

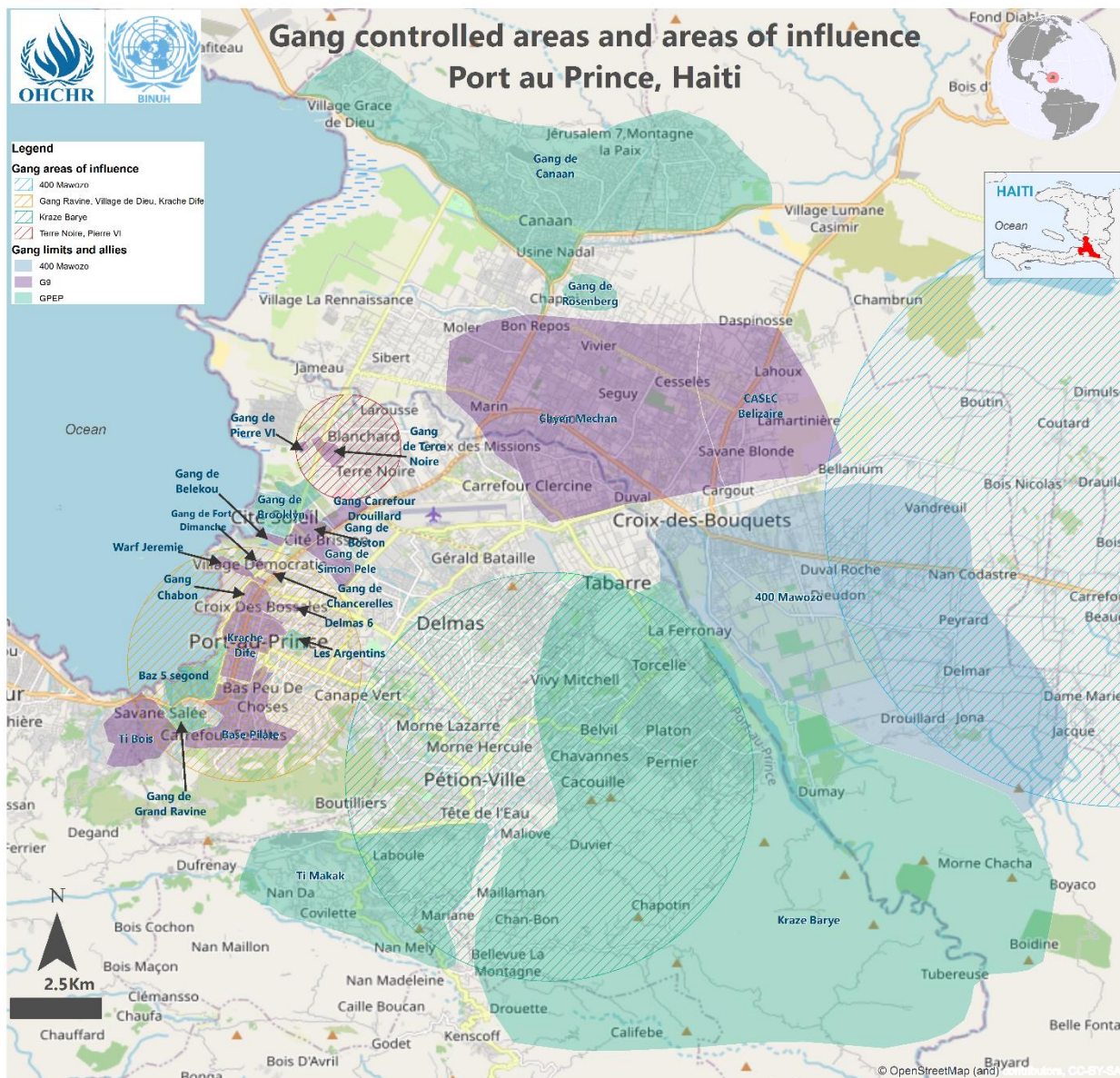


# Human Rights Situation

## Main trends

*Quarterly report: January – March 2023*

*Unofficial translation from French*





## Key takeaways

- The number of victims of killings, injuries and kidnappings increased by 28% compared to the previous quarter (October-December 2022), with a total of 1,634 cases reported.
- Gang violence extended into areas of the capital previously considered safe, notably Kenscoff and Pétion Ville, as well as into the Artibonite department.
- Sexual violence continued to be used as a weapon in the hands of gangs to terrorize and inflict harm on the population, especially women and girls.
- “Vigilance brigades” and mob lynching against gang members and common criminals multiplied across the capital.
- The UN High Commissioner for Human Rights conducted his first official visit to Haiti in February 2023. During his visit, he encouraged the international community to support the strengthening of the Haitian National Police, including the urgent deployment of a support force for a limited period of time and under conditions consistent with human rights standards.

## I. Armed violence

The first quarter of 2023 saw a 28% increase in the number of people killed, injured, and kidnapped compared with the previous quarter (October – December 2022). Overall, armed violence augmented in frequency and intensity, affecting all communes in the metropolitan area of Port-au-Prince, and spilling over into the Artibonite department.

Between January and March 2023, the Human Rights Service (HRS) of the United Nations Integrated Office in Haiti (BINUH) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) documented 1,634 victims of killings, injuries, and kidnappings. Men accounted for 80% of the victims, women 17%, and children 3%.

### *Victims of killings and injuries*

The highest number of casualties (killed and injured) was recorded in areas of Port-au-Prince largely under gang control, notably Cité Soleil and Delmas, but also in localities previously considered safe, such as Pétion Ville and Kenscoff. Additionally, casualties increased dramatically in

several municipalities in the Artibonite department, particularly in the zones of Gonaïves, Liancourt, and Verrettes.

