charles, *U.N. high commissioner for human rights makes urgent appeal for security mission for Haiti*; Tchika Joachim & Jérôme Wendy Norestyl, *Insécurité : Au bas de l’Artibonite, les petites entreprises ferment leurs portes*, AYIBO POST (Sep. 28, 2023), <https://ayibopost.com/insecurite-au-bas-de-lartibonite-les-petites-entreprises-ferment-leurs-portes/>.

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

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

³¹⁷ *Haiti - Environment : \$22.4M from the GCF for the Trois Rivières Region*, HAITI LIBRE (Jul. 13, 2023), [https://www.haitilibre.com/en/news-40004-haiti-environment-\\$224m-from-the-gcf-for-the-trois-rivieres-region.html](https://www.haitilibre.com/en/news-40004-haiti-environment-$224m-from-the-gcf-for-the-trois-rivieres-region.html).

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

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

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

³²¹ Roberson Alphonse, *Terminal de Varreux: les gangs imposent de nouveaux paiements aux transporteurs*, LE NOUVELLISTE (Nov. 6, 2023), <https://lenouvelliste.com/article/245253/terminal-de-varreux-les-gangs-imposent-de-nouveaux-paiements-aux-transporteurs> (reporting that armed groups have imposed fees on fuel trucks of 200,000 gourdes per month and 20,000 gourdes per truck per load to access the Varreux fuel terminal – Haiti’s main fuel depot); Final report of the Panel of Experts on Haiti at ¶ 80; *Les professionnels du pétrole sollicitent l’intervention de l’État face au rançonnement systématique par les gangs en Haïti*, HAITI LIBRE (Jul. 23, 2023), <https://www.alterpresse.org/spip.php?article29484>.

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

NOUVELLISTE (Jun. 28, 2023), <https://lenouvelliste.com/article/243120/insecurite-la-filiere-des-mangues-setouffe> (the United States is no longer importing mangoes from Haiti due to insecurity, with devastating effects on the local economy).

³²³ Dominican authorities claim the closure is in response to construction of an irrigation canal on the Haitian side of the Massacre River that divides the two countries. But critics of the closure say it is the result of racist agitation and “nationalist politicians in the Dominican Republic [who] are seeking to capitalize on anti-Haitian sentiment to gain support ahead of next year’s elections.” Widlore Mérancourt, Samantha Schmidt & Amanda Coletta, *Dominican Republic closes border with Haiti, further stoking tensions*, WASHINGTON POST (Sep. 14, 2023), <https://www.washingtonpost.com/world/2023/09/14/dominican-republic-closes-border-with-haiti-further-stoking-tensions/>. See also, e.g., Lorgia García Peña, *A Different Border Crisis Mirrors What’s Happening in the U.S.*, NEW YORK TIMES (Oct. 22, 2023), <https://www.nytimes.com/2023/10/22/opinion/haiti-dominican-racism-immigration.html>; Dominican Republic organization speak out against border closure with Haiti, DOMINICAN TODAY (Sep. 17, 2023), <https://dominantoday.com/dr/local/2023/09/17/dominican-republic-organizations-speak-out-against-border-closure-with-haiti/>. Haitian farmers initiated the construction, but the Haitian government officially pledged its support for the canal in late October. Juhakenson Blaise, *Haitian government officially pledges support for Haiti-DR canal*, HAITIAN TIMES (Oct. 30, 2023), <https://haitiantimes.com/2023/10/30/haiti-dominican-republic-canal-crisis/>. See also *infra* note 433.

³²⁴ See *Dominican Republic organization speak out against border closure with Haiti*; Jacqueline Charles, *Dominican Republic calls canal construction ‘provocation’ shuts down border with Haiti*, MIAMI HERALD (Sep. 14, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article279345279.html>.

³²⁵ The border remains shut to Haitians, including those in need of emergency medical assistance, and trade is limited to the export of food and medicines to Haiti. Simón Rodríguez, *Dominican Republic and Haiti at the Crossroads of the Massacre River*, NACLA (Oct. 31, 2023), <https://nacla.org/dominican-republic-and-haiti-crossroads-massacre-river>; Dominican Republic to reopen its border to essential trade but not Haitians, AP NEWS (Oct. 9, 2023), <https://apnews.com/article/haiti-dominican-republic-2b7078c8e7f46d1763c683796fee542e>.

³²⁶ Haitian authorities announced a ban on transporting goods from the Dominican border through the main crossing between the two countries on November 13, supplementing a previous ban announced by the National Association of Industries of Haiti in October. Juhakenson Blaise, *Authorities impose anti-smuggling ban to “defend Haitian dignity,” seek new trade partners*, HAITIAN TIMES (Nov. 16, 2023), <https://haitiantimes.com/2023/11/16/haiti-dominican-republic-borders-ban/>. Even prior to the new ban, Haitian customs agents were confiscating and destroying goods brought into Haiti from the Dominican Republic. See, e.g., *Haiti - FLASH : Haitian customs destroy Dominican goods from Haitian merchants*, HAITI LIBRE (Oct. 29, 2023), <https://www.haitilibre.com/en/news-40841-haiti-flash-haitian-customs-destroy-dominican-goods-from-haitian-merchants.html> (“[T]hese seizures of Dominican products and goods, in addition to increasing food insecurity in Haiti for the poorest on the Northeast border, reinforce smuggling, [and] cause significant financial losses to Haitian buyers who legally acquired these goods.”); *Haiti merchants who buy in the Dajabón border market are stripped of their products*, DOMINICAN TODAY (Oct. 17, 2023), <https://dominantoday.com/dr/local/2023/10/17/haitian-merchants-who-buy-in-the-dajabon-border-market-are-stripped-of-their-products/>.

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

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

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

³³⁰ HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 13.

³³¹ See *id.* at ¶ 21; Jérôme Wendy Norestyl, *Pénurie d’eau sur l’Île-à-Vache : les habitants confrontés à des choix difficiles*, AYIBO POST (Jun. 2, 2023), <https://ayibopost.com/penurie-deau-sur-lile-a-vache-les-habitants->

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

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

³³³ Plan International, [Analyse Rapide de Genre en Haïti](#) at 48.

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

³³⁵ Press Release, UNICEF, *Armed violence takes root in Haiti’s “rice basket”* (Oct. 3, 2023), <https://www.unicef.org/press-releases/armed-violence-takes-root-haitis-rice-basket>.

³³⁶ UN’s Ban apologizes to people of Haiti, outlines new plan to fight cholera epidemic and help communities, UN NEWS (Dec. 1, 2016), <https://news.un.org/en/story/2016/12/546732>.

³³⁷ 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/.

³³⁸ See UNSC, Resolution 2692 (2023), UN Doc. S/RES/2692 (2023) (Jul. 14, 2023), https://binuh.unmissions.org/sites/default/files/res_2692_2023_e_1.pdf; Widlore Mérancourt, *Why is gold mine operation on the Haiti-DR border causing fear?*, AYIBO POST (Sep. 24, 2023), <https://ayibopost.com/a-gold-mining-operation-on-the-border-between-haiti-and-the-dominican-republic-is-causing-fear/>.

³³⁹ Flecher, [Vivre dans des territoires perdus en temps de pluie](#). The severe flooding is exacerbated by violence by armed groups and government misappropriation of equipment, which prevents maintenance of canals and clean-up operations in Port-au-Prince. *Id.*; HRW, “[Living a Nightmare](#)”; Jean Junior Celestin, *Des tracteurs du ministère des Travaux publics volés par des anciens élus, le ministre Rosemond Pradel multiplie les promesses*, LE NOUVELLISTE (Jun. 7, 2023), <https://lenouvelliste.com/article/242715/des-tracteurs-du-ministere-des-travaux-publics-voles-par-des-anciens-elus-le-ministre-rosemond-pradel-multiplie-les-promesses>. See also *supra* note 166.

³⁴⁰ OCHA, [Latin America & The Caribbean Weekly Situation Update](#).

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

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

³⁴³ *Presentation of the SMART Survey 2023*, USAID (May 12, 2023), <https://www.usaid.gov/haiti/news/may-12-2023-presentation-smart-survey-2023>. See also Plan International, [Analyse Rapide de Genre en Haïti](#) at 28 (reporting that men control resources and eat before women and children, contributing to higher rates of malnutrition among children). See also *supra* note 277.

³⁴⁴ Isaac, [UNICEF warns of food shortages at overcrowded Haiti camp](#).

³⁴⁵ [IJDH June 2023 Update](#) at 9.

³⁴⁶ FAO & WFP, [Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook](#) at 6. See also Integrated Food Security Phase Classification (IPC), Haiti: IPC Acute Food Insecurity Snapshot | August 2023 - June 2024 (Sep. 20, 2023), available at: [https://reliefweb.int/report/haiti/haiti-ipc-acute-food-insecurity-snapshot-august-2023-june-2024#:~:text=About%204.35%20million%20people%20are,IPC%20Phase%203%20\(Crisis\)](https://reliefweb.int/report/haiti/haiti-ipc-acute-food-insecurity-snapshot-august-2023-june-2024#:~:text=About%204.35%20million%20people%20are,IPC%20Phase%203%20(Crisis)) (reporting 4.35 million in August); [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 46 (reporting 4.3 million in August).

³⁴⁷ [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 46 (citing “sustained humanitarian support, better access to fuel and a slight improvement in access to the southern part of the country”); WFP, Haiti Country Brief (Sep.

2023), https://docs.wfp.org/api/documents/WFP-0000153608/download/?_ga=2.43479973.1434968965.1700677740-641380273.1692982751.

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

³⁴⁹ [News Alert: Dire Economic and Food Crisis Grips Haiti, Women Most at Risk](#).

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

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

³⁵² IMF, Haiti: Second Review Under the Staff-Monitored Program, Staff Report 1 (Jun. 26, 2023), available at: <https://www.imf.org/en/Publications/CR/Issues/2023/06/26/Haiti-Second-Review-Under-the-Staff-Monitored-Program-Press-Release-and-Staff-Report-535324>; Amnesty International et. al., Open Letter to Congress on Haitian Food Sovereignty (Sep. 18, 2023), available at: <https://reliefweb.int/report/haiti/open-letter-congress-haitian-food-sovereignty-enht>.

³⁵³ *See, e.g.*, HRW, [“Living a Nightmare”](#); Rivers, [Millions in Haiti starve as food, blocked by gangs, rots on the ground](#). *See also* Final report of the Panel of Experts on Haiti at ¶ 143 (“[In 2022] G9 deliberately blockaded access to the Brooklyn area, preventing movements of inhabitants and cutting off supply chains of basic commodities, including food and water. Sniper-style attacks further escalated the situation, resulting in malnutrition, disease outbreaks and disruptions to basic services. While no longer in complete lock down, there are still severe movement restrictions for the population and humanitarians in the area.”).

³⁵⁴ Press Release, UNICEF, [Armed violence takes root in Haiti’s “rice basket”](#); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 8; HRW, [“Living a Nightmare”](#) (reporting that violence in the Artibonite Department has led to “the closure of multiple markets and abandonment of land, which affected food production and the distribution chain to Port-au-Prince and from there to the rest of the country”); Rivers, [Millions in Haiti starve as food, blocked by gangs, rots on the ground](#); Pierre Richard Luxama, *UN agencies decry humanitarian crisis in Haiti and seek help for hungry families fleeing violence*, PETERBOROUGH EXAMINER (Jun. 20, 2023), https://www.thepeterboroughexaminer.com/news/world/americas/un-agencies-decry-humanitarian-crisis-in-haiti-and-seek-help-for-hungry-families-fleeing-violence/article_54af000f-31e2-5bad-a39f-428513a8af4f.html (“The violence has led to a spike in starvation, with goods unable to move freely while people are forced to remain in their homes out of fear for their lives.”).

