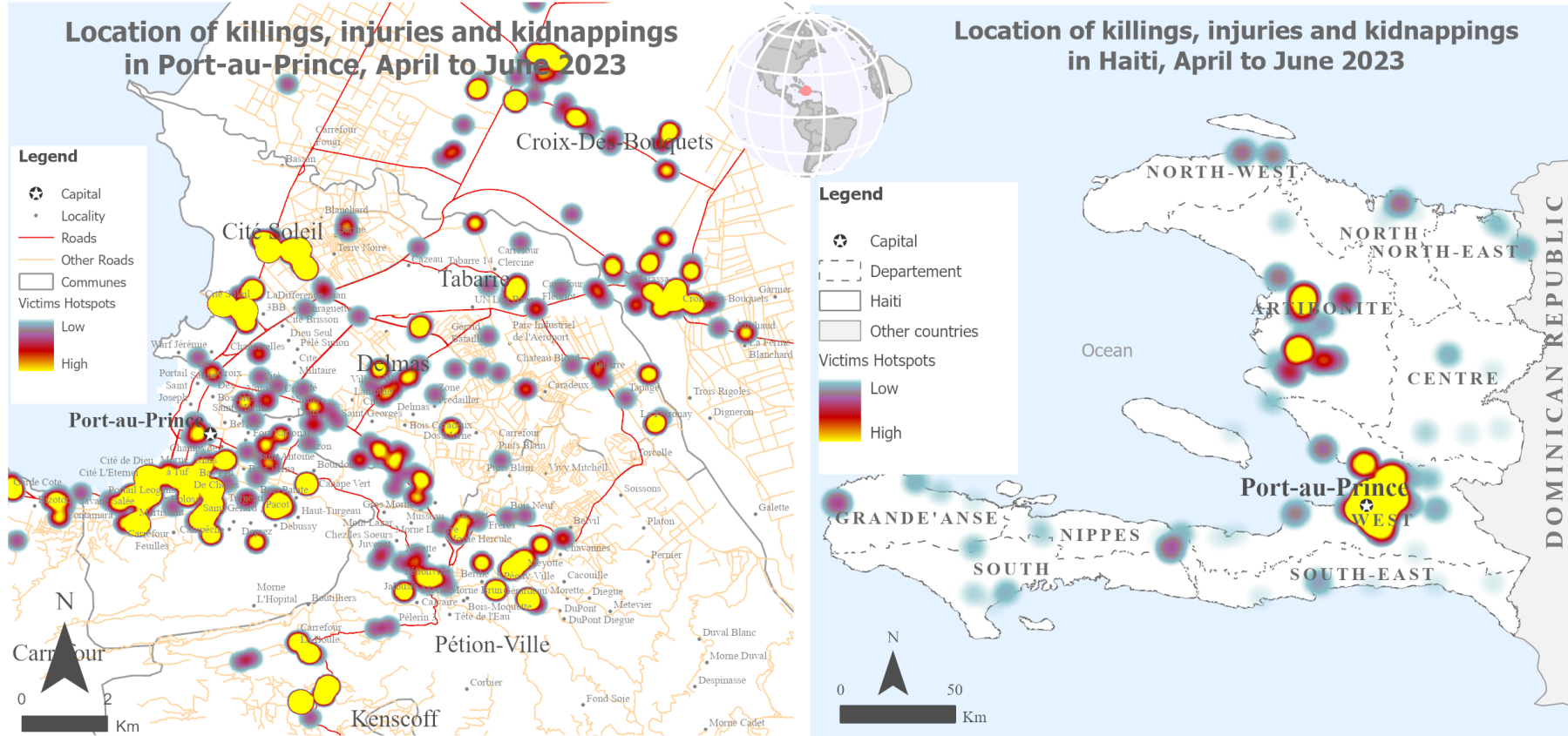




# Human Rights Situation

**Main trends**

*Quarterly report: April – June 2023*





## Key takeaways

- The number of victims of **killings, injuries and kidnappings** increased by 14% compared to the previous quarter (January – March 2023), with a total of 1,860 cases reported.
- Lynchings, as part of a movement known as “**Bwa Kalé**”, **resulted in the death of at least 238 individuals allegedly linked to gangs.**
- **Gang violence continued in Artibonite.**
- **Sexual violence**, including rape and sexual slavery, continued to be **used in gang-controlled areas as a weapon to spread fear and punish the population.**
- **The recruitment of children into gangs and their involvement in kidnapping, robbery and other criminal activities continues to be of concern.**
- **The Designated Expert on the human rights situation in Haiti** made his first official visit to the country. He called on the international community to support the transition to a strengthened system of governance and to deploy a specialized international force to reinforce the Haitian National Police.

