

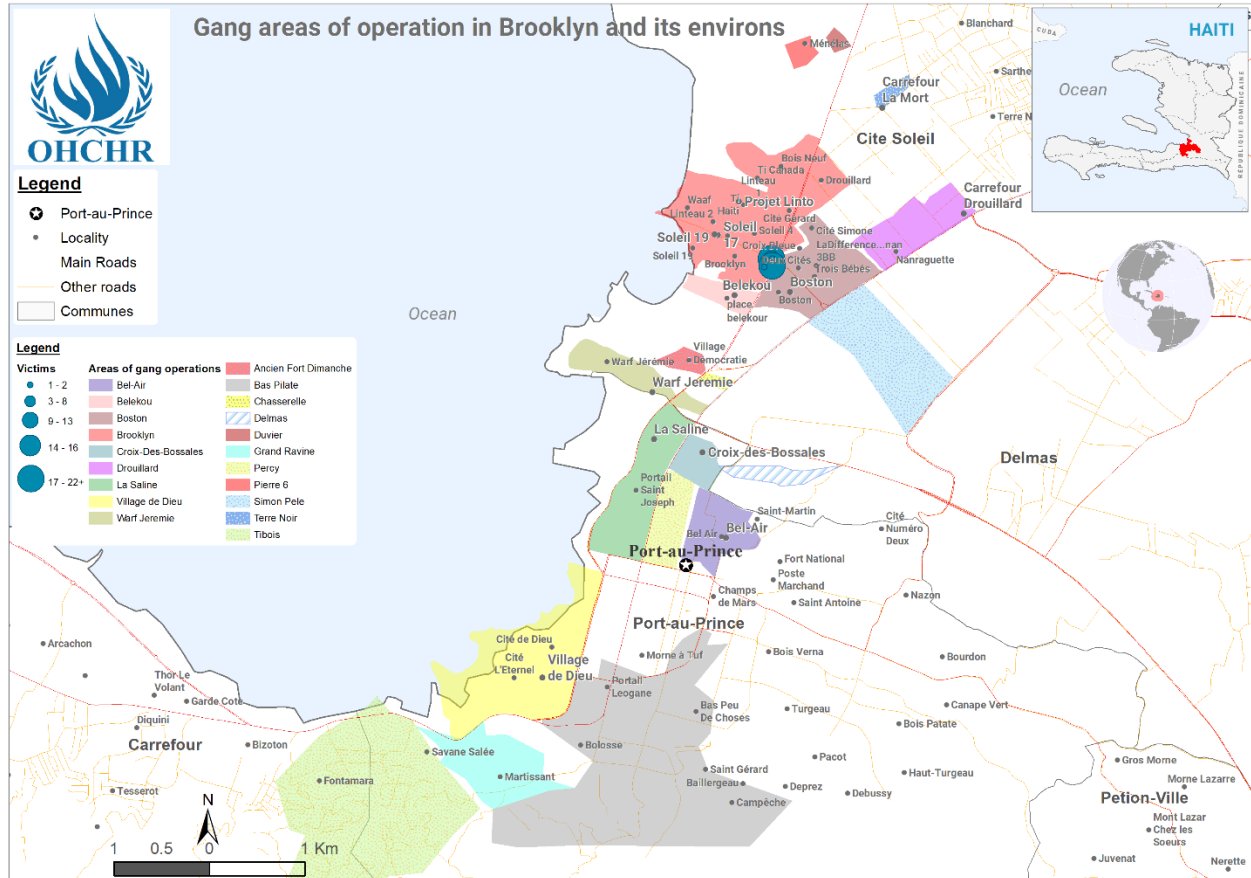
Human Rights Service

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Map of Cité Soleil



I. Executive summary

- 1- For more than six months, residents of several neighborhoods in the commune of Cité Soleil (in the metropolitan zone of Port-au-Prince) have been the victims of armed violence that has taken various forms: killing, injury, disappearance, sexual violence, restriction of movement, and destruction of property. Far from being random, this violence is caused by clashes between two gang coalitions and related to political, economic, and personal interests in subjugating the population and exercising territorial control over the commune.
- 2- Between 8 July and 31 December 2022, in the neighborhood of Brooklyn alone, which was particularly targeted by gangs during this period, at least 552 people were killed, injured, or reported missing (263 killed, 285 injured and four reported missing)¹. In addition, dozens of women and girls were collectively raped and hundreds of people displaced, some of whom saw their homes destroyed or looted.
- 3- During the first weeks of July, the Brooklyn neighborhood recorded intense attacks carried out by the gang "G-9 in Family and Allies" (hereafter, the G-9). The following weeks and months witnessed an almost permanent climate of terror due to the use of snipers that killed, at random, any person who passed in their field of vision.
- 4- At the same time, the G-9 used other tactics to restrict the movement of people and block access to basic goods, notably to food and water, but also to sanitation services, such as garbage collection. These tactics have further impoverished the local population and worsened an already extremely unsanitary environment, thus promoting the spread of infectious diseases. As such, cases of cholera were recorded in the Brooklyn neighborhood as early as the beginning of October. Health services had not previously documented any in the country since 2019.
- 5- In the face of this armed violence, the Haitian National Police (HNP) only intervened in a limited way to restore public order and protect the residents living in the neighborhoods of Cité Soleil. Without adequate human and material resources, the HNP is not able to eradicate the territorial expansion of gangs, hence the need for immediately strengthen the capacity of the Haitian National Police with coordinated international support, and urgently consider the deployment of a time-limited support force under conditions consistent with human rights, as well as a comprehensive and precise action plan.
- 6- While the judicial police were quick to open an investigation into the abuses committed against the populations, particularly those related to sexual violence, the judges of the Port-au-Prince jurisdiction, in which Cité Soleil is located, have not, as of the date of publication of this report, taken any procedural steps to arrest and try the alleged perpetrators.
- 7- State social services have also faced many challenges in responding quickly to the deteriorating humanitarian situation caused by the violence. Community associations and non-governmental organizations, already present in the affected neighborhoods of Cité Soleil, increased their operations as soon as security conditions allowed, despite their sometimes very small budgets. Similarly, the United Nations humanitarian agencies were able to organize one-off distributions beginning at the end of July, after gaining access to the affected neighborhoods of Brooklyn.
- 8- However, based on interviews conducted by the Human Rights Service (HRS) of the United Nations Integrated Office in Haiti (BINUH) with the actors concerned, it was established that some of the most vulnerable populations affected by the violence were not able to benefit from

¹ 466 men, 50 women, and 36 children

humanitarian aid, due in particular to the ambiguous role played by the social foundations present in Cité Soleil.