³⁵⁵ Press Release, UNICEF, [Armed violence takes root in Haiti’s “rice basket”](#); Final report of the Panel of Experts on Haiti at ¶ 68 (“In the Artibonite department, the gangs of Gran Grif, led by Luckson Elan, and Kokorat San Ras, led by Meyer, have committed acts of extreme violence, forcing people to abandon large areas of cropland and threatening agricultural production.”); Rivers, [Millions in Haiti starve as food, blocked by gangs, rots on the ground](#). *See also supra* notes 54-55.

³⁵⁶ OHCHR, [Criminal violence extends beyond Port-au-Prince: The situation in Lower Artibonite from January 2022 to October 2023](#) at 5 (reporting that this has “led to the reduction of cultivated land and the indebtedness of many farmers and traders unable to repay their loans,” thus exacerbating long-term drivers of food insecurity). *See also supra* notes 287-90.

³⁵⁷ The *Madan Sara* – women who travel across the country to buy and sell food – are essential to food distribution. Rivers, [Millions in Haiti starve as food, blocked by gangs, rots on the ground](#). *See also* Jennifer Vansteenkiste, *Gender in the World Food Economy: Inequitable Transformation of Haiti’s Food Economy*, 7 FRONT. COMMUN. (Feb. 3, 2022), <https://www.frontiersin.org/articles/10.3389/fcomm.2022.755994/full>; <https://www.madansarafilm.com/blog>.

³⁵⁸ *See, e.g.*, Press Release, UNICEF, [Armed violence takes root in Haiti’s “rice basket”](#) (“In one incident, 15 women heading to market were reportedly kidnapped and raped.”); Rivers, [Millions in Haiti starve as food, blocked by gangs, rots on the ground](#) (reporting that armed individuals kidnapped and raped four *Madan Sara* (women market sellers critical to the food distribution chain), leaving them too afraid to go to the markets).

³⁵⁹ According to the Declaration of Nyéléni, the first global forum on food sovereignty, “[f]ood sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and

sustainable methods, and their right to define their own food and agriculture systems.” Declaration of Nyéléni (Feb. 27, 2007), <https://nyeleni.org/IMG/pdf/DeclNyeleni-en.pdf>. Haitian civil society organization Reflection and Action on Housing blames the hunger crisis on Haiti’s dependence on foreign imports, problematic international financial institution aid policies, and American imperialism. *Crise : La Frakka exige des dispositions institutionnelles pour rétablir la sécurité et faire sortir Haïti de la dépendance alimentaire internationale*, ALTERPRESSE (Jul. 5, 2023), <https://www.alterpresse.org/spip.php?article29446>. See also Sandra Wisner, *Starved for Justice: International Complicity in Systematic Violations of the Right to Food in Haiti*, 6 HRLR ONLINE 411 (May 10, 2022), <https://hrlr.law.columbia.edu/hrlr-online/starved-for-justice-international-complicity-in-systematic-violations-of-the-right-to-food-in-haiti/>. With the additional decrease in national food production due to insecurity, approximately 70 percent of goods are now imported. Final report of the Panel of Experts on Haiti at ¶ 42; *Crise : La Frakka exige des dispositions institutionnelles pour rétablir la sécurité et faire sortir Haïti de la dépendance alimentaire internationale*.

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

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

³⁶² FAO & WFP, *Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook* at 16; *Oct. 2023 Report of the UN Secretary-General* at ¶ 48; Amnesty International et. al., *Open Letter to Congress on Haitian Food Sovereignty*; Jacqueline Charles, *Tropical storm leaves trail of damage in Dominican Republic; Haiti still assessing*, MIAMI HERALD (Aug. 24, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article278576964.html>; ACAPS, *Haiti: A deep dive into the food security crisis* at 4; UNSC, *Resolution 2692 (2023)*; *Haiti - Environment : \$22.4M from the GCF for the Trois Rivières Region*; FEWS, *Floods in early June cause major damage to crops*; *Resilience through innovation in Haiti*, FAO (Jun. 22, 2023), <https://www.fao.org/fao-stories/article/en/c/1642290/>.

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

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

³⁶⁵ *Haiti: Medical care severely affected by clashes in Cite Soleil*, MSF (Nov. 17, 2023), <https://prezly.msf.org.uk/haiti-medical-care-severely-affected-by-clashes-in-cite-soleil>; Evens Sanon & Dánica Coto, *Gang attack on Haitian hospital leads to a call for help and an unlikely triumph for police*, AP NEWS (Nov. 17, 2023), <https://apnews.com/article/haiti-gangs-hospital-attack-cite-soleil-fontaine-4ac9bae806ced9265531ec3e9a72ac7d>; Evens Sanon, *Heavily armed Haitian gang surrounds hospital in capital and traps people inside*, AP NEWS (Nov. 15, 2023), <https://apnews.com/article/haiti-hospital-gang-takes-women-children-hostage-770ea717b1400705d064c26ecb45234d>.

³⁶⁶ Press Release, MSF, *Armed men violently enter Tabarre hospital and forcibly remove patient* (Jul. 7, 2023), <https://www.msf.org/haiti-armed-men-violently-enter-tabarre-hospital-and-forcibly-remove-patient>; *Haiti - Security: The MSF hospital in Tabarre has resumed its activities*, HAITI LIBRE (Aug. 29, 2023).

<https://www.haitilibre.com/en/news-40372-haiti-security-the-msf-hospital-in-tabarre-has-resumed-its-activities.html>.

³⁶⁷ AMH chief warns of possible health crisis in Haiti, PRENSA LATINA (Sep. 1, 2023), <https://www.plenglish.com/news/2023/09/01/amh-chief-warns-of-possible-health-crisis-in-haiti/>; Germina Pierre Louis, *Les balles font fuir maladies et Médecins du sanatorium de Port-au-Prince*, LE NOUVELLISTE (Aug. 31, 2023), <https://lenouvelliste.com/article/244226/les-balles-font-fuir-malades-et-medecins-du-sanatorium-de-port-au-prince>.

³⁶⁸ Geffrard, *“Les gangs armés ont perpétré au moins 10 massacres, faisant plus de 100 morts et au moins 250 mille déplacés entre mai et août 2023”*, selon la POHDH...; Tchika Joachim, *Carrefour-Feuilles : l’hôpital Sanatorium cherche refuge pour les tuberculeux éparpillés*, AYIBO POST (Sep. 7, 2023), <https://ayibopost.com/carrefour-feuilles-lhopital-sanatorium-cherche-refuge-pour-les-tuberculeux-eparpilles/>.

³⁶⁹ Charles, *Haiti Gangs take aim at disabled children: ‘Put those kids out of their misery or we will’*; Louis, *Les balles font fuir maladies et Médecins du sanatorium de Port-au-Prince; Haiti, caught in the crossfire*; Haiti: “We give our all to save lives,” MSF (Jun. 27, 2023), <https://www.doctorswithoutborders.org/latest/haiti-we-give-our-all-save-lives>.

³⁷⁰ Charles, *Fresh gang violence traps over 100 school children in Haiti for a second day*.

³⁷¹ See, e.g., [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 53.

³⁷² HRW, *“Living a Nightmare :” L’organisation Msf déplore l’impact des violences armées sur les structures sanitaires en Haïti*, ALTERPRESSE (Jun. 14, 2023), <https://www.alterpresse.org/spip.php?article29376>. See also HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 17 (reporting that “the costs of importing essential drugs, surgical tools and oxygen tanks have skyrocketed,” including as a result of corruption within the Haiti’s customs agency).

³⁷³ See, e.g., *Haiti, caught in the crossfire*.

³⁷⁴ See ACAPS, *Haiti: Returns from the Dominican Republic 3* (Nov. 3, 2023), https://www.acaps.org/fileadmin/Data_Product/Main_media/20231103_ACAPS_Anticipatory_note_Haiti_returns_from_the_Dominican_Republic.pdf (“Following the [Dominican] border closures, healthcare facilities in Haiti were forced to limit their services because of medical supply shortages. These included clinics in Malpasse, which were cut off from Port-au-Prince by gang violence on the main road and which relied entirely on supplies from the Dominican Republic.”); Jacqueline Charles, *Haiti-D.R. border shutdown forces hospitals, clinics to cut back on care, medications*, MIAMI HERALD (Nov. 7, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article279900234.html> (reporting that the Higgins Brothers Surgicenter for Hope in Malpasse is “performing only emergency operations to salvage what anesthesia medications we have left” as a result of the closure and will soon “need to close down our operating rooms entirely simply from lack of obtainable medications for surgery.”).

³⁷⁵ See HRW, *“Living a Nightmare”*; Jean Junior Celestin, *Panne de moyens et rareté de sang au Centre national de transfusion sanguine*, LE NOUVELLISTE (Aug. 3, 2023), <https://www.lenouvelliste.com/article/243741/undefined> (“All branches of public health in Haiti have difficulty achieving their objectives due to a lack of resources.”).

³⁷⁶ UN, *Analyse Commune de Pays, Haïti 57* (Jul. 2022), <https://haiti.un.org/sites/default/files/2022-07/Haiti-Analyse%20Commune%20de%20Pays%20juillet%202022.pdf>. See also *Six in 10 Haitians lack access to health care*, LA PRENSA LATINA (Jul. 5, 2023), <https://www.laprensa-latina.com/six-in-10-haitians-lack-access-to-health-care/> (reporting that the government allocated only five percent of the national budget to healthcare in 2023).

³⁷⁷ *Six in 10 Haitians lack access to health care*; HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 20 (“Only 34 per cent of health services are public and 41 per cent of Haitians mention high costs as the main barrier to medical care. The expert has also received information regarding persons dying in front of hospitals because they were not able to afford health care.”).

³⁷⁸ HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 13 (also noting that any basic services offered are often lacking in quality).

³⁷⁹ HRW, *“Living a Nightmare.”* See also *infra* note 381.

³⁸⁰ See, e.g., *Towards the end of the strike at La Paix Hospital, Haiti - News : Zapping...*, HAITI LIBRE (Aug. 11, 2023), <https://www.haitilibre.com/en/news-40234-haiti-news-zapping.html> (reporting that residents at La Paix university hospital in Delmas 33 were on strike for several days in August); Jean Feguens Regala, *Des employés en grève menacent de fermer l’Hôpital Eliazar Germain de Pétiön-Ville*, AYIBO POST (Jul. 11, 2023), <https://ayibopost.com/des-employes-en-greve-menacent-de-fermer-lhopital-eliazar-germain-de-petion-ville/> (reporting that healthcare workers at Eliazar Germain Hospital – Pétiön-Ville’s only public hospital – have been striking in July to protest “among other things: the absenteeism of the nursing staff, the repeated thefts of

gasoline, which should have been used to supply the hospital with electricity. . . . the poor management of the center, [and] overbilling and the dysfunction of certain services including urology and radiography”); Claudy Junior Pierre, *La grève est levée à l’hôpital Justinien*, LE NOUVELLISTE (Jun. 21, 2023), <https://lenouvelliste.com/article/242982/la-greve-est-leeve-a-lhopital-justinien> (reporting that residents at Justinien University Hospital ended their nearly three month long general strike on June 17).

³⁸¹ [Oct. 2023 Report of the UN Secretary-General](#) at ¶ 53; HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 17; HRW, “[Living a Nightmare](#)”; Emmanuela Douyon, *Haitians Flee a Nation Nearing Collapse*, MIGRATION POLICY INSTITUTE (Jul. 5, 2023), <https://www.migrationpolicy.org/article/haitians-flee-collapse>. See also *infra* notes 434-37.