## I. Armed violence

Between April and June 2023, the Human Rights Service (HRS) of the United Nations Integrated Office in Haiti (BINUH) documented more than 1,860 victims of killings, injuries, and kidnappings. Men accounted for 79% of the victims, women 19%, and children 2%. The number of incidents reported during the second quarter of 2023 represents an increase of almost 14% compared with the previous quarter (January – March 2023)<sup>1</sup>.

However, violence levels were not linear throughout the period under review. The highest number of incidents took place in April and May (48% and 34% of reported cases) (*See Table 1 in Annex*), driven by an increase in gang and “self-defense groups” activity<sup>2</sup>.

The West department continued to record the highest number of people killed, injured and kidnapped (82% of cases). The communes of Cité Soleil, Croix-des-Bouquets, Pétion Ville and Port-au-Prince were particularly affected. Violence also continued to spread in the Artibonite department (13% of cases), particularly in the communes of L’Estère, Liancourt and Petite Rivière de l’Artibonite.

### *Victims of killings and injuries*

In the metropolitan area of Port-au-Prince, gangs continued to target residents living in areas under rival gang control. For example, in Cité Soleil, at least 288 men, women and children were killed or injured<sup>3</sup> by sniper fire when they tried to access or exit their neighborhoods.

In late April, Canaan, Kraze Baryè and Village de Dieu gangs, all members of the G-Pèp coalition of gangs, coordinated simultaneous violent attacks

<sup>1</sup> Between January and March 2023, there were at least 1,634 victims of killings, injuries and kidnappings nationwide.

<sup>2</sup> Self-defense groups are made up of members of the community, municipal representatives and, in some cases, current or former police officers.

<sup>3</sup> 176 killed and 112 injured



against the populations of Source Matelas (Cabaret) and Meyotte (Pétion Ville) to create panic, but also to divert police anti-gang operations that had been underway in other neighborhoods. Some residents of these areas were shot in their homes and in the streets while trying to escape the violence. At least 31 others were targeted for allegedly belonging to a local “self-defense group” operating in the area of Source Matelas. The immediate deployment of police units allowed for the restoration of order in both areas.

Likewise, in late April, the killing of the Ti Makak gang leader in Laboule (Pétion Ville), by one of his associates, led to reprisals within the gang, as well as police operations and retaliation by the population. At least 109 gang members were killed in less than six days. Eight residents of Fermathe (Kenscoff) and Laboule, where the gang operated, were also targeted and killed on April 22 by the new gang leader who replaced Ti Makak.

In Artibonite, gangs and “self-defense groups” attacked communities under the influence of rival gangs, notably in the communes of L’Estère, Liancourt and Petite Rivière de l’Artibonite, killing and injuring at least 101 people.

The extreme level of violence reported in April, along with the Village de Dieu gang’s attempt to infiltrate the residential neighborhoods of Canapé Vert, Cité Gabriel, Croix-des-Près, Debussy and Turgeau, led to an unprecedented spike in mob lynchings as part of a “popular justice” movement known as “Bwa Kalé”, which means “eradicate” in Haitian Creole.

Between 24 April and 30 June 2023, at least 238 alleged gang members were killed by the population and “self-defense groups” taking part in this movement. Frustrated with the weakness of state institutions, residents armed with machetes, rocks and fuel cans brutally prevented gang members and anyone considered to be affiliated with gangs from

penetrating their neighborhoods. Some victims were stoned or mutilated. Others were burned alive in the streets while the police witnessed the scenes passively. Some of the victims were seized from police custody before being lynched. As of 30 June, although the number of killings had decreased, the movement was still ongoing.

While some killings appeared to be spontaneous, others were encouraged, supported, or facilitated by high-ranking police officers and gang members belonging to the G-9 and allies<sup>4</sup>. The movement was also incited by messages shared through radio programs and social media by public figures. On 1 May, in a statement aimed at appealing to order, Haiti’s Prime Minister Ariel Henry condemned the “mindless violence” and urged the population to “calm down”. Likewise, the spokesperson of the Haitian National Police (PNH) sent a message requesting the population to cease acts of lynching and have trust in the police.