- 9- Strongly established in the neighborhoods of Cité Soleil for several years due to the absence of state services, these foundations, under the control of certain gangs, have been able to use some of this aid to force young men and women to join the ranks of these gangs. These foundations often leverage their social and charitable work to present themselves to the population as “benefactors.” Faced with this situation, some humanitarian actors have put in place various mechanisms to ensure that the aid is not capitalized by gangs and that it reaches the most vulnerable populations.
- 10- In an effort to provide appropriate solutions to the human rights abuses suffered by the populations of Cité Soleil, and particularly those of the Brooklyn neighborhood, BINUH and the Office of the United Nations High Commissioner for Human Rights (OHCHR) propose the following recommendations:

To the Haitian authorities:

- 10.1-Pursue an inclusive dialogue among all concerned Haitian actors in order to find a lasting solution to the multidimensional crisis that Haiti is undergoing, particularly through the organization of free and transparent elections so that democratic institutions are restored.
- 10.2-Provide the Haitian National Police (HNP) with the financial, material, and human resources necessary to conduct regular patrols and maintain a sustainable presence at strategic intersections in Cité Soleil to limit gang operations and reassure the population.
- 10.3-Support the Special Commission of the Central Directorate of the Judicial Police (DCPJ) to conclude, as soon as possible, its investigation into human rights abuses against local populations, as well as to identify and arrest the alleged perpetrators, including those who provided support to the gangs in the form of arms, ammunition, strategic advice, or other.
- 10.4-Take the necessary measures to establish a specialized judicial task force within the Haitian courts and tribunals, in collaboration with the Ministry of Justice and Public Security and the Superior Council of the Judiciary, in order to judge the perpetrators of the crimes committed in Cité Soleil, including those of sexual violence.
- 10.5-With the assistance of the countries in the region, support law enforcement authorities to combat the smuggling and uncontrolled flow of illicit arms and ammunition, as these are some of the main enablers of gang violence.
- 10.6-With the support of the United Nations, strengthen and accelerate efforts to implement Haiti’s National Action Plan to implement the CARICOM Roadmap for the Implementation of the Caribbean Priority Actions on the Illicit Proliferation of Firearms and Ammunition in the Caribbean by 2030.
- 10.7-Restore the establishment of social services and projects with the aim of allowing the population to become more self-reliant, and the displaced people of Cité Soleil to gradually return to their communities in the medium term. This will also gradually reinforce confidence in government services.
- 10.8-With the support of the United Nations and bilateral and multilateral donors, strengthen the availability, accessibility, and quality of medical and psychological care and social reintegration for survivors of violence, including gang-related sexual violence, particularly through increased and sustained funding and support to organizations that provide medical and psychological care to victims.

To humanitarian and development actors:

- 10.9-10.9- Continue efforts already underway to strengthen coordination mechanisms between national and international actors involved in the humanitarian response and the development sector to improve the impact of the assistance provided to victims of gang violence and to enable the population to become more self-reliant.
- 10.10- Continue efforts to bolster the capacity of service providers to strengthen the availability, accessibility, and quality of medical and psychosocial care facilities for survivors of sexual violence linked to gangs.
- 10.11- Continue efforts to strengthen coordination with humanitarian interventions and development programs for victims of sexual violence in gang-affected areas, with a view to providing holistic victim-centered responses encompassing medical and psychological support, legal and socio-economic services, and reintegration support.

To the international community:

- 10.12- Keep Haiti on the international agenda, immediately strengthen the capacity of the Haitian National Police with coordinated international support, and urgently consider the deployment of a time-limited support force under conditions consistent with human rights, as well as a comprehensive and precise action plan. This 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 system.
- 10.13- Continue to identify the political and economic actors involved in gang dynamics and effectively implement the sanctions already imposed.
- 10.14- Strengthen international cooperation to ensure increased border control to stop the illicit arms trade and trafficking.

II. Methodology

- 11- This report is submitted pursuant to the mandate of BINUH, established by Security Council Resolutions 2476 (2019), 2547 (2020), 2600 (2021), and 2645 (2022), to support the Government of Haiti in its efforts to address human rights violations and fulfill its international obligations.
- 12- BINUH's Human Rights Service (HRS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) conducted approximately 70 interviews with victims and witnesses of incidents that occurred from July 2022 onwards in Cité Soleil, as well as with service providers, community-based organizations, national and international nongovernmental organizations, and representatives of the Haitian state, in order to verify the human rights abuses documented in this report.
- 13- Interviews with victims and witnesses were conducted individually and confidentially so as not to compromise the safety of the interviewees. The names of victims were changed to preserve their identity and that of their families. Other details regarding the name, location, or any other

information that could lead to the identification of sources were also changed to protect the victims.

- 14- The allegations received were verified and corroborated by the testimony of independent and credible sources. The team used the "reasonable grounds to believe" criterion to establish the facts and the human rights violations and abuses.
- 15- Given the critical insecurity, but also the fuel shortages, the team deployed during the mission had limited access to certain locations and interlocutors. This posed a major challenge for gathering specific and detailed information on the extent of the issues detailed in this report.

III. Context

- 16- Cité Soleil is one of the poorest and most emblematic areas in Haiti. This city was created in the 1960s under the name "Cité Simone," in reference to the name of François Duvalier's wife. It developed rapidly with a wave of urbanization during the early 1980s, driven by workers coming from the provinces to work at subcontracting companies located in the area's industrial park.
- 17- Beginning in the 1990s, the residents of the commune became an important tool for some Haitian political and economic elites², leading to the deterioration of their living conditions. In the early 2000's, some gangs, known as "Chimères", whose members lived and operated in the different neighborhoods of the commune, appeared. Violence spread in various forms including killings, extortion, sexual violence and kidnappings. Starting in 2006, following the interventions of the United Nations Stabilization Mission in Haiti (MINUSTAH) in support of the Haitian police, some of the most notorious gang members were neutralized and their criminal activities diminished.
- 18- However, the root causes of the emergence of these gangs, including socio-economic discrimination, were not fundamentally addressed. In some of the neighborhoods of Cité Soleil, social services, including health and education, as well as access to potable water and electricity, were already almost non-existent. In this context, the influence of gangs continued to spread throughout the neighborhoods. Moreover, in the absence of public and social services, their members gradually became involved in the distribution of humanitarian aid and socio-cultural activities through the creation of foundations that became essential intermediaries, and even partners, of political and economic actors outside the neighborhoods.
- 19- Beginning in 2018, in the context of a pre-election period for the renewal of members of Parliament and of anti-government demonstrations and protests, gang violence resurfaced in Cité Soleil and has continued to escalate since then, with numerous waves of human rights abuses.
- 20- It is important to emphasize, however, that this violence and these abuses are not committed randomly but are motivated by the interest of political actors in controlling territories.
- 21- At the beginning of 2020, a new configuration of gang alliances emerged with the rise of a coalition of gangs known as the "G-9 family and allies", originating from areas surrounding Cité Soleil (notably Bas Delmas and La Saline). Gangs operating in the neighborhoods of Belekou and Boston joined the G-9, unlike the Brooklyn gang, which formed a rival coalition, called G-Pèp, together with groups active in other areas of the capital such as Haut Bel-Air.

