

Centre d'analyse et de recherche en droits de l'homme (CARDH): created in 2008, it is a non-profit Haitian civil society organisation. CARDH's mission is to contribute to the respect and promotion of the rights and principles enshrined in the Universal Declaration of Human Rights (UDHR) as a condition for achieving democracy, the rule of law, good governance, poverty eradication and the realisation of the sustainable development goals (SDGs).

Réseau International des Droits Humains (RIDH): created in 2008, **RIDH is** a Geneva-based NGO with UN ECOSOC consultative status, specialised in the promotion and protection of human rights in Latin America and the Caribbean providing support to civil society actors in their advocacy and litigation efforts before the UN Human Rights system.

I. Introduction

1. Since its last Universal Periodic Review in 2016, the Republic of Haiti has faced a clear deterioration of both its sociopolitical and economic situation, with profound structural failings, chronic corruption, an alarming erosion of democratic processes, exacerbated under Jovenel Moïse's presidency (2017-2021). Haiti is also highly vulnerable to the rise of extreme natural and weather-related disasters which also act as both factor and consequence to the country's deep socioeconomic and political turmoil.
2. The Haitian population's living standards have been considerably impacted by this complex and multidimensional crisis. Since 2017, the numbers of Haitians facing acute food insecurity has more than tripled, from 1.3 to 4.4 million in 2021, amounting to almost half of the population in need of immediate food assistance and 22% of children chronically malnourished.
3. This situation has considerably worsened with the national currency's spectacular depreciation over the past four years has halved professionals' salaries while the cost of the Basic Food Basket has tripled.¹
4. Moreover, 70% of the population lacks access to health services, with the few hospitals or other medical centres critically underfunded, under-equipped, and understaffed. Since 2016, there has been a rise in infectious and chronic diseases, especially malaria and diphtheria.
5. The poorest nation in the Western Hemisphere with almost 60% of its population below the poverty line, it is also one of the most unequal, the richest 5% detain the majority of its wealth, leaving less than 2% to the poorest 20%. These inequalities are even starker when addressing the urban/rural divide or gender inequality gaps.² Haiti ranks 170 out of 189 in the 2020 Human Development Report, well below the average for the rest of the LAC region.³
6. In addition to this dire socioeconomic context, the country has had to grapple with a deepening political and institutional crisis, which has considerably deteriorated since President Jovenel Moïse's election in February 2017, and whose administration has been characterised by grave and systematic human rights violations, leading to serious breaches to the Rule of Law and democratic governance, all in clear contradictions with the recommendations accepted during Haiti's last UPR.
7. Highly unpopular and caught in one of the country's worst corruption scandals, since July 2018 there has been a series of mass, often violent, demonstrations calling for his resignation. These mobilisations led to episodes of "Peyi Lòk"⁴,

¹ Dropping from HTG 62 for USD 1 in 2017, to HTG121 for USD 1 by July 2020,

² Two thirds of the nation's poor live in rural areas, and according to the Gender Inequality Index, Haiti ranks 152 out of 162 countries.

³ The average life expectancy (64 years) is 10 years less than neighbouring Dominican Republic and is 12 years under the regional average.

⁴ (i) 18 to 22 November 2018 ; (ii) 7 to 18 February 2019 ; (iii) June 2019 ; (iv) September to end of November 2019

effectively paralysing the country for over a year.

8. Moïse's administration was also marked by an increasingly authoritarian turn, especially since 2018, with the Executive's progressive concentration of legislative and judicial powers, the disregard to international human rights standards and obligations, and the suspension of municipal, legislative and presidential elections, effectively suspending the country's democratic process.
9. The Covid-19 pandemic of 2020 and its response has had disastrous repercussions, pushing many Haitians into further socioeconomic precariousness, consolidating the Executive's grip over the Republic's powers, paralysing the judiciary and plunging the country into further political chaos after President Moïse remained in power beyond his Constitutional Mandate which ended on 7 February 2021.
10. Rampant corruption, combined with the lack of human rights-centred policies, adequate budgeting and institutional resources and rampant impunity has contributed to Haïti's festering criminal activity. Since 2019, armed gangs have extended their control over the territory, with generalised violence and "gangsterisation" of the country reaching worrying levels in 2020-21.
11. Conflict between armed gangs, the surge in killings and kidnappings has provoked the forced displacement of tens of thousands of people in the past months, adding another layer to a complex human rights and humanitarian crisis.
12. By July 2021, the food and sanitary crisis combined with unprecedented levels of insecurity and protracted political and economic instability has led to one of the country's worst humanitarian situations in years. The assassination of President Jovenel Moïse on 7 July will likely push the country into further chaos.
13. This report will focus on some of the most pressing human rights issues in the country, namely the erosion of democratic institutions and Rule of Law, corruption, the rise of generalised violence and impunity, as well as grave violations of fundamental freedoms and rights of the civilian population, including persons deprived of liberty.

II. Erosion of Democratic Institutions and Crisis of the Rule of Law

A. Lack of cooperation with the international human rights system

13. The majority of recommendations supported by Haiti (44) in its last UPR pertained to the acceptance and harmonisation of international norms and the strengthening of its cooperation with international human rights instruments, including the ratification of Conventions and Optional Protocols that were yet to be done.
14. However, as of 2021 it clear that cooperation with UN human rights mechanisms remains superficial at best. None of said recommendations were implemented.⁵ Significant delays in reporting to the Treaty Bodies are systematic, blocking evaluation cycles, and follow-up to recommendations is not done, or not conclusive.⁶
15. Haiti has not extended a Standing Invitation to the UN special procedures. Since the end of the Independent Expert's mandate (2017), one of the first decisions made by Jovenel Moïse as Head of State, no special procedure has been able to visit the country. To date, 14 requests made by 9 mandates to visit the State Party remain without receiving any response.⁷
16. Between March 2017 and July 2021, Haiti has received 15 Special Procedures communications⁸, the State-party has not replied to any of them. The majority of these communications were sent by : Special Rapporteur on Extrajudicial Executions (7); Special Rapporteur on Human Rights Defenders (7); Special Rapporteur on Freedom of Expression (7); Special Rapporteur on Freedom of Association (6) and Special Rapporteur on the right to Health (6).
17. The absence of collaboration by the Haitian state with its commitments to international human rights mechanisms is symptomatic of the lack of interest it has shown regarding its commitments and responsibilities to guarantee the enjoyment of human rights by the Haitian population and a hindrance to the fight against impunity for human rights violations.