“Popular justice” does not only violate human rights, but it also risks leading to a fragmentation of the capital into several small areas, hostile towards each other, with fault lines running between neighborhoods under the influence of different “self-defense groups”. Besides, given the dynamics of these structures, “self-defense groups” risk becoming new gangs. The social normalization of lynchings by the population also compromises the role of an already weakened police institution that doesn’t have the capacity to restore and maintain public order.

Between April and June, 13 police officers were killed as a result of gang-related violence, while at least 467 gang members were killed by lynching (238 individuals), in police operations (119), inter-gang violence (96), extrajudicial executions involving the Public Prosecutors of Les Cayes and

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<sup>4</sup> The “G9 en Famille et Alliés”, led by former police officer Jimmy Chérizier, alias “Barbecue”, is one of the two largest gang coalitions operating in the Port-au-Prince metropolitan area. The other is known as “G-Pèp”.



Miragoâne (7)<sup>5</sup>. Seven others were killed under yet undetermined circumstances (7)<sup>6</sup>.

### *Kidnappings*

At least 298 persons were kidnapped nationwide during the second quarter of 2023, representing a decrease of 24% compared to the previous quarter. While the areas affected by the “Bwa Kalé” movement, notably Pétion Ville and Port-au-Prince, saw a drop in kidnappings, other neighborhoods continued to be affected by this criminal practice. For example, in Tabarre, at least four people linked to the political, economic and journalistic elites were kidnapped in June. All were kidnapped inside or near their residences and business premises. The incidents occurred days after the gang leader controlling the area threatened to retaliate against his “political allies” for not having protected “his men” during police operations.

Forty-eight per cent of kidnappings took place in the Artibonite department, notably along the main roads of the L’Estère, Liancourt and Petite-Rivière-de-l’Artibonite. Most persons were kidnapped while traveling on common transportation vehicles. Some of the female victims were also raped during their captivity. Such was the case, on 15 May of 15 women who were kidnapped and raped in the area of Savien by members of the Gran Rif gang, when the victims were travelling to a market in Petite-Rivière-de-l’Artibonite.

### *Sexual violence*

Gangs continued to use sexual violence, notably collective rape and mutilation, to spread fear and punish populations under the control of rivals. In mid-April, during an attack carried out against the population of Brooklyn (Cité Soleil), at least 49 women were raped by G-9 and allied gangs in an area known as “Dèyè Mi” (“behind the wall”, in Haitian Creole) when trying to escape the armed violence. After being raped, seven of the victims were killed and their bodies dumped in an abandon site. In this zone, women and girls continued to be daily exposed to the risk of

being raped by gang elements when they tried to cross it to go to work or reach services.

While gangs use sexual violence as a weapon against populations living under the control of rival gangs, they also commit similar acts against women and girls living in neighborhoods under their influence. For example, on 25 May, two women in their twenties who cooked for gang members were collectively raped, and then burned alive, for allegedly having shared information on the gang with their relatives.

The HRS continued working closely with Haitian civil society organizations, international NGOs and UN agencies to refer survivors of sexual violence to available medical, psychological and socio-economic services. Unfortunately, these services are largely insufficient in the Port-au-Prince metropolitan area, and are almost non-existent in the Artibonite department, where gangs are increasingly resorting to this type of violence to terrorize the population, despite the authorities’ firm commitment to improving them.

### *Recruitment of children by gangs*

The recruitment of children into the rank of gangs remains of particular concern. In April, the HRS was able to interview boys associated with gangs. Aged between 15 and 17, they described in detail their daily lives within the gangs, including their involvement in monitoring the gangs’ operational environments, kidnappings and robberies (including how they shot people who refused to cooperate).

Some boys are forcibly recruited and threatened with reprisals against themselves or their families if they refuse to join the gangs. However, the lack of socio-economic prospects, access to a life perceived as more attractive (money and other material benefits) and difficulties in attending school (many schools have closed or limited their activities due to the violence) are the main reasons why children join gangs.

<sup>5</sup> The summonses issued by the Ministry of Justice and Public Security (MJSP) to the Public Prosecutors of Les Cayes and Miragoâne for the cases of extrajudicial executions attributed to them have always been ignored.

<sup>6</sup> These casualties are part of the total toll of 1,860 victims indicated in the first section, “Armed Violence”.