² It should be noted that the commune of Cité Soleil is the largest electoral district in the West Department.

- 22- Since then, the G-9 has regularly carried out violent acts to take control of neighborhoods under the influence of the Brooklyn gang and its allies, both to strengthen the electoral bases of its potential sponsors (among others, potential candidates for presidential, legislative, and communal elections) and to increase its illegal revenues. For example, according to information received by national human rights organizations³, and corroborated by the HRS, between 1 June and 28 July 2020, at least 111 people were killed, and 20 others injured, primarily in the Brooklyn area, by gang members generally associated with the G-9.

IV. Gangs involved in human rights abuses

- 23- The gangs' modus operandi described in this report are not new. Reports from human rights organizations identifying similar tactics date back to early 2020⁴.
- 24- However, beginning in July 2022, the attacks intensified, resulting in an increase in the number of persons killed and injured. In addition, the more frequent and extensive blockage of Brooklyn's entry and exit routes, which had begun in May 2020 with the creation of the G-9 coalition, resulted in the deterioration of the health environment that may partially explain the resurgence of cholera cases.

IV.1. Identification of gangs and the role of coalitions

- 25- The investigation conducted by the Human Rights Service found that at least eight gangs were involved in the armed violence that affected Cité Soleil. Five belong to the coalition of gangs known as “G-9 in Family and Allies” while the other three are affiliated with the coalition known as “G-Pèp”. Each of these gangs is headed by a known leader.

Gangs associated with the G-9

Gangs associated with G-Pèp

3 Réseau National de Défense des Droits de l'Homme (RNDDH) (August 2020). « Assassinats, Embuscades, Prises d'otages, Viols, Incendies, Raids : Les autorités au pouvoir ont installé la terreur à Cité Soleil », available at: <https://web.rn-ddh.org/assassinats-embuscades-prises-dotages-viols-incendies-raids-les-autorites-au-pouvoir-ont-installe-la-terreur-a-cite-soleil/> (last visited : 30 December 2022).

4 Ibis. For more details on the gang clashes in Cité Soleil see: Fabien, J. (no date). “Cité Soleil, veut-elle réellement en finir avec les violences armées ?”, available at: https://www.academia.edu/34509678/CIT%C3%89_SOLEIL_VEUT_ELLE_R%C3%89ELLEMENT_EN_FINIR_AVEC_LES_VIOLENCES_ARM%C3%89ES (last visited: 30 December 2022); Fondasyon Je Klere (FJKL) (22 June 2020). “Terreur dans les quartiers populaires / Pont Rouge au cœur d'une stratégie électorale macabre: La Fondasyon Je Klere (FJKL) tire la sonnette d'alarme,” available at: https://www.fjkl.org.ht/images/doc/FJKL_Situation_de_terreur_au_pont_rouge.pdf (last visited: 20 December 2022); HaitiInfosPro (26 August 2020). “Cité Soleil: Terrifiée par la violence des gangs, la population appelle au secours !” available at: <https://haitiinfospro.com/cite-soleil-terrifiee-par-la-violence-des-gangs-la-population-appelle-au-secours/> (last visited: 20 December 2022); and Doctors without Borders (13 July 2021). “Haiti: Maintaining health care amid extreme violence and uncertainty,” available at: <https://www.doctorswithoutborders.org/latest/haiti-maintaining-health-care-amid-extreme-violence-and-uncertainty> (last visited: 20 December 2022).

IV.2. Modus operandi of gangs

- 26- On 6 July 2022, the leader of the G-9 coalition announced on social networks that he was going to carry out large-scale attacks against the gang known as “Brooklyn”, based in the Brooklyn neighborhood, because of its alleged links with the “400 Mawozo”⁵ gang, and thus take control of this neighborhood.
- 27- In order to achieve this objective, on 8 July, very early in the morning, the G-9 coalition conducted almost simultaneous operations in the north, east, and south of the Brooklyn neighborhood from the adjacent areas of Belekou, Boston, and Drouillard.
- 28- Several tactics were employed to conduct these attacks. First, the G-9 positioned snipers on the roofs of elevated buildings near the Brooklyn neighborhood to target members of the rival group, but also anyone circulating on the streets. Next, the G-9 used a tractor excavator⁶ to demolish dozens of homes along the “front line” with the Belekou area, as well as low walls made of sandbags, which were constructed to protect the entrances to Brooklyn and are commonly referred to as “VAR”⁷. The tractor also allowed G-9 members to make their way through the piles of garbage covering the streets in the Brooklyn area.
- 29- Upon entering the Brooklyn neighborhood, G-9 gang members advanced on foot, alley by alley, targeting the local population. The Brooklyn gang members then returned fire and intense gunfire ensued.
- 30- This confrontation, interspersed with periods of calm, lasted for over a week. During this period, the Brooklyn gang leader solicited the support of the Village de Dieu gang members. The latter responded, using motorboats to reach the Warf in Cité Soleil⁸ and to attack the G-9 members from the sea. Caught in the crossfire, the G-9 members were unable to make further progress in the Brooklyn neighborhood and retreated.
- 31- The Village de Dieu gang's support for the Brooklyn gang, in the form of food, weapons, ammunition, and men, continued throughout the following months. By the end of December 2022, additional armed gang members allied with the Brooklyn gang (whose members belonged to the Village de Dieu gang) were circulating in the Brooklyn neighborhood.
- 32- Other groups in the G-Pèp coalition, in particular the “400 Mawozo” gang, based in Croix-des-Bouquets, attempted to support the Brooklyn gang during the month of July. However, they were stopped in the Croix-des-Missions neighborhood (commune of Tabarre) by the group called “Chen Mechan,” also associated with the G-9.