⁵ While Haiti has signed all the International Human Rights Treaties, it has yet to ratify the CAT, CED and CMW. Additionally, with the exception of the CRC-OP-SC and CRPD-OP, Haiti has not ratified any Optional Protocol including those allowing for individual complaints to treaty bodies or enquiry procedures under these Conventions. All existing signatures and ratifications were done prior to its 2016 UPR.

⁶ CCPR: Insufficient follow-up report on four observations (§7, 10, 19, 20) and review planned for 2020 session; CRC: almost eight years late (report from 2007/8, submitted in 2015); CEDAW: A follow-up report on recommendations on three observations (§18, 22, 50) was never submitted, only a general report with no specific information on the implementation of recommendations; CERD: no evaluation since 1999; CESCR: Ratification of the Convention in 2013, but the initial report due in 2016 was never sent.

⁷ SR for Internally Displaced Persons (request 2017/reminder 2018); WG for People of African Descent (request 2017); SR on Extreme Poverty (request 2017/reminder 2018); SR on Sale of Children (request 2018); SR on Torture (request 2018/reminders 2019, 2021); WG on Discrimination against Women and Girls (request 2019); SR on Extrajudicial Executions (reminder request 2020); WG on Mercenaries (request 2020); SR Food (request 2008 - inactive).

⁸ 5 February 2021 (HTI 1/2021); 20 November 2020 (HTI 3/2020); 8 May 2020 (HTI 2/2020); 28 April 2020 (HTI 1/2020); 18 December 2019 (HTI 4/2019); 15 July 2019 (HTI 3/2019); 26 April 2019 (HTI 2/2019); 16 April 2019 (HTI 1/2019); 29 November 2018 (HTI 4/2018); 19 October 2018 (HTI 3/2018); 20 September 2018 (HTI 2/2018); 10 May 2018 (HTI 1/2018); 12 January 2018 (HTI 5/2017); 22 September 2017 (HTI 4/2017)

B. Failing electoral system and violation to the rights of political participation⁹

18. Elections in Haiti generally lead to a crisis and the right of citizens to vote is not respected, resulting in a gradual loss of interest in the electoral process and very low participation rates. Following the 2016 elections, the Organisation of American States expressed its concern that Haiti had the lowest voter turnout rate in the Americas.
19. The electoral process is subject to the President of the Republic: the Permanent Electoral Council (CEP) provided for in the 1987 Constitution (art. 149) was never set up and as a result, each elected President sets up a provisional CEP over which he has considerable influence. Moreover, as there is no law governing the elections, each President adopts their own electoral decree or, if they control parliament, passes an electoral law, which does not allow for stability in the processes.
20. Under Jovenel Moïse, four general elections were suspended: two legislative elections due in 2017 and later in 2019, as well the presidential elections due in October 2020 according to the Constitutional Calendar. Local municipal elections, expected in October 2019 were also not carried out.

Legislative elections: roots of an electoral and political crisis

21. Haiti has a directly elected Bicameral Parliament, with 30 senators serving 6-year mandates and 119 deputies serving four-year terms. In October 2019, two thirds of the Senate and the Chamber of Deputies were up for elections, their mandates ending in January 2020.
22. However, the elections were not held and suspended indefinitely. Officially citing the ongoing mass demonstrations and periods of "peyi lòk" as the justification, the CEP's predicted financial requirements for organising the legislative and municipal elections (between USD 50 - 75 million) were never included in the national budget, thus casting doubt on the will to held these elections in the first place.
23. The absence of election has led to the suspension of parliament, plunging the country into further political crisis and consolidating all powers into the Executive, with the Legislative now unable to exercise its counterbalance and checks.
24. As for the municipal elections, the terms of office expired on 28 July 2020. A series of presidential decrees were published on 7 July 2020 in the Special Monitor No. 14, converting 141 municipal cartels into municipal commissions.

⁹ See Rec. 115, 130, 138, 139

25. This implies that local authorities change from being elected officials to employees appointed by the Executive, and can therefore be replaced at any time and reinforcing its control on public affairs.¹⁰
26. The dysfunctional parliament and control over local authorities has allowed the Executive to rule with little to no counter powers and to run the country by presidential decree since January 2020.
27. In just the year 2020, 41 presidential decrees and 120 orders were issued. In September, a new Provisional Electoral Council, handpicked by the President, was formed *manu militari* with the task of changing the country's constitution, and installed without being sworn in by the Court of Cassation; it published new penal codes and procedures and created its own intelligence agency (ANI)¹¹.