Gangs continued to use snipers on rooftops to indiscriminately shoot people carrying out their daily activities, and to fire regularly into people’s residences. Students were also victims of stray bullets while in their classroom or homes. In some instances, gang members burst into neighborhoods and fired their guns indiscriminately to kill as many people as possible, burned people alive in public transportation vehicles, and executed everyone perceived to be opposed to the gang. These types of attacks were often perpetrated along with other human rights abuses, such as mass looting and burning of houses, and resulted in the displacement of thousands of people.

During this period, at least 21 police officers were killed as a result of gang-related violence, while at least 238 gang members were killed in turf clashes (39%), police operations (33%), and by lynching or executions within gangs (28%).



### *Kidnappings*

Kidnappings remained a significant source of revenue for many gangs. The ransoms obtained were used to finance the acquisition of weapons, pay individuals integrating their ranks and, occasionally, reward members of the population who provided support to hold victims captive. At least 395 kidnappings were reported during the first quarter of 2023, representing an increase of 12% compared to the previous quarter.

Although victims of kidnapping included all types of people, there was an increase in the kidnapping of teachers, students, and parents inside or in the vicinity of school buildings. Healthcare workers, as well as justice personnel and other civil servants, were also targeted.

As reported in previous periods, sexual violence against victims of kidnapping continued to be used, often as a means to coerce their families to pay a ransom.

### *Sexual violence*

Sexual violence, including collective rape, continued to be used by gangs to terrorize and inflict pain on populations under the control of rivals. Sexual exploitation was also reported as being used by gangs against women and girls living in the communities under their influence.

During the first quarter, the HRS referred 18 victims to medical and psychosocial service providers. Although incidents of sexual violence are severely underreported, a local human rights organization denounced that at least 652 women and girls were subjected to individual and collective rape in gang-controlled areas over the past year<sup>1</sup>.

### *Mob and street violence*

As a result of increased gang violence and the weakness of the police, “vigilance brigades” and mob lynching against gang members and common criminals multiplied across the capital. These mechanisms of

self-defense resulted in the death of at least 75 people, 66 of whom were gang members, since the beginning of the year.