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

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

³⁸⁴ Pooja Bhatia, *Deadly Strain*, THE BAFFLER (Nov. 2023), <https://thebaffler.com/outbursts/deadly-strain-bhatia>; HRW, “[Living a Nightmare](#)”.

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

³⁸⁶ *Haiti - Cholera : Daily Bulletin #278*, HAITI LIBRE (Sep. 10, 2023), <https://www.haitilibre.com/en/news-40468-haiti-cholera-daily-bulletin-278.html>.

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

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

³⁸⁹ See, e.g., OCHA, [Latin America & The Caribbean Weekly Situation Update](#). See also *supra* notes 338-40.

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

³⁹¹ See generally Ahmed D. Elnaïm et al., *Food insecurity and risk of cholera: A cross-sectional study and exploratory analysis of potential mediators*, PLOS NEGL TROP DIS. (Feb. 6, 2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9934351/>.

³⁹² See Final report of the Panel of Experts on Haiti at Annex 40; Charles, [Fresh gang violence traps over 100 school children in Haiti for a second day](#) (“A study by the Ministry of Education and other partners found that the recent wave of violence is greatly affecting children’s education. The study identified 12,057 children, 11,085 of whom were already attending school, living in 43 internally displaced camps across the West region, which includes Port-au-Prince. Some 90% of the students were living in the city of Port-au-Prince, which accounted for the highest concentration.”); HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 7 (“Gangs have invaded . . . schools in session.”); *Haiti - Education: Minister Manigat meets with more than a hundred school directors*, HAITI LIBRE (Sep. 24, 2023), <https://www.haitilibre.com/en/news-40576-haiti-education-minister-manigat-meets-with-more-than-a-hundred-school-directors.html> (reporting that many schools have been subject to acts of looting and arson by armed groups); Jonasson Odigène, *Rentrée scolaire : les déplacés de Carrefour-Feuilles expriment leurs inquiétudes*, LE NOUVELLISTE (Sep. 7, 2023),

<https://lenouvelliste.com/article/244329/rentree-scolaire-les-deplaces-de-carrefour-feuilles-expriment-leurs-inquietudes>. See also *supra* notes 282-83.

³⁹³ Oct. 2023 Report of the UN Secretary-General at ¶ 55 (“In the Artibonite Department (Gonaïves), the Departmental Education Directorate reported that 280 schools (21 per cent) had been affected by gang violence and had not been operational since the 2022/23 academic year. To date, 30 of these schools have been destroyed and 16 have been badly looted.”); Charles, [Fresh gang violence traps over 100 school children in Haiti for a second day](#); Press Release, UNICEF, [Armed violence takes root in Haiti’s “rice basket”](#); Michelson Césaire, *A Timid Start to the 2023 School Year*, LE NOUVELLISTE (Sep. 11, 2023), <https://www.lenouvelliste.com/en/article/244363/tres-timide-rentree-des-classes-2023>. See also Paul, [Insécurité : la Protection civile estime le nombre de déplacés à près de 200 000 personnes](#) (reporting that some universities have also been forced to close due to insecurity); Lucnise Duquereste, *Chute drastique des inscriptions dans les Universités en Haïti*, AYIBO POST (Nov. 20, 2023), <https://ayibopost.com/chute-drastrique-des-inscriptions-dans-les-universites-en-haiti/> (reporting huge drops – up to 76 percent – in student enrollment at multiple universities, prompting concerns that universities would be forced to close in the short-term and long-term concerns about “a shortage of talent” that Haiti needs to rebuild).

³⁹⁴ Oct. 2023 Report of the UN Secretary-General at ¶ 55 (“At least 25 public and private schools, or 225 classrooms, are occupied by families expelled from their homes by gang violence in the metropolitan area of Port-au-Prince.”); *Éducation : Cri d’alarme de la Cneh face à une éventuelle pénurie d’enseignants en Haïti*, ALTERPRESSE (Oct. 5, 2023), <https://www.alterpresse.org/spip.php?article29736>; Final report of the Panel of Experts on Haiti at Annex 40 (“[A] 2023 UNICEF evaluation of the Artibonite region . . . found that . . . 97 [schools] were used by IDP[s].”); Césaire, *A Timid Start to the 2023 School Year*; Odigène, [Rentrée scolaire : les déplacés de Carrefour-Feuilles expriment leurs inquiétudes](#). See also *supra* note 79.

³⁹⁵ See, e.g., Final report of the Panel of Experts on Haiti at Annex 40 (“In a 2023 UNICEF evaluation of the Artibonite region covering 1,996 schools, it was found that . . . gangs occupied 11 schools.”); HRW, [“Living a Nightmare.”](#)

³⁹⁶ See, e.g., Odigène, [Rentrée scolaire : les déplacés de Carrefour-Feuilles expriment leurs inquiétudes](#). See also *Manifestation de lycéens à Port-au-Prince*, LE NOUVELLISTE (Nov. 13, 2023), <https://lenouvelliste.com/a-la-minute> (“Students from several high schools demonstrated in several streets of Port-au-Prince, calling on the country’s authorities to make arrangements for them to return to the classroom. Some of these students deplored the fact that they had not attended any classes for the 2023-2024 school year. More than two months after the reopening of classes, the premises of several public schools are still occupied by displaced persons driven out of certain neighborhoods by armed gangs.”).

³⁹⁷ *Violences des gangs : L’Unicef appelle à garantir la protection des enfants en Haïti*, ALTERPRESSE (Oct. 18, 2023), <https://www.alterpresse.org/spip.php?article29766>; Charles, [Fresh gang violence traps over 100 school children in Haiti for a second day](#).

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

³⁹⁹ See, e.g., 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>.

⁴⁰⁰ *Número Spécial: Décret Établissant le Budget Général de la République d’Haïti Exercice 2023 - 2024* at 21; Gérard Junior Jeanty, *Haiti Sets 2023-2024 National Budget at 320.64 Billion Gourdes*, LE NOUVELLISTE (Oct. 2, 2023), <https://www.lenouvelliste.com/en/article/244684/haiti-sets-2023-2024-national-budget-at-32064-billion-gourdes>; *Éducation : Cri d’alarme de la Cneh face à une éventuelle pénurie d’enseignants en Haïti*. See also HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) (reporting that the government reduced funding for education by 34 percent in 2023).

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

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

⁴⁰³ HRC, [Findings of the appointed expert on the situation of human rights in Haiti](#) at ¶ 21 (reporting 85 percent); Plan International, [Analyse Rapide de Genre en Haïti](#) at 53 (reporting 85 percent); *Haitian Ministry*

warns of unregulated high schools, PRENSA LATINA (Jul. 5, 2023), <https://www.plenglish.com/news/2023/07/05/haitian-ministry-warns-of-unregulated-high-schools/> (reporting over 90 percent); Charles, *“One day I will be...” - School attendance and a keen interest in learning are priorities for many young Haitians* (reporting 80 percent).

⁴⁰⁴ HRC, *Findings of the appointed expert on the situation of human rights in Haiti* at ¶ 13 (“45 per cent of children aged between 6 and 9 have never been to school . . . and nearly half of Haitians aged 15 and older are illiterate.”). See also Charles, *“One day I will be...” - School attendance and a keen interest in learning are priorities for many young Haitians* (“[M]ore than 250,000 children aged 6–11 and about 65,000 youth aged 12–14 are not enrolled in school for financial or other reasons.”).

⁴⁰⁵ ACAPS, *Haiti: A deep dive into the food security crisis* at 6.

⁴⁰⁶ *Oct. 2023 Report of the UN Secretary-General* at ¶ 20; Valerie Lacarte, *Addressing the Next Displacement Crisis in the Making in the Americas*, MIGRATION POLICY INSTITUTE (Oct. 2023), <https://www.migrationpolicy.org/news/haiti-next-displacement-crisis-americas>.

⁴⁰⁷ See *infra* notes 419–33, 436–37.

⁴⁰⁸ Rosa Flores & Sara Weisfeldt, *The US keeps deporting people to a country that it says is too dangerous for travel*, CNN (Sep. 6, 2023), <https://www.cnn.com/2023/09/06/americas/us-haiti-deportations-intl-latam/index.html>.

⁴⁰⁹ See, e.g., Gabrielle Apollon & María Alejandra Torres García, *Anti-Blackness Knows No Borders and Neither Should Haitian Migrant Rights Advocacy*, NACLA (Sep. 6, 2023), <https://nacla.org/anti-blackness-knows-no-borders-neither-should-haitian-migrant-rights-advocacy>. See also *infra* notes 434–38.

⁴¹⁰ *Oct. 2023 Report of the UN Secretary-General* at ¶ 20; Lacarte, *Addressing the Next Displacement Crisis in the Making in the Americas*.

⁴¹¹ See, e.g., Douyon, *Haitians Flee a Nation Nearing Collapse*.

⁴¹² *Nationwide Encounters*, U.S. Customs and Border Protection, <https://www.cbp.gov/newsroom/stats/nationwide-encounters> (last visited Dec. 7, 2023).

⁴¹³ *Id.*

⁴¹⁴ Douyon, *Haitians Flee a Nation Nearing Collapse*. See also Lacarte, *Addressing the Next Displacement Crisis in the Making in the Americas* (“Haitians since 2022 have been among the top three nationalities crossing the dangerous jungle of the Darién Gap that straddles the Colombian-Panamanian border, headed northward.”); Final report of the Panel of Experts on Haiti at ¶ 126 (“While typical vessels [constructed to transport migrants] hold around 20 people, they often carry 80 to 100 individuals, sometimes more, leading to inhumane conditions and capsizing.”); @Jacquiecharles, X (Aug. 4, 2023, 7:49 PM), <https://twitter.com/Jacquiecharles/status/1687611838534443008?s=20> (reporting that Turks and Caicos authorities intercepted 148 Haitian migrants at sea on August 4); ACNUR y OIM piden mayor cooperación regional ante el récord de 250.000 personas que cruzan a pie la selva del Darién, IOM (Aug. 2, 2023), <https://rosan jose.iom.int/es/news/acnur-y-oim-piden-mayor-cooperacion-regional-ante-el-record-de-250000-personas-que-cruzan-pie-la-selva-del-darien> (according to the IOM, Haitians made up 14 percent of the over 250,000 migrants who crossed the Darién Gap in search of safety between January and August 2023); *Haiti - Migration : Nearly 33,000 Haitians risked their lives in the Darién jungle in 6 months*, HAITI LIBRE (Jul. 24, 2023), <https://www.haitilibre.com/en/news-40088-haiti-migration-nearly-33-000-haitians-risked-their-lives-in-the-darien-jungle-in-6-months.html> (Panamanian authorities project that approximately 400,000 migrants will cross the Darién Gap in 2023, where they face poisonous animals, dangerous river crossings, and attacks by armed groups; as of July, 14 percent of those are Haitian); *Coast Guard repatriates, transfers 115 people to Haiti, Bahamas*, U.S. COAST GUARD NEWS (Jul. 6, 2023), <https://www.news.uscg.mil/Press-Releases/Article/3449859/coast-guard-repatriates-transfers-115-people-to-haiti-bahamas/> (between Oct. 1, 2022, and July 6, 2023, the U.S. Coast Guard interdicted or encountered 4,717 Haitian migrants); *Royal Bahamas Defence Force Patrol Vessel Intercepts Haitian Migrant Vessel Near Turks And Caicos Islands*, THE SUN (Jul. 11, 2023), <https://suntci.com/royal-bahamas-defence-force-patrol-vessel-intercepts-haitian-migrant-vessel-p9475-129.htm> (reporting that the Turks and Caicos authorities intercepted a “40-ft wooden vessel with approximately 189 Haitian nationals” on July 1). Hurricane season – June through November – exacerbates the danger of boat crossings. *Coast Guard repatriates, transfers 115 people to Haiti, Bahamas*.