5 The “400 Mawozo” group is an extremely violent gang operating in the commune of Croix-des-Bouquets (metropolitan area of Port-au-Prince). For more details, see: United Nations Integrated Office in Haiti (BINUH) (1 August 2022). “Investigation of the clashes in Cité-Soleil, Croix-des-Bouquets and Tabarre. April - May 2022,” available at:

https://binuh.unmissions.org/sites/default/files/rapport_denquete_sur_les_affrontements_de_croix-des-bouquets.pdf (last visited: December 30, 2022)

6 This tractor had been stolen a few days earlier from the Centre National des Équipements (CNE).

7 “VAR”, a term used in the soccer world to refer to technology that allows referees to observe the field and players' movements more accurately, is used in this context to describe fortifications built by gangs with sandbags or concrete. These fortifications, which are intended for protection, facilitating a view of opponents, and providing attack positions, are often installed on top of buildings, including schools.

8 The Warf of Cité Soleil is located on the seafront, opposite Belekou and Brooklyn.

- 33- After the period of intense confrontation in July, G-9 gang members reverted to their initial positions and intensified the blockade of major access routes into Brooklyn. Their tactic was, on the one hand, to restrict the entry and exit of people living in the neighborhood and, on the other, to prevent the provision of basic services, such as water and garbage collection⁹. This contributed to creating an unsanitary environment conducive to the spread of disease which forced some people to flee.
- 34- In this context, Brooklyn gang members also committed human rights abuses and attempted to prevent residents from leaving their area, particularly young men (*see section 5.1*).

IV.3. Weapons used

- 35- Several witnesses reported that during the clashes the gangs used M16, M14, M4, Galil, T65, Negev and Kalashnikov assault rifles, as well as 9mm revolvers and Glock handguns. According to local medical sources and the HNP, this was confirmed by the types of injuries presented by the victims. Some G-9 members also had precision rifles with sighting aids, particularly those positioned on the roofs of buildings. In a country that does not produce arms and ammunition, access to these weapons comes from illegal international trafficking.



- 36- In addition to small arms, gang members carried gasoline cans and Molotov cocktails, used to set fire to residents' homes. Local sources also informed the HRS that on 10 July, members of the Belekou gang distributed machetes to the relatives of those killed by the rival G-Pèp gang, calling on them to take revenge and participate in the attacks. However, these machetes were not used in the attacks.

⁹ Office of the United Nations High Commissioner for Human Rights (OHCHR) (7 July 2022). « Haiti: UN experts alarmed by extreme environmental injustice in Cité Soleil », available at: <https://www.ohchr.org/en/press-releases/2022/07/haiti-un-experts-alarmed-extreme-environmental-injustice-cite-soleil> (last visited: 27 January 2023)

V. Abuses committed against the population

- 37- Between July and December 2022, at least 552 people were killed, injured, or reported missing in the Brooklyn neighborhood. In addition, there were at least 57 cases of collective rape of women and girls.
- 38- While the first weeks of July saw intense clashes, the following weeks and months were marked by an almost permanent climate of terror due to the use of snipers, who killed, at random, anyone who passed within their field of vision.

V.1. *Targeted shootings and executions against residents by the G-9*

- 39- During the course of its investigation, the HRS team determined that the residents of Brooklyn were targeted by G-9 members simply because they lived in an area under the control of a rival gang, in this case the Brooklyn gang, which is part of the G-Pèp coalition. This targeting of the local population has now become a major characteristic of the modus operandi of many gangs operating in the metropolitan area of Port-au-Prince.
- 40- Beginning on 8 July, the first day of the clashes, Belekou's G-9 gang members, armed with sniper rifles, positioned themselves in broad daylight on the roofs of elevated buildings, such as schools, in areas under their control, to fire at the homes and residents of Brooklyn. This tactic continued throughout the following months.
- 41- Between August and December, an average of six people were killed or wounded by these snipers each week, particularly on the two small wooden bridges, called "Ti Zile" and "Sun 4," that serve as the residents' only way to exit Brooklyn. Disaggregation by gender and age of the victims shows that the snipers fired indiscriminately at men, women, and children. For example, at least 17 women and children, the youngest just 8 years of age, were targeted while on their way to fetch water in the Bois Neuf area or to attend outdoor sports activities.
- 42- Along with sniper fire, G-9 gang members also conducted operations in the heart of the neighborhood of Brooklyn.
- 43- On the morning of 8 July, several dozen members of the G-9 entered on foot the sectors of "Sous Terre" and "Soleil 9", which border the neighborhood of Belekou. Walking through the corridors between houses and makeshift shelters, they first shot on sight at any individual they encountered. They then entered houses at random and executed the people inside. According to the HRS' investigations, at least 95 people were killed in this way. Among the victims were six children, the youngest of whom was barely two years old. This type of violence occurred periodically until mid-July when the G-9 were pushed out of Brooklyn.
- 44- From that point on, G-9 members retreated to the outskirts of Brooklyn and increased their control over the roads leading into the neighborhood. Stationed at checkpoints or hidden in abandoned houses, they intercepted and executed people trying to flee the clashes, especially men.
- 45- More than 40 people were killed and their bodies burned at these checkpoints, while at least four people were taken to remote locations and have not been heard from since.

V.2. *Executions by the Brooklyn gang against “its own” population*

- 46- Information gathered by the HRS team indicates that the G-9 was not the only gang to commit abuses against the residents of Brooklyn. Brooklyn gang members also committed abuses against “their own” community.
- 47- At least 19 residents were executed by the gang leader on suspicion of belonging to rival gangs, or after being accused of committing abuses against the local population. Others were killed for directly or indirectly challenging his authority. For example, in late October 2022, three young men who were in a hospital courtyard in Brooklyn were shot and killed by the Brooklyn gang leader because they had been discussing the possibility of a military intervention to reduce gang-related insecurity and restore order in the capital.