Following the killing of 12 police officers by gangs over a period of five days in January, protesters paralyzed, for two days, traffic and commercial activities in Port-au-Prince, caused general chaos, and tried to target the Prime Minister who had just landed at the airport.

### *Socioeconomic impact*

The impact of armed violence contributed to inflation, including surging food prices. As in previous months, local businesses were forced to pay illegal taxes to gangs to continue operating. Key arterial roads remained under gang control. Along these roads, commercial trucks and other vehicles were systematically extorted, hijacked or robbed.

As reported by UNICEF, during the first week of February, 30 schools were shuttered across Port-au-Prince as a result of escalating violence, while over one in four schools has remained closed since October 2022<sup>2</sup>. Without a protective environment, children become highly exposed to being recruited by gangs.

A BINUH – OHCHR report<sup>3</sup> published in February also showed that gangs have sieged neighborhoods to deliberately restrict the freedom of movement of the population and access to basic services, notably to food and water, but also to sanitation services, such as garbage collection. These tactics worsened an already extremely unsanitary environment, promoting the spread of infectious diseases, notably cholera. Against this backdrop, as of 31 March 2023, at least 21 healthcare facilities were forced to close or reduce their activities due to widespread insecurity in Cité Soleil and Croix-des-Bouquets.

### *Displacement*

Violence and socio-economic precarity have caused high levels of forced displacement. During the reporting period, at least 13,490 people were

<sup>1</sup> <https://www.negesmawon.org/wp-content/uploads/2023/03/video.mp4>

<sup>2</sup> <https://www.unicef.org/lac/en/press-releases/haiti-armed-violence-against-schools-increases-nine-fold-in-one-year-unicef>

<sup>3</sup> <https://www.ohchr.org/en/documents/country-reports/population-cite-soleil-grip-gang-violence-investigative-report-human>



displaced, with more than half originating from the Port-au-Prince commune. As of 31 March, more than 127,000 people lived in a situation of displacement across the capital.

While there is no comprehensive data on the number of Haitians fleeing the country by land or sea, in early March the U.S. Department of Homeland Security reported that at least 3,567 Haitians were intercepted at sea over the previous five months<sup>4</sup>.

Further, the International Organization for Migration (IOM) reported that at least 36,079 migrants were expelled to Haiti by countries in the region during the first quarter, in violation of international human rights norms, such as the prohibition of refoulement and collective expulsions. Approximately 90% of those expelled came from the Dominican Republic.

## **II. Fight against impunity**

The justice sector remained dysfunctional due to the persistence of structural challenges, such as political interference, corruption, and lack of judicial guarantees. However, some progress was observed with the adoption of measures to improve the functioning of the judiciary.

### *International Sanctions*

Between January and March, six new individuals, all of them belonging to political and economic elites, were sanctioned by foreign States, on accusations of corruption, drug trafficking, and/or providing financial and operational support to criminal gangs. This brings the total number of sanctioned individuals to 25 since the approval by the United Nations Security Council, on 21 October 2022, of resolution 2653 (2022). The resolution established, among others, a targeted arms embargo, travel ban, and asset freeze against individuals and entities responsible for or complicit in actions that threaten the peace, security, or stability of the country, including gang members and their sponsors.

### *Conditions of detention in Haitian prisons*

As of 31 March 2023, a total of 11,462 persons were held in Haitian prisons, more than 83% per cent of whom were on pre-trial detention. The cell occupancy rate was 286%. During the first quarter of 2023, 20 deaths of inmates were documented, most of them linked to malnutrition related diseases.

During the first quarter 2023, the HRS supported an habeas corpus procedure which facilitated the release of 40 persons that had been detained, in the prisons of Petit Goâve and Cap-Haitien, for minor offenses and that had not been tried within a reasonable time. This figure is in addition to the 110 prisoners that were released, following the same procedures, between October and December 2022, in Port-au-Prince.