⁴¹⁵ See, e.g., Final report of the Panel of Experts on Haiti at ¶¶ 125–26.

⁴¹⁶ Experts accuse the Nicaraguan government of exploiting migrants for profit and “weaponizing migration as a foreign-policy tool.” Jacqueline Charles, Syra Ortiz-Blanes & Nora Gámez Torres, *How Nicaragua is helping – and charging – Haitians who want to reach the United States*, MIAMI HERALD (Oct. 30, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article281007973.html>; Megan Janetsky, *Nicaragua is ‘weaponizing’ US-bound migrants as Haitians pour in on charter flights, observers say*, AP NEWS

(Oct. 24, 2023), <https://apnews.com/article/cuba-nicaragua-migration-charter-flights-daniel-ortega-3abf2fc16e51e86eb8b25c913b8ec464>; *Twenty-seven Flights from Haiti Arrive in Nicaragua in Two Days*, HAVANA TIMES (Oct. 21, 2023), <https://havanatimes.org/news/twenty-seven-flights-from-haiti-arrive-in-nicaragua-in-two-days/>.

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

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

⁴¹⁹ *Global Data Institute Displacement Tracking Matrix*, IOM, <https://dtm.iom.int/node/23491> (last visited Dec. 7, 2023) (according to IOM, the Dominican Republic, Turks and Caicos, the Bahamas, the United States, Cuba, Turkey, and Jamaica removed 192,926 Haitian migrants in 2023); [*Oct. 2023 Report of the UN Secretary-General*](#) at ¶ 51 (“As population displacement has intensified, forced repatriations of vulnerable Haitians from neighbouring countries, accompanied by serious human rights violations, have quadrupled compared with the first eight months of 2022.”). See also, e.g., *The Border Where Different Rules Apply*, NEW YORK TIMES MAGAZINE (Dec. 6, 2023), <https://www.nytimes.com/2023/12/06/magazine/us-coast-guard-children-detained.html> (between July 2021 and September 2023, the U.S. government repatriated over 99 percent of all migrants who were intercepted by the U.S. Coast Guard; Haitians make up about one-third of those); @thcartwright, X (Oct. 26, 2023, 9:43 AM), <https://twitter.com/thcartwright/status/1717537400665051584?s=46&t=-uKBNcypKKa-SMZhdQK2Jw> (the U.S. government has been scheduling one deportation flight every month for the past eleven months; a deportation flight from the United States on October 26 carrying approximately 38 people was “the 288th flight to Haiti under this Admin[istration] returning 27,201 people, one in every 420 people in Haiti”); Government of Mexico, *Cierre Agosto 2023* (Sep. 2023), https://www.gob.mx/cms/uploads/attachment/file/854280/Cierre_Agosto-2023_1-Septiembre.pdf (between January and August 2023, Mexico granted refugee status to only 9 percent of all Haitians who applied for it – markedly lower than the grant rates for Hondurans (89 percent), Salvadorans (85 percent), Venezuelans (83 percent), and Cubans (59 percent)); Micaiah Morgan, *Haitians face deportation following charges for unauthorized entry into Jamaica*, CARIBBEAN NATIONAL WEEKLY (Jul. 19, 2023), <https://www.caribbeannationalweekly.com/news/caribbean-news/jamaica-news/haitians-face-deportation-following-charges-for-unauthorized-entry-into-jamaica/> (29 of the 37 Haitians who arrived in Portland, Jamaica on July 10 were charged with illegal entry, ordered removed, and “received fines amounting to \$7,000 or an alternative sentence of three days of hard labor each”); *Violência de gangues no Haiti obriga 165 mil pessoas a fugirem de suas casas*, UN NEWS (Jun. 9, 2023), <https://news.un.org/pt/story/2023/06/1815657> (in June, the UN reported that “61,600 Haitians were recently repatriated from the Dominican Republic, the United States, the Bahamas, the Turks and Caicos Islands and Cuba”).

⁴²⁰ See, e.g., [*Haiti: UN Expert William O’Neill concludes official visit*](#) (“The relentless violence and systematic human rights violations in Haiti do not currently allow for the safe, dignified, and sustainable return of Haitians to the country. . . . Some repatriation methods used do not comply with human rights standards and violate bilateral migration agreements.”).

⁴²¹ See, e.g., Press Release, Congresswoman Sheila Cherfilus McCormick, *Congresswoman Cherfilus-McCormick Statement on Continued Deportation Flights to Haiti* (Sep 1, 2023), <https://cherfilus-mccormick.house.gov/media/press-releases/congresswoman-cherfilus-mccormick-statement-continued-deportation-flights>.

⁴²² See, e.g., *Letter from Over 70 Organizations Calling for Suspension of Deportation Flights to Haiti*, HRW (Sep. 26, 2023), <https://www.hrw.org/news/2023/09/26/letter-over-70-organizations-calling-suspension-deportation-flights-haiti> (calling on the U.S. government to suspend all deportation flights to Haiti, which “appear to conflict with the United States’ legal obligations,” in a letter to U.S. Department of Homeland

Security Secretary Alejandro Mayorkas from over 70 organizations); Ali Harb, *US deports dozens to Haiti despite telling citizens to leave country*, AL JAZEERA (Aug. 31, 2023), <https://www.aljazeera.com/news/2023/8/31/us-deports-dozens-to-haiti-despite-telling-citizens-to-leave-country> (reporting that Haitian Bridge Alliance director Guerline Jozef called deportations from the United States “‘inhumane,’ . . . explaining that asylum seekers and migrants are being sent back to the same conditions they fled in the first place, if not worse”); *Americas: States must end racist treatment of Haitian asylum seekers*, AMNESTY INTERNATIONAL (Jun. 20, 2023), <https://www.amnesty.org/en/latest/news/2023/06/end-racist-treatment-haitian-asylum-seekers/> (finding that Haitians have suffered “acts of racism, xenophobia, and systematic violence in their search for protection.” These acts of violence include “cases of assaults, arbitrary detentions, torture and other ill-treatment, mass deportations, and [other] discriminatory practices.”); *Haiti - FLASH Immigration “Nearly 27,000 Haitians expelled from DR in June*, HAITI LIBRE (Jul. 18, 2023), <https://www.haitilibre.com/en/news-40039-haiti-flash-immigration-nearly-27-000-haitians-expelled-from-dr-in-june.html> (reporting that the Support Group for Returnees and Refugees called expulsions by the Dominican government a continuous violation of Haitians’ rights).

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

⁴²⁴ Dominican authorities expelled 185,310 Haitian nationals from January to June 2023, including 1,532 pregnant women and 2,981 unaccompanied minors, compared with 154,333 in all of 2022. *Más de 185 mil haitianos deportados de Dominicana en 2023*, PRENSA LATINA (Jul. 18, 2023), <https://www.prensa-latina.cu/2023/07/18/mas-de-185-mil-haitianos-deportados-de-dominicana-en-2023>; IOM, *Migrants’ repatriation and reception assistance in Haiti 1* (Dec. 2022), https://haiti.iom.int/sites/g/files/tmzbd11091/files/documents/Migrant%20Returns%20and%20Reception%20Assistance%20in%20Haiti%20-%20December%202022_rev%20yakin.pdf. See also *Haiti - Dom. Rep. : More than 294,000 Haitians returned to the country, repatriated or volunteers in 5 months*, HAITI LIBRE (Nov. 20, 2023), <https://www.haitilibre.com/en/news-41017-haiti-dom-rep-more-than-294-000-haitians-returned-to-the-country-repatriated-or-volunteers-in-5-months.html> (reporting that Dominican authorities repatriated 25,529 Haitians in October); *Haiti - Rep. Dominicaine : Hausse de deportations d’enfants haïtiens mineurs non accompagnés*, HAITI LIBRE (Nov. 5, 2023), <https://www.haitilibre.com/article-40900-haiti-rep-dominicaine-hausse-des-deportations-d-enfants-haitiens-mineurs-non-accompagnes.html> (reporting a 32.7 percent increase in deportations of unaccompanied minors from September to October); Kervens Adam Paul, *September Records 60,000+ Haitian Repatriations, Turnbacks, and Spontaneous Returns from the Dominican Republic*, LE NOUVELLISTE (Oct. 25, 2023), <https://lenouvelliste.com/en/article/245073/september-records-60000-haitian-repatriations-turnbacks-and-spontaneous-returns-from-the-dominican-republic> (reporting that Dominican authorities repatriated 26,369 Haitians in September, including 1,454 pregnant women and 1,025 unaccompanied minors).

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

⁴²⁶ See Lacarte, *Addressing the Next Displacement Crisis in the Making in the Americas*; Francklyn B. Geffrard, *République Dominicaine : Arrestations et déportations de femmes enceintes et allaitantes. Une organisation féministe proteste...*, RHI NEWS (Jul. 21, 2023), <https://www.rhinews.com/actualites/republique-dominicaine-arrestations-et-deportations-de-femmes-enceintes-et-allaitantes-une-organisation-feministe-proteste/> (reporting that Dominican authorities carry out raids on medical centers, where they target darker skinned pregnant and breastfeeding women for detention and deportation); @Al_Campaignolle, X (Jul. 9, 2023, 10:19 AM), https://twitter.com/Al_Campaignolle/status/1678046158764011522 (“But in reality not all the people captured by the authorities are in an illegal situation. Some are in the process of renewing their residence. Others are residents. What do they have in common? They are black. . . . Sometimes Dominicans are taken on board because of the color of their skin. I have collected dozens of testimonies to this effect. Torn passports, residence documents that we don’t even look at.”); *Migration : Les enfants des migrants devenus les nouvelles cibles des opérations migratoires en République Dominicaine, dénonce la plateforme Garr*, ALTERPRESSE (Jul. 18, 2023), <https://www.alterpresse.org/spip.php?article29474> (reporting that pregnant women “are apprehended anytime,

anywhere without checking their documents, and locked up in detention centers characterized by deplorable hygienic conditions for several days”).

⁴²⁷ Paul Mathiasen, *Hundreds leave Dominican Republic ahead of Haiti border shutdown*, REUTERS (Sep. 14, 2023), <https://www.reuters.com/world/americas/dominican-republic-shut-haiti-border-friday-morning-2023-09-14/> (“United Nations experts warned . . . that Haitian women seeking pregnancy and postpartum medical care in the Dominican Republic were reportedly being arrested during check-ups and deported immediately without a chance to appeal.”); Press Release, OHCHR, *Dominican Republic: UN experts condemn detention and deportation of pregnant and postpartum Haitian women* (Sep. 12, 2023), <https://www.ohchr.org/en/press-releases/2023/09/dominican-republic-un-experts-condemn-detention-and-deportation-pregnant-and> (“The fear of deportation may deter irregular Haitian migrant women from seeking medical assistance when they need it, limiting their access to health services and endangering their lives.”); Arrêtez la violence gouvernementale et les mensonges racistes contre les femmes enceintes haïtiennes !, HAÏTI LIBERTÉ (Aug. 2, 2023), <https://haitiliberte.com/arretez-la-violence-gouvernementale-et-les-mensonges-racistes-contre-les-femmes-enceintes-haitiennes/>; Geffrard, *République Dominicaine : Arrestations et déportations de femmes enceintes et allaitantes. Une organisation féministe proteste...*; Repatriated to danger, HAITIAN TIMES (Jun. 20, 2023), <https://haitiantimes.com/2023/06/20/repatriated-to-danger-opinion/>.