V.3. *Rape and other forms of sexual violence*

- 48- According to multiple sources, gangs have continued to use sexual violence as a weapon to terrorize and punish women and girls living in the neighborhood of Brooklyn¹⁰.
- 49- Between 8 and 13 July 2022, the HRS identified at least 57 women and girls who were collectively raped by G-9 members in their homes or on the streets while trying to flee the attacks. These acts were often committed in the presence of their children and other family members.
- 50- Several victims¹¹ also told the HRS that G-9 members had insulted them and swore “to rape and punish all the women of ‘Ti-Gabriel,’” indicating their willingness to target and punish women simply because they lived in a neighborhood under the control of their opponent.
- 51- The use of rape by the G-9 continued on a regular basis between August and December, particularly when women and girls attempted to cross an area known as “dèyè mi” (“behind the wall” in Creole), which serves as a separation between areas controlled by rival gangs.
- 52- Armed members of the Brooklyn gang also used sexual violence to exploit young women and girls living in their neighborhood. Some of them were held and sexually abused for several weeks because they refused to enter into a relationship with these members.
- 53- The HRS’ investigation found that very few victims of sexual violence had sought medical attention, for several reasons. Some were stranded in the neighborhood of Brooklyn for days because of the armed clashes. Others said they could not afford transportation to a health center.
- 54- These victims also expressed a fear of being stigmatized by their families and communities for the abuse they suffered, which prevented them from talking about the incidents, even with their loved

10 In October 2022, BINUH and OHCHR released a joint report that identified the use of rape, including collective rape, and other forms of sexual violence, by gangs to spread fear, punish, subjugate, and inflict suffering on local populations with the ultimate goal of expanding their areas of influence throughout the metropolitan area of Port-au-Prince. The report also identifies challenges in the areas of prevention of this violence and protection of victims, and offers a series of recommendations addressed to state authorities, civil society organizations, and the international community to strengthen the response to sexual violence. For more information, see: “Sexual Violence in Port-au-Prince. A weapon used by gangs to spread fear,” available at: https://binuh.unmissions.org/sites/default/files/2022.10.013- report_on_sexual_violence_en.pdf (last visit: 3 February 2023)

11 The term “victim” is used in this report because it refers to a person's legal status, but OHCHR recognizes and acknowledges that each person who has experienced sexual violence may have different views on how they prefer to be referred to, and some may prefer to be called “survivors.”

ones. The lack of medical and psychological services in the areas affected by the violence may also explain why very few victims dared to report the incidents. In addition, most victims explained that they feared reprisals if they spoke to the police, or that they distrusted the judicial system.

V.4. *Destruction of property and forced displacement*

- 55- In addition to direct physical harm, G-9 members destroyed the homes and property of people living in several zones of Brooklyn to force them to abandon the area.
- 56- One of the first acts of the G-9 was the demolition of the wall of a disused factory, known as the “muraille”, separating the area of Brooklyn from that of Belekou. To this end, its members stole an excavator belonging to the National Equipment Center (*Centre National des Equipements, CNE*) which was in the Belekou area to clean the sewage canals¹². In possession of this machine, the gang members demolished more than forty houses located in the sectors of “Sous Terre” and “Soleil 9” (neighborhood of Brooklyn).
- 57- In these same areas, several witnesses also reported that armed members of G-9, on foot, used gasoline cans and Molotov cocktails to set fire to at least 100 houses and two schools, as well as a health center. During the fires, more than five elderly people or persons living with disabilities died from suffocation, unable to escape.
- 58- According to the people whose homes were destroyed, the intention of the G-9 was to force them to leave the area where they lived and, above all, to prevent them from returning to live there after the clashes.
- 59- According to the United Nations, between July and December, nearly 1,300 people were forced to leave the neighborhood of Brooklyn and seek refuge in other areas of the capital with host families or in temporary sites.
- 60- Some of these sites, set up in schools or religious establishments, hosted hundreds of unaccompanied children and women for over eight weeks with the support of humanitarian actors.
- 61- Among the shelter sites was the “Hugo Chávez” square in Tabarre, a commune bordering Cité Soleil. Located near Port-au-Prince international airport, this open-air site housed up to 3,000 displaced persons in extremely precarious conditions¹³. During a visit to the site on 22 July 2022, the HRS documented a lack of shelters, blankets, mattresses, toilets, and showers, as well as limited access to water, food, and health services. Many other human rights abuses were documented, including sexual violence against women and girls.
- 62- On 17 November, the authorities announced the decision to grant, to the internally displaced persons of the site “Hugo Chávez”, a cash compensation to encourage them to leave the site and return to their neighborhoods of origin. However, according to information gathered and verified by the HRS, only half of the families concerned received the promised sum of money, as the authorities did not have sufficient means to cover the needs of all the displaced people who had

12 According to local press reports, on 11 July, the National Equipment Center (CNE) informed the Central Directorate of the Judicial Police (DCPJ) that a Caterpillar loader, coded 410, was stolen from its equipment fleet by heavily armed individuals on Friday, 8 July 2022. Juno 7 (19 July 2022). “Haiti: The War in Cite Soleil, a Strategy to Control the Upcoming Elections According to the ACHR”, available at: <https://www.juno7.ht/haiti-la-guerre-de-cite-soleil-une-strategie-pour-con/> (last visited: 30 December 2022)

13 According to data collected by the International Organization for Migration (IOM), as of early December 2023, there was a total of 50 sites in the Port-au-Prince metropolitan area housing at least 39,492 displaced persons.

taken refuge in the “Hugo Chávez” square. The rest of the displaced were forced to leave the site and take refuge in the neighborhoods around the square, sometimes sleeping on the sidewalks.

V.5. *Blockage of access routes to worsen the humanitarian and health crisis*

63- The G-9 intentionally blocked or limited the supply of food and drinking water to Brooklyn by state services and private actors, as well as access to essential services. This contributed to increased health vulnerability and food insecurity for residents. The goal of this strategy was to put the population under siege.

Blockage of access to food

64- Because of Brooklyn's geographic location, access to food for the neighborhood's residents is necessarily via roads that pass through G-9-controlled areas. In practice, there are two options. The first is to buy food directly from local markets outside of the neighborhood of Brooklyn, such as the one in Croix-des-Bossales. The second option is to purchase food from small businesses or street vendors in Brooklyn whose produce is delivered from downtown Port-au-Prince.

65- As noted above, G-9 members strategically positioned themselves on the main routes into Brooklyn and prevented residents and merchants, as well as vehicles carrying foodstuffs, from freely entering and exiting the neighborhood.

66- This tactic exacerbated the precariousness of already extremely poor populations. In Brooklyn, a majority of households earn income through small businesses. These households were particularly affected by the armed violence through the loss and destruction of their goods and their inability to move freely. Since then, these households have been unable to provide for the immediate needs of their families and survive on food aid.

67- According to a report from the World Food Programme (WFP), published in September, Brooklyn residents were more affected than other neighborhoods in Cité Soleil by food insecurity due to violence during the months of July and August¹⁴.