Presidential Constitutional Mandate:

28. The presidential term of office is 5 years starting on 7 February following the elections. If the elections do not take place in time, for whatever reason, the mandate is deemed to have started on 7 February of the year of the election.¹²
29. According to Articles 134 and 239 of the Constitution and the Electoral Law of 2 March 2015, the presidential constitutional term began on 7 February 2016 and therefore end on 7 February 2021.¹³
30. However, Jovenel Moïse, officially sworn in in February 2017, decided to contest this and claimed to end his mandate in 2022, and therefore not to hold presidential elections in October 2020, in violation of the political and constitutional right of the population.¹⁴
31. In February 2021, 22 people were arrested and accused of fomenting a Coup d'Etat for their participation in anti-government demonstrations and calling for Moïse's resignation. One of them was a Supreme Court Judge, later released, he and two other Supreme Court judges were forced to resign.¹⁵
32. This has contributed to accelerate the disintegration of the democratic process. Combined with the President's cooptation of legislative and judiciary powers, control over supervision bodies and proposal for a Constitutional referendum - prohibited by the Constitution - 2020 and 2021 have marked the clearest

¹⁰ A similar practice was applied by the Joseph Michel Martelly administration in 2013, which appointed by decree Interim Executive Agents (AEI) to local elected positions with indefinite mandates for 129 of the 140 municipal cartels. The Office of the High Commissioner for Human Rights (OHCHR) expressed concern that the power of the government was taking over local public affairs.

¹¹ Created in November 2020, ANI is tasked to "gather information on and prevent terrorist acts, under an expanded definition of the term. The presidential decree that created the body granted the ANI total secrecy and the ability to conduct surveillance of individuals and businesses at any time, even if there is no relevant ongoing investigation." Freedom House (2021), Freedom in the World 2021 - Haiti : <https://freedomhouse.org/country/haiti/freedom-world/2021>

¹² Article 134-1 of the Constitution; Art. 134-2 of the Constitution; Art. 239 of the Electoral Decree).

¹³ Started in 2015 and interrupted due to the political crisis, forcing the appointment of a provisional President (Jocelerme Privert) and a CEP to fill the executive vacuum and continue the electoral process (**political agreement of 05 February 2016**; decree of 30 March 2016), the electoral process ended with the swearing-in of President Jovenel on 7 February 2017.

¹⁴ Yves, E.M. "Quand Jovenel Moïse doit-il quitter le pouvoir ? En 2021 ou en 2022 ?" AyiboPost 14.06.2020: <https://ayibopost.com/quand-jovenel-moise-doit-il-quitter-le-pouvoir-en-2021-ou-en-2022/>

¹⁵ OHCHR Press briefing notes on Haiti 19.02.2021 : <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26763&LangID=E>

authoritarian shift since the return of democracy in 1987, plunging the country into further political and institutional turmoil which of course has reached a new threshold with the assassination of Jovenel Moïse on 7 July 2021.

Single National Identification Card CINU

33. In the midst of the health emergency (16 June 2020), Moïse published a presidential decree ¹⁶replacing the National Identification Card (CIN) with the CINU, a unique document allowing a citizen to exercise their right to vote. A draft bill on a CINU had been in Parliament since April 2017, however it was never voted on.
34. The decree mentions that "the Legislative Power is, for the time being, inoperative and that it is therefore necessary for the Executive Power to legislate by Decree". It also granted a 120-day delay for citizens to obtain this new card and introduces fines for those who fail to obtain it within the deadline.
35. Few distribution centres were installed, causing agglomerations with no regards to sanitary safety measures. As of December 2020, only 2.5 million cards had been delivered out of 7 million citizens of voting age, 3 million of whom do not have a Birth Certificate and therefore cannot obtain a National Identification Card and vote.¹⁷
36. Legally, the contract made with the German firm DERMALOG, in charge of manufacturing biometric cards (CINU), for an amount of 27.7 million US dollars, had already received two unfavourable opinions from the CSCCA, on 16 February 2018 and 11 April 2018¹⁸. The contract has been widely decried as a corruption operation by the Moïse administration, also involving the First Lady, Martine Moïse.
37. Human rights organisation investigating corruption allegations and uncovering irregularities of the contract have been the target of reprisals and attacks.¹⁹
38. The system lacks any supervisory mechanisms and electoral offices are not accessible to the population, those located in certain working-class neighbourhoods are under the control of gang leaders, whose influence on the electoral system is already being felt.

¹⁶ Décret du 16 juin 2020 portant sur « le Numéro d'identification nationale unique (NINU) et la Carte d'identification nationale unique (CINU) », Le Moniteur Spécial N°9 : <https://www.inhopphaiti.com/wp-content/uploads/2020/06/DÉCRET-PORTANT-SUR-LE-NUMÉRO-D'IDENTIFICATION-NATIONALE-UNIQUE-NINU-ET-LA-CARTE-D'IDENTIFICATION-NATIONALE-UNIQUE-CINU-16-JUIN-2020.pdf>

¹⁷ Despite a UNICEF programme to address the issue, little progress has been made and no national policies has sought to consolidate the initiative. This is particularly salient in the departments of Artibonite, Grand'Anse and Centre. See Geffard, R. "Environ trois millions d'Haïtiens n'ont pas d'acte de naissance" Le Nouvelliste 18.06.2020 ; <https://lenouvelliste.com/article/217550/environ-trois-millions-dhaitiens-nont-pas-dacte-de-naissance>

¹⁸ This contract is thus a violation of articles 200-4 of the Constitution, 85 of the decree of 4 May 2016, on the preparation and execution of the finance laws and the contract itself, which states that: "The effective date is the date on which the Haitian State will have notified DERMALOG that the CSCCA has approved this contract."