⁴²⁸ See, e.g., *Security Alert: Commercial Flight Options from Haiti*, U.S. EMBASSY IN HAITI (Aug. 30, 2023), <https://ht.usembassy.gov/security-alert-commercial-flight-options-from-haiti/> (on August 30, the U.S. government urged all U.S. citizens in Haiti to depart due to “the current security situation and infrastructure challenges”); *Extension and Redesignation of Haiti for Temporary Protected Status*, FEDERAL REGISTER (Jan. 26, 2023), <https://www.federalregister.gov/documents/2023/01/26/2023-01586/extension-and-redesignation-of-haiti-for-temporary-protected-status> (the U.S. government extended and redesignated Temporary Protected Status for Haitians in January on the ground that “Haiti is experiencing extraordinary and temporary conditions resulting from grave insecurity and gang crime, as well as socio-economic and humanitarian conditions, including those resulting from environmental disasters aggravating food insecurity”). See also *Haitian Claims*, UN REFUGEE AGENCY, <https://www.unhcr.org/us/what-we-do/u-s-asylum-resources/haitian-claims> (last visited Dec. 7, 2023) (UNHCR’s non-return advisory for Haitian migrants – implemented in November 2022 – remains in place).

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

⁴³⁰ As of September 11, Dominican authorities are no longer issuing visas to Haitians. Onz Chéry, *As DR suspends visas for Haitians, one man’s hopes to see wife and son dashed*, HAITIAN TIMES (Sep. 18, 2023), <https://haitiantimes.com/2023/09/18/as-dr-suspends-visas-for-haitians-one-mans-hopes-to-see-wife-and-son-dashed/>; Martín Adames Alcántara, *Dominican president suspends visas for Haitians and threatens to close border with its neighbor*, AP NEWS (Sep. 11, 2023), <https://apnews.com/article/dominican-republic-haiti-border-visas-canal-river-ad81b04bbd49d4425f5ff2b69a5ac8a8>.

⁴³¹ Dominican authorities banned all flights between the Dominican Republic and Haiti on September 15. The ban was partially lifted on October 30 to allow a select few, “principally Haitian diplomats and Haitian nationals with Dominican visas who already had flight reservations,” into the country. Jacqueline Charles, *Dominican Republic allows some Haiti flights as OAS arrives to meet about border dispute*, MIAMI HERALD (Oct. 31, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article281242768.html>.

⁴³² Jacqueline Charles, *Dominicans built a wall to keep Haitians out. Now it's adding to border tensions*, MIAMI HERALD (Nov. 8, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article281568868.html>; *Dominican Republic begins building border wall with Haiti*, REUTERS (Feb. 20, 2023), <https://www.reuters.com/world/americas/dominican-republic-begins-building-border-wall-with-haiti-2022-02-20/>.

⁴³³ *Dominican Republic to reopen its border to essential trade but not Haitians*. See also Peña, *A Different Border Crisis Mirrors What's Happening in the U.S.* (reporting that the closure also impacts Haitians and Dominicans living near the border, many of whom crossed the border, “sometimes daily, to attend church or school or to seek medical care” prior to the closure). See also *supra* notes 323-36.

⁴³⁴ 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. *Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, U.S. Citizenship and Immigration Services (USCIS), <https://www.uscis.gov/CHNV> (last visited Dec. 7, 2023); *Implementation of a Parole Process for Haitians*, FEDERAL REGISTER (Jan. 9, 2023), <https://www.federalregister.gov/documents/2023/01/09/2023-00255/implementation-of-a-parole-process-for-haitians>. The United States also modernized its Haitian Family Reunification Parole Program (HFRP), which allows eligible U.S. citizens and lawful permanent residents to apply for their family members in Haiti to be immediately paroled into the United States. After having been effectively ended by the prior administration, HFRP was restarted on August 21, 2023. Although petitioners may now apply online, beneficiaries are required to complete medical exams in Haiti, which is a significant barrier given limited access to healthcare. Although the HFRP is predicated on family ties rather than the situation in Haiti, it is another alternative pathway to entry for Haitians seeking to flee the insecurity and humanitarian crises. *The Haitian Family Reunification Parole (HFRP) Program*, USCIS, <https://www.uscis.gov/humanitarian/humanitarian-parole/the-haitian-family-reunification-parole-hfrp-program> (last visited Dec. 7, 2023); Press Release, DHS, *DHS Modernizes Cuban and Haitian Family Reunification Parole Processes* (Aug. 10, 2023), <https://www.dhs.gov/news/2023/08/10/dhs-modernizes-cuban-and-haitian-family-reunification-parole-processes>. See also *supra* notes 363-81.

⁴³⁵ *CBP releases October 2023 monthly update*, U.S. CUSTOMS AND BORDER PROTECTION (Nov. 14, 2023), <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-october-2023-monthly-update> (stating that 99,110 Haitians were paroled into the United States and 107,697 Haitians were vetted and authorized for travel to the United States through the CHNV program between January and October, although demand for the program continues to outpace its monthly cap).

⁴³⁶ The current Biden administration asylum policy, adopted in May 2023, “bars asylum seekers who crossed through another country on their way to the southern U.S. border, unless they have previously applied for (and been denied) asylum elsewhere or managed to receive an appointment at a port of entry through a new U.S. government app [CBP One] for smartphones. These requirements are unfeasible and impractical for many people in need of protection, as some asylum seekers cannot find safety in the countries where they first arrive because of violence or persecution similar to that in their native land.” It also violates international and U.S. law. *What is President Biden’s ‘asylum ban’ and what does it mean for people seeking safety?*, Rescue (last updated Jul. 25, 2023), <https://www.rescue.org/article/what-president-bidens-asylum-ban-and-what-does-it-mean-people-seeking-safety>. See also HRW, *“Living a Nightmare”* (The CBP One app is “inaccessible to many asylum seekers due to financial, language, technological, and other barriers.” Further, requirements under the current asylum policy “mean that many Haitians attempting to access asylum in the United States are forced to wait in Mexico, where they experience a wide range of human rights abuses such as racial discrimination, kidnapping, sexual violence, and extortion.”); Human Rights First, *Refugee Protection Travesty 3* (Jul. 2023), <https://humanrightsfirst.org/wp-content/uploads/2023/07/Refugee-Protection-Travesty-Asylum-Ban-Report-July-2023-1.pdf> (“The Biden asylum ban — which violates U.S. law and treaty obligations — is a new iteration of similar transit and entry bans promulgated by the Trump administration that were repeatedly struck down by federal courts because they violated U.S. law. . . . Unless they are lucky enough to get one of the limited CBP One appointments, people who enter at U.S. ports of entry to seek asylum or cross the border irregularly will generally be subject to . . . penalties. . . . [including] rapid deportation through the expedited removal process, where many asylum seekers are subjected to a screening interview rigged by the asylum ban and quickly deported without a hearing on their case if they do not pass the screening. People who are not subjected to this rigged process or manage to overcome it will still likely be denied asylum in a later hearing and

potentially deported to persecution or left in permanent limbo in the United States without a pathway to citizenship.”); Cerin, [Haitians Struggle to Access a New Path to the U.S.](#) (“Migration activists argue that these measures strip people of the right to apply for asylum at the border, rendering thousands of potential asylum-seekers ineligible.”). In July, a U.S. District Judge held that this asylum policy violates the right to seek asylum. *See US judge blocks Biden’s ‘asylum ban’ at Mexico border*, AL JAZEERA (Jul. 25, 2023), <https://www.aljazeera.com/news/2023/7/25/us-judge-blocks-bidens-asylum-ban-at-mexico-border>.

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

⁴³⁸ Onz Chéry, *Airline prices from Haiti reach new heights, letting down travelers with few options*, HAITIAN TIMES (Oct. 27, 2023), <https://haitiantimes.com/2023/10/27/airline-prices-from-haiti-reach-new-heights-letting-down-travelers-with-few-options/>.

⁴³⁹ *See, e.g.*, Final report of the Panel of Experts on Haiti at ¶ 63 (reporting that some deportees from the United States are members of armed groups). *See also* [The Border Where Different Rules Apply](#) (reporting that protections are not in place for unaccompanied children returned to Haiti: “Last year, the Coast Guard stopped tracking the “reception agency” in each country, because according to the Department of Homeland Security, the U.S. government has set up rules establishing which agencies take these children and no longer needs to track them on a case-by-case basis. . . . But the official with one of the other agencies involved in the processing of returned and deported Haitians at the Cap-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.”).

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

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

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

⁴⁴³ See, e.g., Concannon, Fried & Filippova, *Restitution for Haiti, Reparations for All: Haiti's Place in the Global Reparations Movement* (forthcoming); Mario Joseph, Brian Concannon & Irwin Stotzky, *France demanded crippling payments. Now Haiti has a legitimate claim for slavery reparations*, MIAMI HERALD (Mar. 27, 2023), <https://www.miamiherald.com/opinion/op-ed/article273642735.html>; Marlene L. Daut, *What's the path forward for Haiti?*, NEW YORKER (Mar. 18, 2023), <https://www.newyorker.com/news/annals-of-inquiry/whats-the-path-forward-for-haiti>.

⁴⁴⁴ Lazaro Gamio et al., *Haiti's Lost Billions*, NEW YORK TIMES (May 20, 2022), <https://www.nytimes.com/interactive/2022/05/20/world/americas/enslaved-haiti-debt-timeline.html>.

⁴⁴⁵ See, e.g., Gamio, *Haiti's Lost Billions*; Concannon, Fried & Filippova, *Restitution for Haiti, Reparations for All: Haiti's Place in the Global Reparations Movement* (forthcoming); Jemima Pierre, *Haiti as Empire's Laboratory*, NACLA (Sep. 26, 2023), <https://nacla.org/haiti-empire-laboratory>; Sandra Wisner, *The international community must own its role in Haiti's food crisis*, NEW HUMANITARIAN (Sep. 14, 2023), <https://www.thenewhumanitarian.org/opinion/2022/09/14/Haiti-food-crisis-international-aid>; Jake Johnston, *Who decides who runs Haiti?*, LE MONDE DIPLOMATIQUE (Feb. 2022), available at: <https://orinocotribune.com/who-decides-who-runs-haiti/>; Wisner & Concannon, *Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability*; Ghachem, *The Real Intervention Haiti Needs*; Debt Justice, *The colonial roots of global south debt: a tale of plunder, exploitation, and resistance* 13-14 (2023), <https://debtjustice.org.uk/wp-content/uploads/2023/09/The-colonial-roots-of-global-south-debt.pdf>.

⁴⁴⁶ See, e.g., *Haiti - Security Council, 9449th meeting*, UN WEB TV (Oct. 23, 2023), <https://webtv.un.org/en/asset/k1y/k1ytie8p3l>; *The question concerning Haiti - Security Council, 9430th meeting*, UN WEB TV (Oct. 2, 2023), <https://webtv.un.org/en/asset/k13/k13u3vg27s>; *The Question Concerning Haiti - Security Council, 9377th Meeting*, UN WEB TV (Jul. 14, 2023), <https://webtv.un.org/en/asset/k1z/k1zbonyli9>; *The Question Concerning Haiti - Security Council, 9368th Meeting*, UN WEB TV (Jul. 6, 2023), <https://webtv.un.org/en/asset/k1e/k1edf2kx8y>; Dylan Robertson, *Canada's Haiti envoy: 'Nothing is moving fast enough' to end country's gang crisis*, CTV NEWS (Nov. 17, 2023), <https://www.ctvnews.ca/politics/canada-s-haiti-envoy-nothing-is-moving-fast-enough-to-end-country-s-gang-crisis-1.6649217>; Secretary Antony J. Blinken *At the Addressing the Urgent Security Situation in Haiti Meeting*, U.S. DEPARTMENT OF STATE (Sep. 22, 2023), <https://www.state.gov/secretary-antony-j-blinken-at-the-addressing-the-urgent-security-situation-in-haiti-meeting>; *Haiti, Statement by Mr. Nicolas De Riviere, Permanent Representative of France to the UN*, PERMANENT MISSION OF FRANCE TO THE UN IN NEW YORK (Jul. 6, 2023), <https://onu.delegfrance.org/let-s-not-allow-haiti-to-descent-into-chaos>; *Haiti: 'Take urgent action now' urges ECOSOC President*, UN NEWS (Jun. 16, 2023), <https://news.un.org/en/story/2023/06/1137792>.