68- In this context, where several neighborhoods in Cité Soleil face a “catastrophic” level of food insecurity (IPC5)¹⁵, the intervention of humanitarian agencies helped to reduce the vulnerability of certain sectors of the population.

69- At the same time, however, and according to in-depth interviews conducted by the HRS, gang leaders, through their foundations, were able to use some of the aid to support their members and strengthen their control over residents. In particular, the HRS gathered information indicating that this aid was used by gang members to force women and young men to join their ranks.

14 World Food Programme (WFP). "Rapid Assessment Report - Cité Soleil (Belecourt, Boston and Brooklyn). This report indicates that households in Brooklyn and Belekou are facing serious food access problems. Across the two neighborhoods, nearly 64% reported regularly going without food due to lack of food in the household. This situation is much more pronounced in Brooklyn, nearly twice as much as in Belecourt (84% vs. 44%). Under normal circumstances, households eat two meals a day, which was reduced to one meal during the evaluation.

15 The Integrated Food Security Phase Classification (IPC) is a set of analytical tools and processes for classifying the severity of acute food insecurity into five phases: minimal (IPC1), under pressure (IPC2), crisis (IPC3), emergency (IPC4) and famine (IPC5). For more information, see:

"Integrated Food Security Classification Framework," available at: https://www.ipcinfo.org/fileadmin/templates/ipcinfo/Docs/IPC_Facsheet_FR.pdf (last visited: 27 January 2023)

70- It should be noted that humanitarian actors working in Cité Soleil have put in place various risk management mechanisms during the distribution of humanitarian aid to ensure that the food is not capitalized by gangs and that it reaches the most vulnerable populations.

Blockage of access to drinking water

71- Gang operations significantly degraded the health environment in the neighborhoods of Cité Soleil, particularly in the Brooklyn neighborhood. This has facilitated the transmission of genito-urinary and dermatological infections such as scabies, especially among children and women¹⁶. Beginning on 1 October, Cité Soleil also recorded new cases of cholera. Previously, the last case of cholera was reported on 15 February, 2019¹⁷. According to several public health experts, the two main factors of this resurgence of cholera are the restrictions of the supply of drinking water imposed by the G-9 coalition and the possible presence of the cholera bacteria (*Vibrio Cholerae*) in the environment¹⁸.

72- Beginning in 2020, G-9 members intentionally damaged the water pipes of the National Drinking Water and Sanitation Authority (DINEPA) that supplied water to the Brooklyn neighborhood from the reservoir located in the Boston neighborhood. Since then, the only way for residents to get drinking water is to buy water delivered by tanker trucks.

73- A few days before the attacks of July began, G-9 members went to the Drouillard area (commune of Cité Soleil) where drivers fill their water trucks with water and threatened them with death if they went to Brooklyn. Following these threats, no driver dared to deliver water to the neighborhood. Residents were forced either to consume wastewater, which was a vector for the spread of infection, or to walk more than two kilometers to get water from the Bois Neuf area, at the risk of being targeted by snipers.

74- Beginning in late July, the intervention of humanitarian actors led to an increase in the delivery of water by truck in several areas under G-9 control. On average, 15 truckloads of water were delivered daily by the DINEPA with UN support in these areas. However, the G-9 continued to prevent trucks from delivering drinking water in Brooklyn. The G-9 also prevented the cleaning of canals where garbage and sewage had accumulated.

75- On 1 October, the first cases of cholera were recorded in the Brooklyn neighborhood. The G-9 did not allow the timely delivery of drinking water to Brooklyn until mid-December.

Blockage of access to healthcare

76- Armed violence severely hampered residents' access to health services and medical care. Clashes between gangs hindered the supply of medical inputs and the movement of health personnel to their health institutions, seriously affecting the functioning of the few health centers and hospitals still open in the commune of Cité Soleil. G-9 members also prevented injured people or injured members of the Brooklyn gang from leaving the area to receive treatment.

16 According to a confidential source interviewed by the Human Rights Department in September 2022, as of August 2022, at least 80 percent of children seen by a doctor had a parasitic disease and 80 percent of women were affected by a genito-urinary infection.

17 According to data provided by the Directorate of Epidemiology, Laboratories and Research (DELR) of the Ministry of Public Health and Population (MSPP), as of 30 December 2023, there were a total of 1,165 laboratory-confirmed cholera cases and 14,544 suspected cases.

18 Other factors include decades of underfunding by the authorities of DINEPA's drinking water supply infrastructure in the commune of Cité Soleil.

- 77- By way of illustration, in July, the HRS documented a few incidents in which ambulances were attacked while attempting to enter the Brooklyn neighborhood or were stopped at checkpoints erected by armed gang members. During this period, at least 20 people, including several women and children, died from gunshot wounds because they were not transferred out of Brooklyn in time to receive medical attention.
- 78- After the month of July, difficulties in accessing operational medical centers continued. Only one health center, the St. Mary's clinic, was able to provide basic healthcare in Brooklyn.
- 79- Residents informed the HRS of their fear of visiting medical centers that are in areas under the control of rival gangs, such as St. Catherine's Hospital (Boston neighborhood). They also risk being targeted by snipers if, in their effort to reach these medical centers, they use the bridges where the latter focus their fire. The decrease in income due to the security situation is also a major obstacle for many families who cannot afford health care or medication.

VI. Responses from the authorities

VI.1. *Police response*

Police operations

- 80- In general, the police response to the abuses committed against the residents of the Brooklyn area was extremely limited. Due to insufficient HNP material and personnel resources, the first police intervention did not take place until the evening of 9 July, even though the attacks had begun on the morning of 8 July. During this intervention, officers from the HNP's Mobile Intervention Brigade (BIM) set up one of their armored vehicles at a strategic intersection, on one of the main access roads leading to the Brooklyn neighborhood, known as "Carrefour la mort." This deployment had the effect of reducing attacks by G-9 gang members and allowing day laborers who were working outside of Brooklyn to return home to their loved ones.
- 81- However, the BIM position remained for only one night. By 10 July, police were obliged to move their forces to the Varreux fuel terminal, located 1.5 kilometers from Cité Soleil, as the G-9 began to threaten gasoline transporters leaving the terminal. Nevertheless, despite this initial redeployment, operational weaknesses and insufficient police resources only allowed the terminal to be protected for a short time.
- 82- Access to the terminal was blocked by the G-9 from mid-September until early November. This situation contributed to worsening the humanitarian crisis that was already affecting many areas of the country, including Cité Soleil.
- 83- No other police intervention took place in the commune of Cité Soleil between July 9 and the end of December, which allowed the armed gangs to continue their abuses against the local population¹⁹.