¹⁹ See SP Communication AL HTI 1/2021

III. Corruption

39. Corruption in Haiti is deeply entrenched and present at all scales of government, commonly through misappropriation of funds, bribery and influence peddling, and illicit enrichment. Additionally, the crying lack of transparency on public spending, absence of supporting documents and unexplained irregularities, prevents any real control of transactions. Transparency International's 2020 Corruption Perception Index ranks Haiti in 170th place out of 180 analysed countries, second only to Venezuela in the region.²⁰

A. Emblematic Cases

PetroCaribe Funds:

40. One of the biggest corruption cases to date, in 2018 it was revealed that USD 4 billion in funds intended for social development via the PetroCaribe oil deal had been squandered between 2008 and 2016. The scandal led to Haiti's biggest social mobilisations in recent decades with the the PetroCaribe challenge movement that began in July 2018.
41. The Superior Court of Accounts and Administrative Disputes (CSCCA) led an in-depth investigation on the management of these funds, submitting three reports to the Senate.
42. The Court's audits reveal significant shortcomings in the planning and implementation of development programmes and projects financed by the PetroCaribe Fund, including: (i) poor definition of requirements; (ii) incomplete estimates; (iii) inadequate risk analysis; (iv) lack of tendering; and (v) addition of non-essential work leading to real cost overruns
43. According to the final reports, the President of the Republic, Mr. Jovenel Moïse, appears to be directly involved in the embezzlement of millions of dollars via irregular projects financed by the fund through his company Agritrans, notably for the renovation of a road in 2014, that, according to the report, was never completed. A dozen former ministers and senior officials also appear implicated.
44. Despite the final report being submitted in August 2020, there has been no concrete measures to recover the funds, or investigate and prosecute those responsible.

COVID-19 Contracts:

45. After the first positive cases detected in the country, on 20 March 2020 the Moïse Administration passed a State of Health Emergency by decree, extended until

²⁰ Transparency International (2021) "Corruption Perception Index 2020" : <https://www.transparency.org/en/cpi/2020/index/hti>

July. The exceptional procedures for awarding public contracts in the event of an emergency were not respected.

46. Without informing the CSCCA, the Ministry of Public Health and Population (MSPP) concluded 29 contracts with various private companies, totalling USD 8,844 million, these contracts were later officially rejected by the Court *a posteriori*. Another contract of over USD 18 million, passed in April with the Chinese company Bowang Xu Kiuo for the acquisition of health equipments for the COVID-19 response, was also made without notifying the CSCCA.
47. These contracts, concluded in violation of public procurement regulations, constitute acts of corruption, as defined by the law of 12 March 2014 on the prevention and repression of corruption, which identifies 14 offences qualified as corruption, including illegal public procurement (awarding, approving, concluding or executing a public contract in violation of the regulations on public procurement).

Weakening of anticorruption institutions:

48. Haiti has a considerable number of key anticorruption bodies, with specific missions according to their sphere of competence.²¹
49. However, most of these institutions' scope and independence have been considerably weakened by the Executive since 2017, and a lack of proper coordination between these different mechanisms often results in a waste of scarce resources, overlapping of competencies, stalling of investigations into corruption and prosecution ultimately resulting in further impunity.
50. In 2017, an amendment to the Law on the organisation and functioning of the Central Financial Intelligence Unit, the body responsible for investigating cases of money-laundering, grants the President the power to appoint the Director General of the institution, upon recommendation of the Minister of Justice and Public Security (art. 13). Previously, the Director was appointed through a transparent open application procedure. This amendment contributes directly to the weakening of the Unit, impinging on its independence and neutrality.
51. Similarly the Government Commissioner, in charge of prosecuting corruption cases depends on the Ministry of Justice, and does not have a mandate, meaning they can be appointed and dismissed at any time. This has led to every *bona fide* Government Commissioner to be dismissed, as was the case of Paul Eronce Villard who resigned in September 2019 after the Executive had prohibited him from initiating public proceedings against a Senator involved in an attempted

²¹ i) the Anti-Corruption Unit (ULCC); ii) the National Commission for Public Procurement (CNMP); iii) the General Inspectorate of Finance (IGF); iv) the Central Financial Intelligence Unit (UCREF); v) the Superior Council of the Judiciary (CSPJ); (vi) the Superior Court of Accounts and Administrative Litigation (CSCCA); (vii) the Corps of Public Accountants; (viii) the Judicial Police (in particular its Bureau of Financial and Economic Affairs); (ix) the Ministry of Justice and Public Security; and (x) the Parliament.

murder in front Parliament.²²

52. The allocation of financial resources to anticorruption bodies has also greatly affected their effectiveness. The 2019-2020 budget, adopted without due process and attempting to legitimise irregular resource allocations and tenders, has also reduced the CSCCA's budget by 53%.²³
53. Following the CSCCA's findings on the PetroCaribe scandal involving the President, and its opposition to contracts passed during the State of Health Emergency, in September 2020 Jovenel Moïse openly confronted the President of the Court and in November 2020, passed a decree essentially emptying the Court from its purpose, rendering its opinions on public procurement simply advisory and non-binding, allowing the award of public contracts without prior court approval.²⁴

IV. Generalised violence and impunity

A. The Explosion of generalised violence

54. Since Haiti's last UPR in 2016, there has been a generalised and exponential deterioration of the security situation across the country, with a dramatic rise in kidnappings, violent deaths and massacres, especially in poorer neighbourhoods. This phenomenon has reached hegemonic levels in 2020-2021, prompting an increasingly worrying humanitarian and human rights crisis.