### *Socioeconomic impact*

In addition to the violations of the right to life and physical and mental integrity, gang violence continued to have a detrimental impact on economic, social and cultural rights.

Between April and June 2023, almost 100 residences were vandalized, looted and/or set on fire by gangs, “self-defense groups” or the police during anti-gang operations. Most incidents took place in the capital’s communes of Cabaret, Croix-des-Bouquets, Pétion Ville and Port-au-Prince, as well as in L’Estère and Petite Rivière de l’Artibonite (Artibonite department). In June, Savanne Pistache’s police station, in the Port-au-Prince commune, was riddled with bullets and a medical clinic was set on fire by gang elements. Access to healthcare services in Cité Soleil was severely limited when Doctors Without Borders’ hospital was forced to suspend all its emergency services on 19 April due to security risks linked to gang attacks. General healthcare services provided by the same hospital had been stopped as of 9 March 2023 for the same reason.

Gang violence continued to disrupt freedom of movement, limiting economic activities. At least 13 commercial trucks transporting fuel, food and other merchandise were hijacked in the communes of Croix-des-Bouquets and Port-au-Prince, and in the Artibonite department, during the period under consideration. Common transportation drivers and passengers were systematically intercepted and threatened by the gangs along the main arteries linking the capital with the southern and northern regions. Those who refused to stop or to pay “circulation taxes” were shot or burned alive inside the vehicles. In the bay of Port-au-Prince, gangs hijacked several commercial boats and barges. On 23 June alone, two commercial boats were attacked by Village de Dieu members – one was steered to Port Lafitou (Cabaret commune, north of the capital) and the other was intercepted while navigating between Mariani (south of Port-au-Prince) and Arcahaie (north of the capital).

## **II. Fight against impunity**

The justice system remained dysfunctional due to the persistence of longstanding challenges, notably corruption, political interference and recurrent strikes by judicial actors. However, positive steps were taken to fight against impunity, namely the certification of judges and the prosecution of high-ranking officials charged with serious criminal offenses.

### *Functioning of the judiciary*

On 1 and 17 June respectively, the Haitian Magistrates Collective (COMADH) and the National Association of Haitian Clerks (ANAGH) suspended their strikes, which had begun in early March 2023, indicating that the strikes would resume on August 1 if the Ministry of Justice and Public Security (MJSP) did not improve their working conditions.

In June, the Superior Council of the Judiciary (CSPJ) certified 70 magistrates from a list of 82 files submitted by the Technical Commission of Certification (CTC)<sup>7</sup>. The list included magistrates who had recently received their diplomas from the School of Magistrature, as well as sitting magistrates and one clerk. It must be noted that, in January 2023, the CSPJ had not certified 28 magistrates considered corrupt and/or lacking in moral integrity. Concerns persist about this process, due to the lack of a mechanism to appeal the CSPJ’s decisions. At least one of the magistrates affected by the CSPJ’s non-certification has filed an appeal before the Inter-American Court of Human Rights. As of June 30, many magistrates across the country had still not been certified, due to delays in the certification process.

### *Conditions of detention in Haitian prisons*

As of 30 June 2023, 11,810 persons were held in Haitian prisons in inhuman and degrading conditions, 85% of whom were on pre-trial detention. The cell occupancy rate was 331%. During the second quarter

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<sup>7</sup> The certification procedure for magistrates and public prosecutors, provided for the Law of 27 November 2007 but no operational until 2014, includes the verification of the integrity, skills and educational background of those wishing to become magistrates

by a commission of four representatives of the CSPJ and three representatives of the MJSP.



of 2023, 33 deaths of inmates were documented, most of them linked to malnutrition related diseases.

During the period under review, the HRS supported habeas corpus and special hearings which facilitated the release of 39 persons that had been detained for minor offenses in the prison of Cap Haitian. Some had been held for more than ten years. This figure is in addition to the 260 persons that were released in Cap Haitian, Petit Goâve and Port-au-Prince, through the same procedures, between October 2022 (when the HRS launched the strategy) and March 2023. Moreover, on 24 June Port-au-Prince Public Prosecutor ordered the release of two adults who were being held in police custody in the CERMICOL prison, as well as one boy who had been imprisoned in the same center for three years for the theft of a case of beer.

#### *Fight against corruption*

During the second quarter of 2023, Haitian judicial authorities made some progress in investigating and prosecuting corruption and other illicit activities involving former politicians and senior public officers.