⁴⁴⁷ See *Haiti Plan de Réponse Humanitaire 2023* (tracking funding for Haiti's Humanitarian Relief Plan for 2023 at only 32.8 percent); FAO & WFP, *Hunger Hotspots: FAO-WFP early warnings on acute food insecurity, November 2023 to April 2024 outlook* at vii, 7 (reporting gaps in food assistance in "hunger hotspots" like Haiti).

⁴⁴⁸ See, e.g., Press Release, OHCHR, *Haiti: UN report says gang violence spreading, urges speedy deployment of multinational security mission* ((Nov. 28, 2023), <https://www.ohchr.org/en/press-releases/2023/11/haiti-un-report-says-gang-violence-spreading-urges-speedy-deployment>; OAS Adopts Resolution on the Situation in Haiti, U.S. MISSION TO THE OAS (Nov. 17, 2023), <https://usoas.usmission.gov/oas-adopts-resolution-on-the-situation-in-haiti/>; *L'Expert indépendant William O'Neil appelle « au déploiement de la Mission Multinationale pour soulager la population en souffrance »*, GAZETTE HAITI (Oct. 31, 2023), <https://gazettehaiti.com/node/10456>; *UN chief calls for a robust global force to help crisis-hit Haiti*, AL JAZEERA (Jul. 1, 2023), <https://www.aljazeera.com/news/2023/7/1/un-chief-calls-for-international-force-in-haiti-during-visit>.

⁴⁴⁹ See *infra* note 463.

⁴⁵⁰ See e.g., Katz, *The U.S. is Preparing an Outsourced Invasion of Haiti* (discussing harms of previous interventions, undertaken "always in the name of securing peace, political stability, and human rights—and never actually succeeding in doing so," and which have "done little but make things worse"); Dánica Coto, *Explainer: Haiti's Troubled History of Foreign Interventions*, AP NEWS (Oct. 11, 2022), <https://apnews.com/article/caribbean-united-nations-haiti-puerto-rico-a907efcd4a1b6f4c29bcc7a17f2b4900>; *Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations* ("Foreign interventions in Haiti . . . have a consistent track record of harming civilians with no accountability – introducing cholera, injuring civilians, whilst destroying property in military operations, perpetrating acts of sexual exploitation and abuse and leaving victims and the resulting children without resources or recourse, by misdirecting assistance and delivering faulty infrastructure."); Mario Joseph, *BAI Letter to CARICOM*

Regarding Proposed International Intervention in Haiti, IJDH (Nov. 4, 2022), https://www.ijdh.org/open_letters/bai-letter-to-caricom-regarding-proposed-international-intervention-in-haiti/ (“Haitians are well aware that the most recent international armed intervention tasked with addressing gang violence in Haiti, MINUSTAH, was a deadly, expensive failure. MINUSTAH spent \$9 billion US over thirteen years, and left Haiti less democratic than when it arrived.”); *Statement by Professor Philip Alston, Special Rapporteur on extreme poverty and human rights, UN responsibility for the introduction of cholera into Haiti*, OHCHR (Oct. 25, 2016), <https://www.ohchr.org/en/statements/2016/10/statement-professor-philip-alston-special-rapporteur-extreme-poverty-and-human> (discussing the UN’s failure to take responsibility for introducing cholera to Haiti in 2010 and the ensuing humanitarian disaster); Caitlin Hu, Etant Dupain & Paula Newton, *Dozens of children were left behind by UN personnel in Haiti. Their mothers want justice*, CNN (Sep. 15, 2023), <https://www.cnn.com/2023/09/15/americas/haiti-un-peacekeepers-trust-fund-sexual-abuse-as-equals-intl-cmd/index.html>.

⁴⁵¹ See, e.g., NHEAON & FANM in Action, *National Haitian American Elected Officials Network (NHAEON) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti*; *Why #StopTheProp: Nothing in Haiti Will Change Until the U.S. Government Stops Propping Up Haiti’s Corrupt, Repressive, Illegitimate De Facto Government*, IJDH, https://www.ijdh.org/press_release/why-stoptheprop-nothing-in-haiti-will-change-until-the-u-s-government-stops-propping-up-haitis-corrupt-repressive-illegitimate-de-facto-government/; Clesca, *Haiti’s Rule of Lawlessness: Why a Military Intervention Would Only Entrench the Island’s Problems*; Fried, *New promises from Washington for Haiti as the term for its assassinated president ends Monday*; Concannon, *Biden must stop propping up the old guard in Haiti*; Espérance, *Wrong US Call – Haiti Needs a Credible Transitional Government*. See also *supra* notes 142-44, *infra* notes 471-77.

⁴⁵² See *supra* note 37.

⁴⁵³ See, e.g., Press Statement, U.S. Department of State, *UN Security Council Authorizes Multinational Security Support Mission to Haiti* (Oct. 2, 2023), <https://www.state.gov/un-security-council-authorizes-multinational-security-support-mission-to-haiti/>; Michael Wilner & Jacqueline Charles, *Kamala Harris will push for a multinational force in Haiti during visit to Caribbean*, MIAMI HERALD (Jul. 8, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article276203876.html>; Jacqueline Charles, *Caribbean leaders change tone, support outside force for Haiti after U.S., U.N. pressure*, MIAMI HERALD (Jul. 6, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article277043698.html>; Michael Wilner, *U.S. official says U.N. resolution on Haiti is urgent: ‘We are moving as fast as I can’*, MIAMI HERALD (Sep. 13, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article279291159.html>; Katz, *The U.S Is Preparing an Outsourced Invasion of Haiti*.

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

⁴⁵⁵ See Amna Nawaz & Teresa Cebrián Aranda, *UN to send international police force to Haiti to combat rising gang violence*, PBS (Oct. 2, 2023), <https://www.pbs.org/newshour/show/un-to-send-international-police-force-to-haiti-to-combat-rising-gang-violence>; Press Statement, U.S. Department of State, *Kenya Considering Leading a Multinational Force in Haiti* (Aug. 1, 2023), <https://www.state.gov/kenya-considering-leading-a-multinational-force-in-haiti/>. See further Katz, *The U.S. is Preparing an Outsourced Invasion of Haiti* (discussing the dynamics behind Kenya’s offer); Jennifer Greenburg, *If Kenya wants to help Haiti, it should push for colonial reparations not send in the police*, THE CONVERSATION (Nov. 23, 2023), <https://theconversation.com/if-kenya-wants-to-help-haiti-it-should-push-for-colonial-reparations-not-send-in-the-police-218133> (“Kenya stands to benefit economically from leading the mission.”). Other states have pledged to send troops or advisers. See, e.g., Vincent Achuka, *Haiti: Kenya’s mission exposes officers to risky, untested waters*, THE STANDARD (Dec. 3, 2023), <https://www.standardmedia.co.ke/article/2001486559/haiti-kenyas-mission-exposes-officers-to-risky-untested-waters> (“Several other nations, including the Bahamas, Jamaica, Italy, Spain, Mongolia, Senegal, Rwanda, Belize, Suriname, Guatemala, Antigua and Barbuda, and Peru, have also pledged their support.”); Irene Mwangi, *National Assembly Okays Deployment Of Kenyan Police to Haiti*, CAPITAL NEWS (Nov. 16, 2023), <https://www.capitalfm.co.ke/news/2023/11/national-assembly-okays-deployment-of-kenyan-police-to-haiti/> (also promising to contribute officers are Senegal (350), Burundi (250), Chile, Jamaica, Ecuador, Barbados (200), and Seychelles (190)); Emmanuel Igunza, *Kenya parliament approves deployment of police to Haiti to help deal with gang violence*, NBC BOSTON (Nov. 16, 2023), <https://www.nbcboston.com/news/national-international/kenya-parliament-approves-deployment-of-police-to-haiti-to-help-deal-with-gang-violence/3192659/> (Chad to contribute an unspecified number); Dylan Robertson, *Canada focused on preventing sexual violence in Haiti as military intervention looms*, GLOBE AND MAIL (Oct.

5, 2023), <https://www.theglobeandmail.com/politics/article-canada-focused-on-preventing-sexual-violence-in-haiti-as-military/> (Canada to deploy officers “to act as trainers” as part of the MSS); *US sees some dozen countries committing to Haiti force*, FRANCE 24 (Sep. 22, 2023), <https://www.france24.com/en/live-news/20230922-us-sees-some-dozen-countries-committing-to-haiti-force> (reporting U.S. government official claiming that ten to twelve countries have offered support to the mission, though many have not been named publicly); Jacqueline Charles, *Here are the countries offering to help Kenya take on deadly gangs in Haiti*, MIAMI HERALD (Sep. 26, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article279753689.html> (reporting that Italy, Spain, Mongolia, Senegal, Suriname, Guatemala, and Peru had previously announced the intent to contribute, and Belize offered to deploy a maximum of 50 uniformed personnel, depending on MSS funding); *Bahamas promises to join Kenya in security force in Haiti as support grows*, REUTERS (Aug. 1, 2023), <https://www.reuters.com/world/americas/bahamas-promises-join-kenya-security-force-haiti-support-grows-2023-08-01/> (Bahamas to contribute 150); Kimone Francis, *Antigua considers role as Ja confirms plan to send troops to Haiti*, JAMAICA GLEANER (Aug. 1, 2023), <https://jamaica-gleaner.com/article/lead-stories/20230804/antigua-considers-role-ja-confirms-plan-send-troops-haiti> (Jamaica and Antigua “may” contribute an unspecified number); Roberson Alphonse, *Le Rwanda prêt à contribuer à la force internationale pour appuyer la PNH*, LE NOUVELLISTE (Jul. 5, 2023), <https://lenouvelliste.com/article/243246/le-rwanda-pret-a-contribuer-a-la-force-internationale-pour-appuyer-la-pnh> (Rwanda to contribute an unspecified number). See also OAS, SP/RES.1237 (2469/23) (Nov. 17, 2023), available at: <https://www.haitilibre.com/docs/res-1237-2469-23-en.pdf> (OAS resolution from November 17 calling for member state contributions to the MSS).

⁴⁵⁶ Frances Robles & Abdi Latif Dahir, *Haiti, Desperate for Peace, Turns to Police Notorious for Violence*, NEW YORK TIMES (Oct. 4, 2023), <https://www.nytimes.com/2023/10/04/world/africa/kenya-police-haiti.html>; Jacqueline Charles, *Kenya demoted its foreign minister. What does it mean for its deployment into Haiti?*, MIAMI HERALD (Oct. 5, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article280157949.html>. See also *Support Kenya's Haiti mission, Africa's growth, Ruto tells EU*, EAST AFRICAN (Nov. 22, 2023), <https://www.theeastafrican.co.ke/tea/news/east-africa/ruto-to-eu-support-kenya-haiti-mission-africa-growth--4441670> (in late November, Kenyan President Ruto said the mission would require “some 5,000” personnel – still far more than the number committed to date).