Hegemony of organised crime

55. The number of armed gangs has exploded with over 100 gangs operating across the country. Some of the most powerful gangs have also confederated into organisations such as the infamous G9 an fanmi e alie²⁵, lead by ex-police officer Jymmi Cherizier "Barbecue". Most gangs have at least one serving officer in their ranks.²⁶

²² Senator Jean-Marie Féthière was filmed opening fire against a group of protesters and press who were gathered in front of Parliament on 24 September 2019, injuring a Senate security guard and AP photojournalist Chery Dieu-Nalio. Marius, H. "Paul Eronce Villard Démissionne Du Parquet Après Une Interview Inquiétante Pour Des Alliés Puissants Du Président Moïse" Planetcompas, 27.09.2019 : <https://planetcompas.com/live/paul-eronce-villard-demissionne-du-parquet-apres-une-interview-inquietante-pour-des-allies-puissants-du-president-moise/>

²³ CARDH (2020) "Le Budget 2019-2020 : Les droits humains au second plan et la corruption consolidée" : <https://cardh.org/archives/976>

²⁴ ConstantHaiti "Le nouveau Décret de Jovenel Moïse : désormais, la CSCCA sera consultée après les éventuels dégâts" 08.11.2020: <https://www.constanthaiti.info/2020/11/08/nouveau-decret-de-jovenel-moise-apres-dieu-desormais-la-cscca-sera-consultee-apres-les-degats/>

²⁵ Officially composed of 9 armed groups, it has syndicates with ramifications across the entire national territoire, including : Bas de Delmas (lead by Babecue) ; Delmas 6 : base Krache Dife ; bas Bel-Air (lead by James Alexander, alias Ti Sonson ; Rue Saint-Martin (lead by Alex, dit Malkonprann) ; Tibwa (lead by Krisla) ; Belekou (lead by Isca) ; Waf jeremi (lead by Micanor) ; Chancerelles (lead by Kobi).

²⁶ It is also worth noting the formation of Fantôme 509, a group of active and retired police officers whom in the name of police grievances, perpetrate attacks against State owned buildings, barricades etc. It is considered a terrorist group.

56. Gangs control entire neighbourhoods in the capital (Martissant, Cité Soleil, Village de Dieu, lower Delmas), but also provincial towns, such as Petite Rivière de l'Artibonite and the neighbouring commune of Dessalines. Clashes between gangs are frequent and lead to civilian deaths and mass internal displacement, as well as considerable material damage, including burnt houses. While the levels of violence hit all sectors of society, women are particularly vulnerable to sexual violence committed by gangs.²⁷
57. There has also been an increase in illegal arms circulation and presence of foreign mercenaries, operating in apparent impunity and/or protection of the Executive.²⁸
58. The consolidation of control of organised crime could not succeed without collusion with political and economic actors that provide financial, material and logistical support, and protect them.^{29 30}
59. The G9 has been tied with President Moïse and the ruling party, especially to exert control and intimidation in highly populated areas and repress anti-governmental demonstrations. They also increasingly involved in national politics and influencing the electoral process, already controlling at least 35% of the national vote.³¹
60. With the democratic crisis worsened by his unconstitutional stay in power and chronic mismanagement, Moïse has become increasingly threatening against dissident voices³², including human rights defenders, lawyers, political opposition and activists.
61. This rhetoric was particularly present in the weeks preceding the President's assassination. In June 2021, Jimmy Chérisier, leader of the G9 backed these threats on social media, claiming that they will attack political opponents, private sector actors and human rights activists that oppose themselves to Moïse's leadership.³³

²⁷In Cabaret for example, particularly in the Canaan 70 area, Team Dejeve gang ransoms and rapes residents, including the reported rape of 50 women in just one week in November 2019.

²⁸ On 17 February 2019, seven heavily armed foreigners, travelling by car, were apprehended by a patrol of the Cafeteria sub-police station. They were taken to the Port-au-Prince police station, then transferred to the Central Directorate of the Judicial Police (DCPJ), on the orders of the government commissioner. They were released and then taken to the airport on their way to the United States, on the orders of the Executive, via the Minister of Justice, to the consternation of all. On 17 October 2019, foreign snipers were spotted in certain locations in the country, including at the top of the 2004 tower, located at Champ-de-Mars, near the National Palace. On 12 November 2019, Jacques Yves Duroseau, a former US Marine, was detained at the airport. He had in his possession several "pistols", assault rifles... After the intervention of the Brigade de lutte contre le trafic de stupéfiants (BLTS), he was handed over to the DCPJ. The radio reported his release and return to the United States. Heavily armed foreigners, hoods, unmarked cars and cars with folded plates accompanied the President's motorcade.

²⁹ Insight Crime (2021) "G9 and Family" : <https://insightcrime.org/caribbean-organized-crime-news/g9-family-profile/>

³⁰ The G9 is primarily funded by: 1. directly by the government in power; 2. indirectly through appointments in the public administration; 3. by private sector companies; 4. indirectly by certain NGOs through the implementation of projects; 5. kidnapping; 6. political and other executions; 7. daily and weekly fees imposed on small and medium-sized traders; 8. axes (electricity, water, bus stations, etc.). See CARDH, State of Human Rights 2020 : <https://cardh.org/archives/1519>

³¹ CARDH (2021) "Haïti : He'ge' monie de la criminalite' et responsabilite' de prote'ger" <https://cardh.org/archives/1888>

³² Le Nouvelliste : « Dialogue Communautaire, Jovenel Moïse dit avoir sept têtes à couper et demande à ceux qui ne l'aiment pas d'attendre le 7 février 2022 », 23 December 2019.

³³ CARDH, "Hégémonie de la criminalité et responsabilité de protéger" 27.06.2021 <https://cardh.org/archives/1888>

Kidnappings

62. Since 2020, kidnappings for ransom has become rampant throughout the country, often followed by torture and rape. It affects every socioeconomic layer of society including foreigners, as well as women and children. The scale of the phenomenon can only be described as a booming form of crimino-economic industry.
63. Throughout 2020, CARDH has documented at least 796 kidnappings a rise of 200% from 2019, with a clear escalation in the last three months of the year that has continued into 2021, 431 cases had already been reported from January to end of June. The sums requested for their liberation are extortionate, pushing many families, already in precarious economic conditions, into debt and destitution. In June 2021 alone, 200 kidnappings had been documented.
64. These crimes are mainly perpetrated by gangs enjoying a near total impunity, mainly the gangs of Gran Ravin; Village-de-Dieu; 400 Marozo; Savien, now confederated under the name of G9 an fanmi e alyé [family and allies] / 5G.