¹⁹ Although the investigations conducted by BINUH indicate that no police intervention took place in Cité Soleil during the period mentioned, the Government of Haiti wanted to clarify that, according to representatives of the administrative police, preventive actions were taken in the area of Varreux in order to protect the population that was fleeing the area and to prevent gangs from gaining ground. In addition, armored vehicles were also placed on the airport road, in the Drouillard area, and in Varreux.

- 84- Without adequate human and material resources, the HNP is not able to eradicate the expansion of gangs, hence the need for immediately strengthen the capacity of the Haitian National Police with coordinated international support, and urgently consider the deployment of a time-limited support force under conditions consistent with human rights, as well as a comprehensive and precise action plan.
- 85- It is important that consideration be given to strengthening the capacity of the police to effectively address the challenges posed by the gangs that continue to spread throughout the capital and other parts of the country. In this regard, there is a need to increase the number of police officers, provide them with specialized training, and provide the necessary equipment to better protect people living in gang-controlled areas.

Investigations by the Central Directorate of the Judicial Police

- 86- The Cité Soleil police station has not been operational since June 2021, following its occupation by members of the Brooklyn gang. Since then, it has been extremely difficult for residents to file complaints against the abuses they have suffered.
- 87- In response to this situation, the Central Directorate of the Judicial Police (DCPJ) expanded the jurisdiction of a special commission of inquiry that had been established following the clashes in Croix-des-Bouquets in April and May 2022²⁰. Very quickly, this commission proceeded with hearings of more than forty victims of abuse, including sexual violence. However, its work was suspended for several weeks due to the massive protests that took place across the country between September and October 2022²¹. As of December 31, DCPJ officers had not concluded their investigation.

VI.2. Judicial response

- 88- As was the case after the human rights abuses committed in Croix-des-Bouquets, no action has been initiated by the Public Prosecutor's Office and the Justices of the Peace of the Port-au-Prince jurisdiction. Even though the Peace Court of Cité Soleil has been closed due to insecurity since July 2020 and the functioning of the Port-au-Prince Public Prosecutor's Office has been hampered since the attack on the courthouse in June 2022²², it is difficult to understand why the Port-au-Prince judicial authorities have not initiated any preliminary investigation (visits to the scene of the abuses to document the crimes, hearings of potential witnesses) to initiate legal proceedings against the alleged perpetrators of the abuses. Nevertheless, after the attacks in June 2022, the Public Prosecutor's Office of the First Instance Court of Port-au-Prince was relocated and operates in part of the premises housing the Special Labor Court in Lalue (Port-au-Prince).

20 This commission is composed of eight investigators from the Bureau of Criminal Affairs (BAC), including three from the Sexual Crimes Unit (ULCS), three from the Homicide Bureau, and two from the Property Crimes Unit (CCB). United Nations Integrated Office in Haiti (UNIHRO) (1 August 2022). « Enquête sur les affrontements de Cité-Soleil, Croix-des-Bouquets et Tabarre. Avril – Mai 2022, available at: https://binuh.unmissions.org/sites/default/files/rapport_denquete_sur_les_affrontements_de_croix-des-bouquets.pdf (last visited: 30 December 2022)

21 Between September and October 2022, thousands of people took to the streets of the country's main cities to protest insecurity and certain government policies. These demonstrations, accompanied by acts of looting and road blockades by the protesters, plunged the country into chaos by paralyzing all public and private services.

VI.3. *Humanitarian response*

- 89- In July, with the support of the Economic and Social Assistance Fund (FAES), the Cité Soleil Municipality was able to distribute at least 1,350 food kits to the populations of the Brooklyn, Belekou, and Boston neighborhoods.
- 90- These efforts were complemented by humanitarian actors who, between July and December 2022, distributed over 1,200 metric tons of food, 238,000 hot meals to populations displaced by the violence, and non-food items. In addition, assistance was provided to at least 33,000 displaced persons in temporary sites outside of Cité Soleil. Of these, at least 1,078 people also received relocation support outside of Cité Soleil, including 73 female victims of sexual violence living in Cité Soleil, along with their families.
- 91- Following the documentation of cases of sexual violence perpetrated by gang members during the July 2022 clashes, the HRS team, in coordination with national human rights organizations, as well as the United Nations Population Fund (UNFPA) and International Organization for Migration (IOM), implemented an immediate response to facilitate medical, psychological, and economic assistance to all identified victims. In addition, at least 540 women and girls displaced from Brooklyn, including pregnant and breastfeeding women, received comprehensive health kits, and more than 150 women were relocated to a safe place.

VII. **Conclusion**

- 92- The daily lives of Brooklyn residents are similar to those of hundreds of thousands of Haitians living in areas under the control of heavily armed gangs. In addition to indiscriminate shootings, executions, and rapes, they are no longer able to meet basic needs such as access to clean water, education, and food. Their unsanitary environment has become unbearable. Cholera and other infectious diseases have re-emerged and/or are spreading rapidly throughout the capital.
- 93- Faced with this situation, the state authorities have not been able to provide an adequate response. The police have conducted very few patrols and even fewer arrest operations in Cité Soleil for at least six months, due to an evident lack of operational and human resources.
- 94- Social services provided by state officials are also virtually absent. This hinders the enjoyment of the most essential civil, social, economic, and cultural rights, including the right to work, to an adequate standard of living, to education, and to health. Only civil society organizations are still able to operate, with limited resources and budgets, in an extremely volatile security and political context.
- 95- In light of this situation and in response to the appeal of vulnerable populations and victims, government authorities and representatives of the international community must act. In this sense, the UNJHRO and the OHCHR recommend the following actions.