On June 21, investigating judge Marthel Jean Claude concluded his investigation in the corruption case involving former Senate presidents Youri Latortue (and his mother), and Joseph Lambert, ordering their arrest and requesting the Port-au-Prince court of first instance to try them. Youri Latortue has been accused of embezzlement and corruption. Youri Latortue and his mother had appeared before the Port-au-Prince Court of First Instance on 4 May, after the investigation initiated by the Anti-Corruption Unit (*Unité de lutte contre la corruption*, ULCC) found sufficient evidence of their involvement in the acts. Joseph Lambert was charged, in connection with the same case, with obstruction of justice for refusing to hand over documents to ULCC investigators in charge of Latortue's case.

In addition, on April 25, the director of the Social Welfare Fund (*Caisse d'Assistance Sociale*, CAS) was arrested and detained a week after the chief accountant of the institution, in connection with a corruption case. Warrants have also been issued for the former director of CAS and the

current administrator. Warrants were also issued for the former director of CAS and the current administrator.

#### *Emblematic cases*

Regarding the US investigation into the assassination of President Jovenel Moïse, on 2 June Rodolphe Jaar was sentenced to life imprisonment by a Florida judge. He had been convicted in March 2023 for unlawful association to commit assassination or kidnapping abroad, as well as for providing material support resulting in death. Of the 11 people detained and charged in the United States for their involvement in the assassination of President Moïse, Jaar is the only one to have been found guilty so far. Investigations into the other ten suspects are being kept confidential. The trial date has been postponed to May 2024.

On 22 June, Martine Moïse, the widow of the late president, filed a lawsuit before a court in Florida against some of the persons already being investigated by the US authorities for their alleged involvement in the case. The names of those against whom the complaint was filed were not disclosed. Ms Moïse's lawyers requested that the defendants be tried before a jury, as well as damages for the late President's family.

As part of the Haitian investigation into the assassination of President Moïse, on 15 June entrepreneur Édouard Baussan appeared before investigating judge Walther Wesser Voltaire. On 1 and 5 June, former Senators for the Nippes and West departments, Nene Cassy and Antonio Chéramy, respectively, were also questioned for their alleged involvement in the case.

In the case of La Saline, on 23 June the former Director General of the Ministry of the Interior and Territorial Collectivities, Fednel Monchéry, was the subject of an arrest warrant issued by magistrate Jean Wilner Morin, after he failed to appear before court to answer charges brought against him. Accused of involvement in the La Saline massacre, former mayor of Port-au-Prince Joseph Pierre Richard Duplan was also called to appear before judge Morin on 26 June, but the hearing was postponed to July due to medical reasons affecting the defendant.



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

The HRS continued to support the General Inspectorate of the Haitian National Police (IGPNH) in investigating cases of human rights violations involving police officers. Between 1 April and 30 June 2023, 17 investigations were opened involving 19 police officers. During the same period, 15 investigations were concluded, resulting in three dismissals and 15 suspensions. Three out of the 15 cases investigated were sent to judicial authorities for criminal prosecution.

During the second quarter of 2023, the HRS documented extrajudicial executions, in several incidents, of at least 18 people by individuals wearing police uniforms in an abandoned plot of land in the commune of Tabarre. According to the HRS investigation, these masked individuals wearing police uniforms committed these acts of violence, usually in broad daylight and sometimes in front of residents, following a methodical and precise modus operandi, before burning and disfiguring the bodies to prevent their identification. The HRS referred this information to the police authorities and ensured that it was followed up.

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

In the second quarter of 2023, the HRS continued to support national state institutions and civil society organizations to enhance the protection of human rights across the country.

#### *Interministerial Committee for Human Rights*

On April 11, the HRS supported the Interministerial Committee for Human Rights (*Comité interministériel des droits de la personne*, CIDP) in organizing a working session on the process of reviewing and adapting the National Action Plan for Human Rights, a process that began in October 2022. This working session enable the CIDP to work on a matrix containing the recommendations addressed to Haiti by the member states of the Human Rights Council during its third cycle of Universal Periodic Review (UPR), on 31 February 2022.

From 22 to 25 May, members of the CIDP technical secretariat also benefited from a training workshop on the use of a database to monitor the implementation of UPR recommendations.