Gang violence and humanitarian consequences:

65. The increase in massacres, both in number and in cruelty, coincide with the strengthening of gang activities and have spiked since 2018-2019. These massacres, perpetrated under the passivity of the government, represent violations of the right to life.³⁴
66. Some of the most emblematic being:
- i) the massacre in the La Saline neighbourhood in November 2018, by the armed group led by Serge Alexis et al, which resulted in at least 38 deaths;
 - ii) the armed attack in Carrefour Feuilles (impasse Eddy) in April 2019, led by Sony Jean, resulting in 8 deaths and a dozen wounded;
 - iii) the attacks in Bel-Air in October and November 2019, September 2020, and in March/April 2021 : civilians were shot at and houses were burnt, resulting in dozens of deaths;
67. In June 2021 alone there has been a series of massacres and killings in the metropolitan area, specifically in Martissant, Cité Soleil, and Delmas 32³⁵. In a single night (29 June), 11 civilians were killed in the latter neighbourhood, another three in rue Acacia (Nazon).³⁶
68. During the same month Port-au-Prince alone, 1.1 million persons have been affected by this crisis and in need of assistance and with no access to essential services. MSF centres have also been targeted by gang violence, forcing them to

³⁴ See OHCHR BINUH reports on Bel Air Attacks in 2019 : https://binuh.unmissions.org/sites/default/files/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf ; SG and OHCHR/MINUJUSTH reports on the La Saline 2018 massacres : <https://undocs.org/en/S/2018/241>

³⁵ CARDH "Inter-gang violence: humanitarian consequences", 27.06.2021 <https://cardh.org/archives/1939>

³⁶ CARDH "Plus de 150 assassinats et près de 200 kidnappings pour le mois de juin" <https://cardh.org/archives/1970>

suspend their activities in certain neighbourhoods.³⁷ Over the span of four weeks, 14,700 people were forcibly displaced due to the surge in violence, totalling 80% of the entire IDP population borne from the ongoing crisis.³⁸

B. Fight against impunity : between passivity and complicity

69. Benefiting from funding, other means and the silence of the Moïse administration, the monopoly of these gangs is unequivocal, while the Haitian National Police remains powerless and unable to fulfil their mission to protect and serve. This is primarily due to the lack of will on the part of the government to form a professional police force, capable of doing its job independently.
70. The Police force remains desperately underfunded - it is operating on the same budget as 2018-19 despite the catastrophic deterioration in security. The PNH has to therefore rely on defective and insufficient equipment, and does not have sufficient technological means or intelligence funds to properly address this crisis and making it a target for gang violence.
71. To this external pressure, the PNH must also face an internal crisis due to rising discontent within the ranks for its working conditions, and a growing radical fringe that refuse to comply with its obligations.³⁹
72. This situation, consolidated by persistent corruption involving high ranking officials, has perpetuated the cycle of impunity for human rights abuses and violations, especially of police brutality and disproportionate use of force⁴⁰ against civilian population, particularly since the waves of demonstrations that had begun in July 2018. Administration of Justice
73. The mandates of competent, independent and honest judges are not renewed by the Executive.⁴¹ Furthermore, no reform has been undertaken to date to make the prosecution service independent and to address the lack of mandate of the government commissioners and the fact that they are appointed by the Ministry of Justice.
74. The functioning of the judiciary has grinding almost to a halt since 2019, first with the three "peyi lòk" episodes and in 2020, with the state of health emergency instituted between 20 March and 20 July, followed by successive strikes by judges, court clerks and government commissioners protesting their working conditions.

37 CARDH "Inter-gang violence: humanitarian consequences", 27.06.2021 <https://cardh.org/archives/1939>

38 OCHA HAITI: Political Instability and Insecurity - Situation Report n°5 14.07.2021: <https://reliefweb.int/report/haiti/haiti-political-instability-and-insecurity-situation-report-no-5-14-july-2021>

39 In October and November 2019, some members of the Police force went on strike to claim their right to form a Union. Generally peaceful at first, the movement becomes increasingly radicalised and violent, from February 2020, groups of protesters, including Fantom 509 (see previous note) began vandalising public buildings, attacking and shooting at other officers and staff, looting streets and terrorising the population. (See CARDH, State of Human Rights 2020 : <https://cardh.org/archives/1519>)

⁴⁰ This is especially case of the Security Forces' Special Units (UDMO, CIMO, USGPN).

⁴¹ 33 out of 185 lower court judges were not renewed between 2019 and 2020

75. In March 2020, the Port-au-Prince Court of Appeal officially ended its work at the Palais de Justice au Bicentenaire, due to the gang-related insecurity in Village de Dieu. On the other hand, judges, notably those aligned with the Executive have been opposed to the Court's relocation.⁴² Despite its temporary relocation since October, the Court remains dysfunctional.
76. As with democratic institutions, the Judiciary's independence and scope has been consistently eroded by the Executive too. The Superior Council of the Judiciary whose mission is to: "administer and control the Judiciary" cannot fulfil its mission.
77. The composition remains very problematic, as the government commissioners (part of the Council), the clerks and bailiffs depend directly on the Executive. The CSPJ is also made up of a representative of civil society who is not necessarily from the judiciary.
78. Each year, the Executive allocates less than 1% of the budget to its functioning. The latter must always resort to foreign funds to do anything. Paradoxically, the CSPJ does not have a programme or a strategic plan for justice.