### *Emblematic cases*

The lack of accountability for serious human rights violations and abuses remains a major concern. No progress was made in the investigation into several of the so-called “emblematic cases” due to issues related to the appointment of judges and processing backlogs. The cases concerning the massacres in Grand Ravine (2017) and Bel Air (2019) remained stalled, partly because of the non-certification by the Superior Council of the Judiciary (CSPJ) of the investigating judges in charge of the cases. For the Bel Air case, progress in the investigation was further hindered by the fact that two judges were assigned to the case, neither of whom was made aware of the appointment of the other. Investigation into the assassination of Monferrier Dorval (2020) did not progress since the mandate of the judge in charge ended in June 2021. Finally, the investigation into the La Saline massacre (2018) remained at a standstill due to a motion for recusal filed before the Court of Cassation, in 2019, against the judge who was investigating the case.

Concerning the investigation into the assassination of President Jovenel Moïse, the current Haitian judge in charge of the investigation interviewed three suspects, two of whom were released after their hearing.

---

<sup>4</sup> <https://www.news.uscg.mil/Press-Releases/Article/3316146/coast-guard-repatriates-49-people-to-haiti/>



Additionally, on 9 March, the Central Directorate of the Judicial Police (DCPJ) issued search warrants against 14 suspects, including a former anti-corruption state official, Joseph Félix Badio, as well as pastor Gérald Bataille, armed gang leader Vitelhomme Innocent, and eight police officers. Forty-five individuals remained in detention in Haiti in connection with the assassination, including 18 Colombians, 20 police officers, and seven other people. On their side, the judicial authorities of the United States arrested on 14 February, in Florida, four persons accused of planning and financing the assassination of President Moïse. This latest spate of arrests brought the number of people detained in the U.S. in connection with the assassination to 11. A key development took place on 24 March, when Rodolphe Jaar, one of the suspects in the case, pleaded guilty to his involvement and admitted to providing financial support for those suspected of killing the President. Jaar was arrested in the Dominican Republic in January 2022 and extradited to the U.S. a few days later.

#### *Fight against corruption*

On 16 January, the CSPJ transmitted a list of 31 certified magistrates and 30 non-certified magistrates identified as corrupt and/or lacking moral integrity to the Ministry of Justice and Public Security (MJSP). In a note published on 20 January, the Anti-Corruption Unit (ULCC) announced an investigation into the assets of all uncertified magistrates suspected of illicit enrichment. Nevertheless, several institutions, including the Ombudsman Office (OPC) raised concerns about the legality of the procedure followed, which does not provide for an appeal against the decision of the CSPJ.

#### *Functioning of the judiciary*

On 7 March, eight newly appointed judges to the Court of Cassation were sworn in, including three women. The Court of Cassation, which is the highest court in the country, ensures compliance of electoral and judicial processes with the law. It also serves as constitutional court by exception. Its activities had remained paralyzed since 16 February 2022, due to the expiration of the terms of six judges, including that of its vice president, who had been presiding over the court since its president's death in June



2021. The new appointments should facilitate the resumption of the Court of Cassation's activities and are a step toward the restoration of judiciary and democratic processes.

Despite this positive step, strikes within the justice system continued. On 1 March, the magistrates from the "Collective of Haitian Magistrates" (COMADH) association, working mainly on the Public Prosecutor's Offices of the Courts of Appeal and Courts of First Instance went on strike, until further notice, to demand improved working conditions. Among other complaints, they expressed their dissatisfaction with "the persistent discriminatory disparity of salaries" between the public prosecutors, their deputies, and the judges. On 7 March, the National Association of Haitian Clerks (ANAGH) joined the strike.

#### *Investigations into human rights violations committed by police officers*

BINUH continued to support the General Inspectorate of the Haitian National Police (IGPNH) in investigating cases of human rights violations by police officers. During the period under review, 41 investigations were opened involving 48 police officers. Nine investigations were concluded, resulting in seven dismissals and nine suspensions. This represents a significant decrease in cases closed by the IGPNH compared to the previous quarter. Five out of the nine cases were sent to judicial authorities for criminal prosecution.