In June, the CIDP conducted an awareness-raising campaign on its mandate and role within the context of the UPR, in the Centre, Grand'Anse, Nippes, North, Nord-East and South departments. The campaign targeted over 180 people working for public institutions, civil society organizations and the press.

#### *Protection*

On 15 and 16 June, the HRS and the non-governmental organization GOAL concluded the project funded by the Central Emergency Response Fund (CERF), started in May 2022, on “Mechanisms for monitoring and protecting populations in gang-controlled neighborhoods”. The project allowed to reinforce the capacities of 79 civil society organizations and independent focal points to monitor and report on protection incidents in neighborhoods in the Port-au-Prince metropolitan area that are highly impacted by gang violence. Through this initiative, the HRS was able to identify and verify information on more than 2,000 incidents, and to refer them to UN agencies and other service providers.





### *Visit by the Designated Expert on the human rights situation in Haiti*

From 19 to 29 June, William O'Neill, the Designated Expert on the human rights situation in Haiti, made his first official visit to the country. Appointed on 12 April 2023 in accordance with UN Human Rights Council resolution A/HRC/RES/52/39<sup>8</sup>, Mr. O'Neill's mandate is to monitor the human rights situation in Haiti, and to provide advice and technical assistance to the Haitian government, national human rights institutions and civil society organizations in their efforts to respect, promote and protect human rights.

In an end-of-mission statement<sup>9</sup>, the Designated Expert encouraged the authorities to tackle the shortcomings and dysfunctions of the judicial system to combat corruption and impunity, clean up the civil service, promote accountability, and re-establish the presence of the State in marginalized areas, guaranteeing access to water, food, education and healthcare. He also called on the international community to support the transition to a strengthened governance system. Mr. O'Neill stressed the urgent need to deploy a specialized international force alongside the Haitian National Police, an essential step in restoring security and freedom of movement to the population, and to immediately implement the arms embargo established by the United Nations Security Council through resolution 2653 (2022)<sup>10</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 the Government of Haiti:* with the support of the International Community, restore social services and projects, particularly in areas under gang control.
- *To the Haitian Government:* with the support of the international community, strengthen the availability, accessibility and quality of medical and psychosocial care structures for survivors of sexual violence, and enhance the capacities of the police and the judicial system to combat impunity for sexual 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.

<sup>8</sup> A/HRC/RES/52/39, available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F52%2F39&Language=E&DeviceType=Desktop&LangRequested=False>, last visit: 30 August 2023

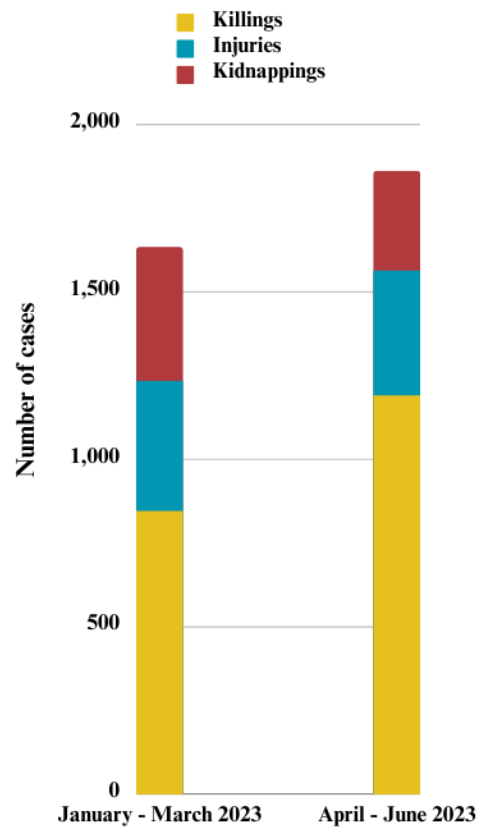
<sup>9</sup> OHCHR « Haiti: UN Expert William O'Neill concludes official visit », available in: <https://www.ohchr.org/en/statements/2023/06/haiti-un-expert-william-oneill-concludes-official-visit>, last visit: 29 August 2023

<sup>10</sup> S/RES/2645 (2022), available at : [https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2645\(2022\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2645(2022)&Language=E&DeviceType=Desktop&LangRequested=False) , last visit: 30 August 2023



## Annex – Tables

### Temporal Evolution of Gang-Related Incidents



### Communes Most Affected by Killings, Injuries and Kidnappings