V. Violation of fundamental rights and freedoms of the civilian populations

A. Attacks on civil society: Freedom of expression and Freedom of association and peaceful demonstration

79. Amidst growing insecurity and deteriorating human rights conditions, journalists and human rights defenders exposing this situation have been targeted for carrying out their work, attacks - including assassinations - have increase, yet impunity remains the rule, their cases remain widely unattended, with no investigation or follow-up, nor are they brought to justice.
80. To this day, there does not exist any specific mechanism to ensure the safety and protection for journalists and human rights defenders, despite the State Party having supported recommendations on that matter in its last UPR.⁴³
81. Attacks and threats against journalists and human rights defenders have particularly increased since 2019. Media professionals covering the demonstrations and reporting on political affairs have been targeted by protesters, security forces and even high ranking politicians, these attacks include threats and harassment, physical aggressions, shootings and assassinations.⁴⁴

⁴² The Appeal's Court and the Executive have been in open conflict, especially since the appointment of the Court's president without due diligence and approval by the relevant supervision bodies.

⁴³ Recommendations 115.141 to 145.

⁴⁴ See SP Communication [AL HTI 4/2019](#)

82. This violence is also unleashed on human rights defenders and NGOs, especially those focusing on sensitive topics, including widespread corruption, abuse of power, and the ties between criminal gangs and police or state officials.
83. Since 2019, 3 journalists have been killed⁴⁵, another has been missing since 2018 and at least 7 other journalists have been victims of attempted murder. These cases, similarly to the other 7 reported killings occurred in the past 20 years, remain unresolved.⁴⁶
84. Additionally, there was an uptick in attacks against journalists during the State of Health Emergency between March and June 2020. In April 2020, Georges Allen, a journalist for Radio Télévision Caraïbes, was beaten by police officers and security agents from the Ministry of Interior for breaching health codes while reporting, despite holding an authorisation for circulating after curfew. Again, no follow up was given to the case.
85. The levels of reprisals against human rights defenders, and impunity for these aggressions, have intensified since 2018, as the number of communications sent by Special Procedures demonstrate.
86. In March 2019, Executive director of CARDH, Me Gédéon Jean who has worked extensively on anticorruption, was attacked and received death threats from members of former President Joseph Martelly's security team while returning from a TV show. Despite two official complaints filed with the Police and Justice as well as an SP Communication⁴⁷, the perpetrators remain unpunished.
87. Organisations' offices have been vandalised and human rights defenders and their families have been targeted by armed gangs (often working hand in hand with public officials) as reprisals for publicly denouncing grave human rights violations and seeking justice for victims. Impunity again remains the rule.⁴⁸

⁴⁵**Diego Charles**, a radio/TV reporter and press journalist, was gunned down on 29 June 2021 while in company of feminist activist Antoinette Duclair, who was also murdered. Though the circumstances of his killing remain unclear, at the time of his death he was reportedly investigating on the 2020 murder of the president of the Port-au-Prince Bar Association, Monferrier Duval.

Néhémie Joseph, a radio broadcaster from Mirebalais was murdered on 10 October 2019. Joseph had reported extensively on the social protests and had publicly accused former mayor Elionel Casséus and Senator Ron Celestin of death threats against him a few weeks prior to his death. To date, the case is blocked at the investigating office, because the judge has not received the car and security agents requested from the CSPJ, the dean told CARDH investigators. This is a practice that mixes the progress of cases with the payments promised by the CSPJ.

Rospide Pétion, radio anchor for independent station Radio Sans Fin, was murdered on 10 June 2019 while driving home in a company car clearly showing the radio station. At the time of his murder, Pétion was hosting a show covering political issues and the Petrocaribe corruption scandal. There has been no progress in the investigation.

Vladimir Legagneur, photojournalist for Loop News, has been disappeared since 14 March 2018 while doing a photo report in Grand-Ravine, one of Port-au-Prince's most violent neighbourhoods. A few months after his disappearance and after much criticism for the lack of serious investigations, authorities claimed to have found a body, however, three years on, the Police has yet to release the forensic report and no significant progress on the case has been made.

⁴⁶ UNESCO, Observatory of Killed Journalists - Haiti : <https://en.unesco.org/themes/safety-journalists/observatory/country/223723>

⁴⁷ See SP Communication [AL HTI 2/2019](#)

⁴⁸ For recent examples, see SP Communication [AL HTI 1/2021](#)

88. In August 2020, Monferrier Duval, president of Port-au-Prince's Bar Association and constitutional expert, was gunned down near his home. Duval was openly critical of the Moïse Administration and had denounced the Executive's control over other powers. Duval's home was later broken into, and while some arrests have been made, crucial evidence including on presumed authors of the crime was then stolen from the Court's office. An attack was later perpetrated against the judge in charge of the case, strengthening suspicions that this murder was related to Duval's critical views and role as a lawyer.⁴⁹
89. General discontent with the country's mismanagement, corruption scandals, rising insecurity, and the population's demand for better living conditions - including education, health and respect for their human rights, has led to months-long protests across the country, especially throughout 2018 and 2019, including a series of "Peyi Lòk" episodes effectively paralysing the country.
90. While the initial stages of demonstrations remained mostly peaceful they became increasingly violent due in part to the lack of political mediation, increasingly incendiary rhetoric on all sides and brutal repression of protests by security forces as well as infiltration of armed gangs, especially in the later protests. The barricades also severely impacted the population's freedom of movement and access to essential services including health, food, education as well as the functioning of institutions, especially administration of justice.
91. The UN Human Rights System observed a 333% rise in human rights violations during that period including 698 cases of violations and abuses to the right to life and security of the person. The UN and civil society organisation reported widespread and indiscriminate use of lethal force by law enforcement agencies, in violation to international norms and obligations.
92. Demonstrations in 2020 were also met with disproportionate use of force. Peaceful anticorruption sit-in in June and July were immediately dispersed with tear gas, authorities justifying the response with the sanitary measures still in place. In October 2020 during peaceful student protests, university student Grégory Saint-Hilaire, was shot dead on campus by police while they were chasing protesters. In November, a protest led by political opposition was dispersed by tear gas and police fired gunshots at the protesters, killing one.