### **III. Support to national institutions and civil society**

In the first quarter of 2023, the HRS continued to support national state institutions and civil society organizations to enhance the protection of human rights by national actors.

#### *Universal Periodic Review*

From 28 February to 1 March, the HRS supported the Inter-ministerial Human Rights Committee (CIDP) in organizing a workshop to revise the National Human Rights Action Plan. This plan, initially drafted in December 2019, outlines the priorities and actions of the Haitian Government to implement its international obligations and fulfill its



commitments in the field of human rights. The revision of this Action Plan is part of the recommendations made in Haiti's Universal Periodic Review (UPR), which took place on 31 January 2022<sup>5</sup>. During this review, 205 recommendations were approved by Haiti.

#### *Fight against impunity*

On 23 January, the first assembly of judges of the Port-au-Prince Tribunal of First Instance took place with technical and logistical support from the HRS and international partners. During the assembly, the judges adopted measures to expedite correctional, criminal, and special hearings, and committed to prioritizing emblematic cases involving serious human rights abuses and violations.

#### *Campaign against sexual violence*

To enhance civil society capacities to prevent and respond to sexual violence, an awareness raising campaign was organized across the metropolitan area of Port-au-Prince through local human rights associations, and civil society and community-based organizations. One of the activities carried out within the framework of this campaign took place in January and included the participation of more than 100 students from La Saline National High School, located in Lower Delmas. Similar initiatives aimed at at-risk populations were also implemented in the neighborhood of Sarthe (Cité Soleil), as well as in the neighborhoods of Lilavois and Meyer (Croix-des-Bouquets).

#### *Visit by the High Commissioner for Human Rights*

From 8 to 10 February, the United Nations High Commissioner for Human Rights conducted his first official visit to Haiti. During his visit, he met with senior Government officials, as well as representatives of civil society and the international community. At the end of his visit, he stated that measures to re-establish security will need to focus on accountability, prevention, and protection. Further, he stressed that Haiti must be kept on the international agenda and encouraged the international community to

support the strengthening of the Haitian National Police, including through the urgent deployment of a time-limited support force under conditions consistent with human rights norms and standards. He added that these measures must be accompanied by a rapid and sustainable re-establishment of State institutions in gang-free zones, as well as a profound reform of the judicial and penitentiary systems<sup>6</sup>.

#### **Recommendations:**

- *To the International Community:* keep Haiti on the international agenda and urgently consider the deployment of a time-bound specialized support force under conditions that conform with human rights norms and standards.
- *To the Government of Haiti:* with the support of the countries in the region, combat the smuggling and uncontrolled flow of illicit arms and ammunition, to curb gang violence.
- *To the Government of Haiti:* with the support of the International Community, support the judicial system particularly by establishing specialized judicial task forces to fight against corruption and mass crimes, including those involving sexual violence.
- *To the Government of Haiti:* with the support of the International Community, restore social services and projects, particularly in areas under gang control.

<sup>5</sup> <https://www.ohchr.org/en/hr-bodies/upr/ht-index>

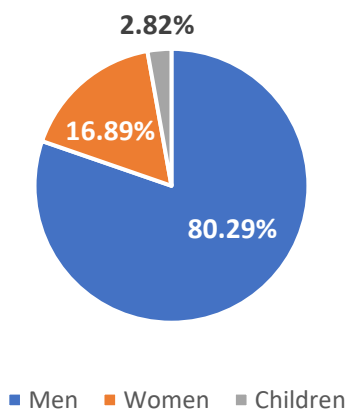
<sup>6</sup> <https://www.ohchr.org/en/statements/2023/02/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit-haiti>



### Victims of killings, injuries and kidnappings in Q4 2022 and Q1 2023



### Disaggregation of victims of killings, injuries and kidnappings by gender and age group during Q1, 2023



### People killed, injured and kidnapped