⁴⁵⁷ *Kenya Says Haiti Mission Must Be Fully Funded By UN States*, BARRON'S (Nov. 9, 2023), <https://www.barrons.com/amp/news/kenya-says-haiti-mission-must-be-fully-funded-by-un-states-6fd7d6e2>. See also *Violences des gangs : Une mission d'observation bientôt en Haïti, en vue d'un déploiement d'une force multinationale, annonce les États-Unis*, ALTERPRESSE (Aug. 4, 2023), <https://www.alterpresse.org/spip.php?article29536> (according to U.S. Assistant Secretary of State for the Bureau of International Narcotics and Law Enforcement Affairs Todd Robinson, the multinational force is expected to cost US \$200-400 million per year). So far, the United States has pledged a total of US \$200 million (and no troops). Michael Wilner & Jacqueline Charles, *Biden thanks Kenya for leading Haiti mission; White House says no U.S. troops will join*, MIAMI HERALD (Oct. 4, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article280080154.html>. Canada has not pledged any contribution, but “feels strongly that \$100 million Canadian dollars in aid Trudeau announced earlier this year for the Haiti National Police ‘is definitely a complement to the efforts that the force will be bringing.’” Jacqueline Charles, *Violent gangs, a political impasse and desertion: What Canada's new envoy faces in Haiti*, MIAMI HERALD (Nov. 25), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article282233543.html?deviceId=305213EA-B493-4D17-A499-E359B1699571&tempKey=value>. IJDH is not aware of any other public financial commitments.

⁴⁵⁸ UNSC, *S/RES/2699 (2023)* at ¶ 1.

⁴⁵⁹ See, e.g., Press Release, BAI & IJDH, *Broken UN Promises Lead to Haiti Cholera Resurgence*; Hu, Dupain & Newton, *Dozens of children were left behind by UN personnel in Haiti. Their mothers want justice; Victims' Trust Fund*, CODE BLUE (Feb. 2019), <https://www.codebluecampaign.com/victims-trust-fund>. See generally UNGA, Promotion of truth, justice, reparation and guarantees of non-recurrence, UN Doc. A/78/181 (Jul. 14, 2023), <https://undocs.org/Home/Mobile?FinalSymbol=A%2F78%2F181&Language=E&DeviceType=Desktop&LangRequested=False> (reporting on need to improve funding for reparations, including by the UN).

⁴⁶⁰ See, e.g., *Haitian Civil Society Open Letter to the Members of the UN Security Council* (Sep. 12, 2023), available at: https://www.ijdh.org/open_letters/haitian-civil-society-open-letter-to-the-members-of-the-un-security-council/ (letter from 68 primarily Haitian civil society organizations and individuals opposing intervention); *Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations* (letter from ten Haitian civil society and human rights organizations opposing intervention); Francklyn B. Geffard, *Des organisations politiques, sociales et personnalités haïtiennes opposées à tout déploiement de*

force multinationale en Haïti..., RHI News (Aug. 12, 2023), <https://www.rhinews.com/actualites/des-organisations-politiques-sociales-et-personnalites-haitiennes-opposees-a-tout-deploiement-de-force-multinationale-en-haiti/> (letter from 67 Haitian civil society organizations and individuals stating their dismay that Kenya would agree to lead a multinational force into Haiti); *Crise : Les gangs armés utilisés pour légitimer une éventuelle occupation étrangère d’Haïti, révèlent plusieurs organisations et personnalités*, ALTERPRESSE (Aug. 10, 2023), <https://www.alterpresse.org/spip.php?article29550> (letter from the same 67 Haitian organizations and individuals calling on the Russian Representative to the UNSC to reject a multilateral security force in Haiti); Joseph, *BAI Letter to CARICOM Regarding Proposed International Intervention in Haiti* (BAI letter to the Secretary-General of CARICOM stating concerns regarding the proposed international intervention in Haiti). See also *Haitian Organizations Against Intervention Tracker*, IJDH (last updated Oct. 4, 2023), https://docs.google.com/document/d/1o8lSgGoNrEx9qH7TXpDECMOMDsM_dfjC6TzyA30r2LM/edit (last visited Dec. 10, 2023) (identifying 71 Haitian civil society organizations that have joined public statements against intervention).

⁴⁶¹ See, e.g., NHEAON & FANM in Action, *National Haitian American Elected Officials Network (NHAEON) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti*; Letter from civil society, faith-based, humanitarian, and diaspora organizations to President Joseph R. Biden (Oct. 31, 2022), available at: <https://cepr.net/wp-content/uploads/2022/10/Haiti-Military-Force-Organizational-Sign-on.pdf>; *Le départ du Premier ministre de facto Ariel Henry : nécessaire et incontournable en Haïti*, ALTERPRESSE (Sep. 19, 2023), <https://www.alterpresse.org/spip.php?article29673>.

⁴⁶² See, e.g., *Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations*; *Crise : Les gangs armés utilisés pour légitimer une éventuelle occupation étrangère d’Haïti, révèlent plusieurs organisations et personnalités*. In October 2022, Haiti’s then-remaining senators requested that Henry postpone the implementation of the resolution requesting an armed intervention on the ground that, among other issues, the resolution “is an illegal administrative act” which “is akin to an attempt by an illegitimate, unpopular and increasingly contested Government to resort to foreign forces to maintain itself in power at all costs and thus delay Haiti’s return to constitutional and democratic order.” *Le sénat demande un sursis à l’exécution de la décision du gouvernement de faire déployer des troupes étrangères en Haïti*, ALTERPRESSE (Oct. 10, 2022), <https://www.alterpresse.org/spip.php?article28694>. A group of Haitian lawyers summoned Henry “to appear before the court of Port-au-Prince, accusing the government of acts of treason and violation of the Haitian constitution for requesting the presence of a foreign force on Haitian soil.” Juhakenson Blaise, *Haitian lawyers against armed force summon Henry on treason, constitutional “betrayal” claims*, HAITIAN TIMES (Nov. 9, 2023), <https://haitiantimes.com/2023/11/09/haiti-government-treason-henry/>.

⁴⁶³ See, e.g., NHEAON & FANM in Action, *National Haitian American Elected Officials Network (NHAEON) and FANM in Action Write to Oppose Biden Administration’s Proposed International Military Intervention in Haiti*; *Haitian Civil Society Open Letter to the Members of the UN Security Council*; *Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations*; *Crise : Les gangs armés utilisés pour légitimer une éventuelle occupation étrangère d’Haïti, révèlent plusieurs organisations et personnalités*; Geffrard, *Des organisations politiques, sociales et personnalités haïtiennes opposées à tout déploiement de force multinationale en Haïti...*; Joseph, *BAI Letter to CARICOM Regarding Proposed International Intervention in Haiti*; *Crise : La société civile d’Europe appelle l’Union européenne à appuyer une nouvelle gouvernance en Haïti* (in a letter to the European Union, the Europe-Haiti Coordination notes that “[t]he sending of this umpteenth mission of international troops. . . instead of attacking the root of evil, only strengthens the government that led the country to the hellish state in which it finds itself today”). See also *A New Occupation Force? Haitians Denounce U.N. Vote to Deploy U.S.-Backed, Kenyan-Led Troops*, DEMOCRACY NOW! (Oct. 4, 2023), https://www.democracynow.org/2023/10/4/haiti_united_nations_forces (in an interview with Democracy Now, Haitian-American professor Mamyrah Prosper says that “[t]his is not the first time that the Security Council has voted to send what Haitians are calling an occupation force. . . . These missions don’t really come in, in fact, to protect the population. They are there to protect multinational investments.”); Jonathan M. Katz, *Here we go again?*, THE RACKET (Oct. 3, 2023), <https://theracket.news/p/here-we-go-again> (“[A]s even several of the members who voted for the resolution noted, there was little on the table to address what Brazilian ambassador Sérgio França Danese called the “underlying causes of violence and instability” in Haiti.”).

⁴⁶⁴ *Haitian Civil Society Open Letter to the Members of the UN Security Council*; *Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations*; Joseph, *BAI Letter to CARICOM Regarding Proposed International Intervention in Haiti*. Although the UNSC Resolution authorizing the MSS includes language calling for safeguards against the types of harms that occurred with peacekeeping missions to Haiti in the past, there are serious implementation questions that will determine whether protections and

recourse are meaningfully available, especially with the MSS operating outside of the UN system. See, e.g., Beatrice Lindstrom, *Will a New Foreign Security Force for Haiti Embrace Accountability?*, JUST SECURITY (Oct. 23, 2023), <https://www.justsecurity.org/89648/will-a-new-foreign-security-force-for-haiti-embrace-accountability/>.

⁴⁶⁵ See, e.g., Jacqueline Charles, *Haiti poll finds majority favor international force amid worsening humanitarian crisis*, MIAMI HERALD (Oct. 31, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article281247298.html> (a survey of 1,597 respondents in Haiti found that 70 percent were in favor of the deployment of an international armed force); Jonasson Odigène, *AGERCA Survey Indicates 75% of Haitians Trust PNH-Fad'H Collaboration for Security Revival*, LE NOUVELLISTE (Aug. 24, 2023), <https://lenouvelliste.com/en/article/244103/agerca-survey-indicates-75-of-haitians-trust-pnh-fadh-collaboration-for-security-revival> (a July-August survey of 1,387 respondents found that 63 percent believed a deployment of an international force “is necessary to help ensure security in the country”). See also Amy Wilentz, *The Biden Administration Cuts and Runs from Haiti*, THE NATION (Sep. 1, 2023), <https://www.thenation.com/article/world/haiti-gangs-state-department-advisory/> (offering context for understanding complex public opinion about intervention in Haiti); Juhakenson Blaise, *Yes, no or neither? Haitians weigh in on an armed force*, HAITIAN TIMES (Sep. 6, 2023), <https://haitiantimes.com/2023/09/06/yes-no-or-neither-haitians-weigh-in-on-an-armed-force/>.

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

⁴⁶⁷ See, e.g., *Open Letter to all Members of the Security Council regarding the Development of an International Security Force in Haiti*, AMNESTY INTERNATIONAL (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”); Simon Romero, Andre Paultre & Abdi Latif Dahir, *Can Kenya Bring Order to Haiti? Doubts Are Swirling*, NEW YORK TIMES (Oct. 9, 2023), <https://www.nytimes.com/2023/09/05/world/americas/haiti-kenya-force-gangs.html> (reporting that “Kenyan law enforcement officers have also been condemned by rights groups, which have accused them of excessive force, carrying out extrajudicial killings and conducting arbitrary arrests” and a Haitian activist’s assessment that “Kenyan police are going to export brutality to Haiti”); Joseph Stepansky, *Possible Kenya-led mission to Haiti prompts growing calls for safeguards*, AL JAZEERA (Aug. 30, 2023), <https://www.aljazeera.com/news/2023/8/30/possible-kenya-led-mission-to-haiti-prompts-growing-calls-for-safeguards>.

⁴⁶⁸ See, e.g., Mwangi Maina, *Why is Kenya Rushing Headlong into Haiti as US, Canada Watch?*, KENYAN FOREIGN POLICY (Sep. 16, 2023), <https://kenyanforeignpolicy.com/why-is-kenya-rushing-headlong-into-haiti-as-us-canada-watch/> (discussing concerns about the language barrier as well as Kenya’s lack of experience in the region); Jacqueline Charles, *Here’s a look at the resolution for a foreign force in Haiti. The U.N. will vote Monday*, MIAMI HERALD (Oct. 1, 2023), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article279984169.html>.