B. Situation of persons deprived of liberty

93. The 11.500 persons currently deprived of liberty in Haiti face particularly inhumane detention conditions, characterised by extreme overcrowding and

⁴⁹ See SP Communication [AL HTI 3/2020](#)

promiscuity⁵⁰, lack of basic necessities such as food, water and medical attentions and widespread use of torture and other cruel and degrading treatment.

94. Over 80% of persons deprived of liberty are in preventive detention, some have spent years without ever being presented to a judge, others have their case in the pre-trial chamber and are not referred to the competent court to decide their fate. In many cases, those in preventive (including prolonged) detention are not separated from inmates condemned and serving a prison sentence.
95. The sanitary situation is particularly preoccupying. In the National Penitentiary, which accounts for 1/3 of the total incarcerated population, the dispensary cannot adequately attend patients, lacking basic equipment, medicine, etc. Unable to stand, some elderly people are on the floor, others, thin and undernourished, are rotting in their cells. Food is usually served twice a day, at irregular times, is usually unfit for human consumption.
96. This alarming situation has been documented in all detention facilities visited by CARDH. In Miragoâne prison (Nippes department), inmates remain in their cells 24h/24h for the entire period of detention, and do everything inside (physiological needs, among others), without the possibility of getting fresh air in a courtyard or other space. There are no health facilities Moreover, it is supervised by the administrative police and not by specialised entities of the Penitentiary Administration (APNA).
97. Both in the Miragoâne and Cayes prisons, where women and children are also detained, the deplorable conditions, extreme heat and lack of clothing means that many inmates are naked. Women lack basic hygiene and sanitary items, and children are overcrowded with no reinsertion programmes.
98. Torture and physical punishment is widespread, often in the form of beatings (using batons, electric cables etc...) and causing injuries including fractures. Isolation in punishment cells is also common, especially in the National Penitentiary whereby three inmates are put in a 2m² cell, forcing them to stay standing, sometimes for days.
99. The carceral population has been particularly vulnerable to COVID-19. Of the 140 reported deaths in prisons in 2020, at least 30 were from COVID19. The lack of a proper testing strategy for people deprived of their liberty prevents the authorities and others from determining the true level of COVID-19 infections in prisons.

⁵⁰ Considering that the total detention area of the country's 19 prisons is 7,359 square metres, and that each prisoner must have a minimum space of 4.5 square metres, according to ICRC/DPKO, Haiti's official detention facilities are overcrowded by over 700%. https://content.unops.org/publications/Technical-guidance-Prison-Planning-2016_EN.pdf?mtime=20171215190045&focal=none

Recommendations

In such conditions, the CARDH and the RIDH recommend that the Haitian State :

International Norms:

- ◆ Urgently ratify the Convention against Torture and other International Treaties, and accede to the Optional Protocols, including those accepting individual complaints procedures before Treaty Bodies.
- ◆ Submit all pending Periodic Reports to the Treaty Bodies and ensure proper follow-up mechanisms to monitor the implementation of all recommendations.
- ◆ Extend an Open Invitation to UN Special Procedures, and urgently accept all pending visit requests, including those made by SR on Torture and SR Extrajudicial Executions for a visit in 2021.

Public Affairs:

- ◆ Establish an independent Permanent Electoral Council (CEP), in accordance with Articles 191 and 192 of the Constitution, to draft an electoral law and organise municipal, legislative and presidential elections.
- ◆ Effectively implement the Fifth General Census of Population and Housing (RGPH), initially planned for 2019 by the Haitian Institute of Statistics and Information (IHSI) and the Census Bureau, and include the identification of people without birth certificates and the facilitation of access to the Unique National Identification Card (CINU), particularly in rural and remote areas, through information and support programmes.

Corruption

- ◆ Strengthen anti-corruption institutions by: i) establishing a concrete system of coordination and collaboration between them in order to maximise resources and contribute to the effective progress of investigations; ii) allocating a reasonable portion of the national budget, in particular for the Superior Court of Accounts and Administrative Disputes (CSCCA).

Violence and Impunity:

- ◆ Strengthen institutions for the protection of citizens, particularly the Haitian National Police (HNP), by: i) allocating a reasonable national budget that meets the operational needs of the HNP; ii) establishing human rights training programmes; iii) respecting the state's commitments to the HNP's strategic plan (2017-2021)

- ◆ Support the efforts of the General Inspectorate of the Haitian National Police (IGPNH) in its mission to investigate cases of police violence, through the adoption of a strengthening and monitoring programme.
- ◆ Conduct independent and thorough judicial investigations into the gang violence and ensure that those allegedly responsible for the violence are brought to justice in accordance with international standards of fair trial.
- ◆ Provide effective protection to lawyers, human rights defenders and journalists in order to guarantee a safe environment for the development of their work; including by conducting thorough investigations and sanctions for threats and attacks against them.

Detention

Conditions:

- ◆ Urgently implement the recommendations made by BINUH/OHCHR in their June 2021 Report on Detentions Conditions in Haiti.
- ◆ Create a National Mechanism for prevention of torture, and finalise the adoption of the draft law on prisons and the legal status of prisoners.
- ◆ *In light of the assassination of Jovenel Moïse and the political and institutional void this has created, strengthened by the Executive's control over all democratic processes and weakening of the judicial bodies, the case must be handled by an international justice enquiry, to ensure an independent and prompt investigation.*