⁴⁶⁹ On October 12, Kenya’s largest opposition party issued a statement opposing the country’s involvement in the intervention. Statement from Orange Democratic Movement on Kenya’s Offer to Haiti (Oct. 12, 2023), available at: <https://twitter.com/JakobJohnston/status/1712469503274262883?s=20>. And lawmakers have raised concerns about the constitutionality of sending police officers to Haiti, the MSS’s funding, insurance for police officers, the term of deployment, and the potential impact on Kenya’s own security needs. See, e.g., *Kenya National Assembly, Debate on the Mission to Haiti* (Nov. 2023), available at: https://ijdh.org/wp-content/uploads/2023/11/Parliamentary-DEBATE-ON-MISSION-TO-HAITI-16112023_231116_1900331.pdf (During the parliamentary debate, opposition member Rozzah Buya asked, “Where is the sense of taking 1000 police officers to Haiti when Kenyans are dying in need of protection and service from their police officers?”); Igunza, *Kenya parliament approves deployment of police to Haiti to help deal with gang violence*; Evelyn Musambi, *Kenyan opposition lawmakers say the Haiti peacekeeping mission must be approved by parliament*, AP NEWS (Oct. 4, 2023), <https://apnews.com/article/kenya-haiti-peacekeeping-mission-6f0aff963105dd5b1da984afe2ced199>; *Criticism grows in Kenya for the “risky” mission in Haiti*, DOMINICAN TODAY (Oct. 4, 2023), <https://dominantoday.com/dr/world/2023/10/04/criticism-grows-in-kenya-for-the-risky-mission-in-haiti/>.

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

November 16. Pending its final ruling, expected on January 26, 2024, the Court issued and then extended a precautionary order temporarily preventing the Kenyan government from deploying security forces in another country. See Jérôme Wendy Norestyl, Wethzer Piercin, & Fenel Pélissier, *La justice au Kenya bloque provisoirement le déploiement de sa police en Haïti*, AYIBO POST (Oct. 9, 2023), <https://ayibopost.com/la-justice-au-kenya-bloque-provisoirement-le-deploiement-de-police-en-haiti/>; Emmanuel Iganza, *Kenya's high court extends a block on sending police to Haiti even as parliament approves deployment*, AP NEWS (Nov. 16, 2023), <https://apnews.com/article/kenya-police-haiti-violence-8a0f81f2784574574f9139cdf00d47ac>; A court in Kenya has extended orders barring the deployment of police to Haiti for 2 more weeks, AP NEWS (Oct. 24, 2023), <https://apnews.com/article/kenya-haiti-peacekeeping-mission-court-decision-9a6803352c64755751755d47c13f30cb>.

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

⁴⁷² See, e.g., Jean Daniel Sénat, *D’importants partis politiques n’ont pas signé l’accord du 21 décembre*, LE NOUVELLISTE (Dec. 30, 2022), <https://lenouvelliste.com/article/239815/dimportants-partis-politiques-nont-pas-signe-laccord-du-21-decembre>; *Haïti-Crise : La signature d’un document dit de consensus national, une démarche démagogique et partisane, selon plusieurs secteurs*; Human Rights Groups Tell UN High Commissioner for Human Rights He Must Choose Haiti’s Rule of Law Over the De Facto Government’s Accord (“‘High Commissioner Türk and the international community can support the rule of law in Haiti, or they can support the de facto government of Haiti and its Accord. They cannot support both,’ said Mario Joseph, BAI Managing Attorney.”); Sanders, *Haiti urgently needs a genuine and representative transitional government*; NYU School of Law Global Justice Clinic & Harvard Law School International Human Rights Clinic, *Letter to Secretary Blinken and Assistant Secretary Nichols* (Jul. 10, 2023), available at: https://chrgj.org/wp-content/uploads/2023/07/GJC-Harvard-Clinical-Letter-to-DOS_2-year-anniversary-2023-1.pdf. See also [IJDH June 2023 Update](#) at 1, 4.

⁴⁷³ See, e.g., [A Word...with Jason Johnson: Haiti on the Brink](#); Secretary Blinken and Haitian Prime Minister Ariel Henry Before Their Meeting, U.S. DEPARTMENT OF STATE (Jul. 5, 2023), <https://www.state.gov/secretary-blinken-and-haitian-prime-minister-ariel-henry-before-their-meeting/> (expressing the United States’ support for Henry’s “efforts to develop an inclusive, broad-based consensus”). See also HRW, *“Living a Nightmare”* (describing continued support from “Haiti’s main international partners, including the United Nations Integrated Office in Haiti (BINUH) and the US government” for Henry over the broad-based civil society transition initiative known as the Montana Accord, which Henry and his close allies did not join). In contrast to effective public silence in response to Henry’s intransigence and repeated avoidance of meaningful dialogue and compromise, see *supra* notes 142-44, international actors have sharply criticized Haitian civil society actors who point out that Henry has demonstrated himself not to be a credible partner in any transition and have called for his resignation as a condition for agreement. See, e.g., *Haiti - CARICOM : The Group of mediators disappointed by their last visit to Haiti*, HAITI LIBRE (Sep. 12, 2023), <https://www.haitilibre.com/en/news-40483-haiti-caricom-the-group-of-mediators-disappointed-by-their-last-visit-to-haiti.html> (expressing disappointment “that the tone of the discussions [in Kingston] had hardened and that the positions of some stakeholders had regressed significantly, reflected in the strident calls for the resignation of the Prime Minister”).

⁴⁷⁴ See, e.g., NHEAON & FANM in Action, *National Haitian American Elected Officials Network (NHAEON) and FANM in Action Write to Oppose Biden Administration's Proposed International Military Intervention in Haiti*; <https://www.ijdh.org/2023/02/rule-of-law/enough/>; Malley, *UN Closer To Approving Armed Intervention To Secure Haiti*; Jacques Ted St Dic, *As Haiti's Henry Refuses Checks on Power, the US Should Aid Efforts to Build True Democracy*, JUST SECURITY (Sep. 7, 2023), <https://www.justsecurity.org/82968/as-haitis-henry-refuses-checks-on-power-the-us-should-aid-efforts-to-build-true-democracy/>.

⁴⁷⁵ See, e.g., Sanders, *Haiti urgently needs a genuine and representative transitional government* ("After three days of a failed meeting from 11 to 13 June in Jamaica – which Henry had to be cajoled to attend – it was obvious that he has no interest in genuine power sharing."); Chris François & Jake Johnston, *Haiti News Round-up: Political and Civil Society Leaders Meet in Jamaica*, CEPR (Jun. 13, 2023), <https://cepr.net/haiti-news-round-up-political-and-civil-society-leaders-meet-in-jamaica/> (reporting that international pressure was necessary for Henry to continue participating in a three-day summit between political and civil society stakeholders to find a solution to Haiti's governance crisis, after he left the consultations after his opening remarks).

⁴⁷⁶ See *supra* notes 142-44.

⁴⁷⁷ The UN, the U.S. government, and independent experts have documented significant weapons trafficking into Haiti from the United States (particularly Miami), at least in part due to looser gun laws in the United States. See, e.g., Final report of the Panel of Experts on Haiti at ¶ 87 ("The illicit trafficking of arms and ammunition to Haiti is one of the primary drivers of the expansion of territorial control by gangs and the extreme levels of armed violence in the country and represents a threat to regional stability. The Panel is of the view that disrupting the flows of arms and ammunition into the country should be a priority for the Haitian authorities and Member States in the wider region and that the targeted arms embargo provisions should be urgently and robustly reinforced."); *id.* at ¶ 96 ("On the basis of research and on-site observations by the Panel in Haiti, the majority of firearms and ammunition in circulation in the country are either manufactured and/or originally purchased in the United States."); *id.* at ¶¶ 88-91, 97, 99-101, 103 (also noting that guns trafficked to Haiti from the Dominican Republic often originate in the United States); *id.* at ¶ 102 (reporting that a recent driver of illicit firearm flows from the United States are ghost guns, which are privately made firearms that are not serialized, untraceable, and mostly unregulated); *The Caribbean is awash with illegal American guns*, THE ECONOMIST (Oct. 5, 2023), <https://www.economist.com/the-americas/2023/10/05/the-caribbean-is-awash-with-illegal-american-guns>; *Public Safety in Haiti: Now and Tomorrow*, CSIS (Jun. 8, 2023), <https://www.csis.org/events/public-safety-haiti-now-and-tomorrow> (former UN Special Representative for Haiti Susan D. Page and UN Expert on Human Rights in Haiti William O'Neill criticized the U.S. government for not doing more to stop the flow of weapons into Haiti); UN Office on Drugs and Crime, *Haiti's criminal markets: mapping trends in firearms and drug trafficking 18* (2023), https://www.unodc.org/documents/data-and-analysis/toc/Haiti_assessment_UNODC.pdf.

⁴⁷⁸ See Press Statement, U.S. Department of State, *UN Security Council Resolution on Haiti* (Oct. 20, 2023), <https://www.state.gov/un-security-council-resolution-on-haiti/> (these include "using new criminal authorities in the Bipartisan Safer Communities Act to identify and hold firearms traffickers accountable;" creating a Department of Justice Coordinator for Caribbean Firearms Prosecutions, announced in June; "supporting the regional Crime Gun Intelligence Unit in Trinidad and Tobago to help Caribbean partner nations solve gun-related crime cases, deter gun crimes in the region and bring criminals to justice;" and "partnering with Homeland Security Investigations to create a Transnational Criminal Investigative Unit within Haiti to facilitate investigations and prosecution of transnational crimes, including those with a U.S. nexus").

⁴⁷⁹ See, e.g., Tim Padgett, *A bizarre arms trafficking case in Haiti leaves scars in South Florida*, WLRN (Dec. 1, 2023), <https://www.wlrn.org/americas/2023-12-01/arms-trafficking-haiti-south-florida> (noting that two individuals accused of complicity in a scheme to traffic weapons from the United States to Haiti have been charged in Haiti, but not in the United States).

⁴⁸⁰ See *The Caribbean is awash with illegal American guns* ("But there is a limit to what American agencies and Caribbean governments can do while weapons are so readily available in the United States."). These initiatives are further reminiscent of U.S. government programs to limit the flow of weapons into Mexico, which remains unabated and is the subject of a lawsuit against the U.S. government. See Chantal Flores, *Are U.S. Gun-Makers Responsible for Violence in Mexico?*, FOREIGN POLICY (Oct. 24, 2023), <https://foreignpolicy.com/2023/10/24/mexico-united-states-guns-arms-trafficking-lawsuit/>.

⁴⁸¹ See, e.g., *Sanctions: Grave breach of international peace and security in Haiti*, GOVERNMENT OF CANADA, <https://www.international.gc.ca/campaign-campagne/haiti-sanction/index.aspx?lang=eng> (last visited Dec. 7, 2023); Press Statement, U.S. Department of State, *Actions to Impose Visa Restrictions on Haitians Involved in Street Gangs and Other Haitian Criminal Organizations* (Sep. 22, 2023), <https://www.state.gov/actions-to-impose-visa-restrictions-on-haitians-involved-in-street-gangs-and-other-haitian-criminal-organizations-2/>;

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

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

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

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

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

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

⁴⁸⁷ UNSC, [Resolution 2692 \(2023\)](#) at ¶ 1; *Security Council Extends Mandate of United Nations Integrated Office in Haiti, Unanimously Adopting Resolution 2692 (2023)*, UN (Jul. 14, 2023), <https://press.un.org/en/2023/sc15356.doc.htm>.

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