VIII. **Recommendations**

To the Haitian authorities:

- Pursue an inclusive dialogue among all concerned Haitian actors in order to find a lasting solution to the multidimensional crisis that Haiti is undergoing, particularly through the organization of free and transparent elections for the restoration of democratic institutions.
- Provide the Haitian National Police (HNP) with the financial, material, and human resources necessary to conduct regular patrols and maintain a sustainable presence at strategic intersections in Cité Soleil to limit gang operations and reassure the population.
- Support the Special Commission of the Central Directorate of the Judicial Police (DCPJ) to conclude, as soon as possible, its investigation into human rights abuses against local populations, as well as to identify and arrest the alleged perpetrators, including those who provided support to the gangs in the form of arms, ammunition, strategic advice, or other.
- Take the necessary measures to establish a specialized judicial task force within the Haitian courts and tribunals, in collaboration with the Ministry of Justice and Public Security and the Superior Council of the Judiciary, in order to judge the perpetrators of the crimes committed in Cité Soleil, including those of sexual violence.
- With the assistance of the countries in the region, support law enforcement authorities to combat the smuggling and uncontrolled flow of illicit arms and ammunition, as these are some of the main enablers of gang violence.
- With the support of the United Nations, strengthen and accelerate efforts to implement Haiti's National Action Plan to implement the CARICOM Roadmap for the Implementation of the Caribbean Priority Actions on the Illicit Proliferation of Firearms and Ammunition in the Caribbean by 2030.
- Restore the establishment of social services and projects with the aim of allowing the population to become more self-reliant, and the displaced people of Cité Soleil to gradually return to their communities in the medium term. This will also gradually reinforce confidence in government services.
- With the support of the United Nations and bilateral and multilateral donors, strengthen the availability, accessibility, and quality of medical and psychological care and social reintegration for survivors of violence, including gang-related sexual violence, particularly through increased and sustained funding and support to organizations that provide medical and psychological care to victims.

To humanitarian and development actors:

- Continue efforts already underway to strengthen coordination mechanisms between national and international actors involved in the humanitarian response and the development sector to improve the impact of the assistance provided to victims of gang violence and to enable the population to become more self-reliant.
- Continue efforts to bolster the capacity of service providers to strengthen the availability, accessibility, and quality of medical and psychosocial care facilities for survivors of sexual violence linked to gangs.
- Continue efforts to strengthen coordination with humanitarian interventions and development programs for victims of sexual violence in gang-affected areas, with a view to providing holistic victim-centered responses encompassing medical and psychological support, legal and socio-economic services, and reintegration support.

To the international community:

- Keep Haiti on the international agenda, immediately strengthen the capacity of the Haitian National Police with coordinated international support, and urgently consider the deployment of a time-limited support force under conditions consistent with human rights, as well as a comprehensive and precise action plan. This 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 system.
- Continue to identify the political and economic actors involved in gang dynamics and effectively implement the sanctions already imposed.
- Strengthen international cooperation to ensure increased border control to stop the illicit arms trade and trafficking.

Annex 1: Comments by the Government of Haiti on paragraph 83

The United Nations Integrated Office in Haiti (NINUH) and the Office of the High Commissioner for Human Rights (OHCHR) shared a draft of this report with the Government of Haiti.

Regarding paragraph 83, the Haitian authorities requested that the following statement be reproduced:

Representatives of the administrative police informed that between 9 July and the end of December, preventive actions were made in the area of Varreux (commune of Cité Soleil) in order to protect the population that was fleeing the area and prevent gangs from gaining ground. In addition, according to these same authorities, armored vehicles were also placed on the airport road, in the Drouillard area as well as in Varreux.

Annex 2: Legal framework

1. Two legal frameworks apply for addressing sexual violence and related human rights violations committed by armed gangs in Haiti.

International human rights law

2. Haiti acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1972, the Convention on the Elimination of All Forms of Discrimination against Women in 1981, the International Covenant on Civil and Political Rights in 1991, the Convention on the Rights of the Child in 1995, the Convention on the Rights of Persons with Disabilities in 2009, and the International Covenant on Economic, Social and Cultural Rights in 2013. According to the provisions of Article 276 of the Constitution of the Republic of Haiti, international treaties or agreements, once sanctioned and ratified in the forms provided for by the Constitution, form part of the country's legislation.
3. The Declaration on the Elimination of Violence against Women requires States Parties to develop prevention strategies and all legal, political, administrative and cultural measures to promote the protection of women from violence. In addition, the Declaration requires States to allocate sufficient resources and adopt effective measures to ensure that victims of gender-based violence, in particular sexual violence, have access to comprehensive medical treatment, mental health care and psychosocial support. In the same vein, the Convention on the Rights of the Child requires States Parties to strive to ensure that no child is deprived of his or her right of access to health care.
4. At the regional level, Haiti also ratified the American Convention on Human Rights in 1977, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Convention of Belém do Pará) in 1997, and the Statute of the Inter-American Court of Human Rights in 1998. The latter has jurisdiction over all cases concerning the interpretation or application of the American Convention on Human Rights.
5. In particular, Articles 4, 5, 7 and 11 of the American Convention on Human Rights recognize the inherent right of all persons to life, physical and moral integrity, personal freedom, and honor and dignity. Articles 3, 4, 5, 6 and 7 of the Convention of Belém do Pará reaffirm the right of all women to the recognition, enjoyment, exercise and protection of their rights, including the right to respect for their lives and their physical, mental and moral integrity, for which the signatory states undertake to adopt all appropriate means to prevent, sanction, and eradicate all forms of violence against women.
6. The International Covenant on Civil and Political Rights, in its article 6, recognizes the right of all human beings to life and obliges states to protect this right by law. Also, General Comment 36 of the Human Rights Committee (CCPR/C/GC/36) recalls that the right to life is a right that should not be interpreted narrowly. It encompasses the right of persons to be free from acts and omissions intended or expected to cause their unnatural or premature death and to live in dignity. Thus, State parties must also guarantee the right to life and exercise due diligence to protect human life from harm by persons or entities whose conduct is not attributable to the State.
7. The International Covenant on Economic, Social and Cultural Rights, in its preamble, recognizes that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby

everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights. Thus, Article 2 requires States to undertake, through their own efforts and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures. In particular, articles 6, 9, 10, 11, 12, 13, 14 and 15 of the Covenant explicitly recognize the rights of everyone to work, social security, an adequate standard of living for himself and his family (including adequate food, clothing and housing), the highest attainable standard of physical and mental health, education, participation in cultural life, and to enjoy the benefits of scientific progress and its applications. Under international human rights law, States have the obligation to respect, protect, promote and fulfill the human rights of all persons within their territory and subject to their jurisdiction. According to a group of independent UN human rights experts, states have an obligation to respect, monitor and prevent human rights violations committed by armed non-state actors²³. In their statement issued in February 2021, the experts call on states to adequately investigate all allegations of human rights violations committed by armed non-state actors, prosecute and punish the perpetrators of such violations, and provide adequate reparation and redress to victims, in full compliance with international human rights law and standards. The group of experts emphasizes that states are also obliged to provide reparations and other appropriate assistance to victims in cases of direct or indirect responsibility for abuses committed by armed non-state actors, particularly in cases where armed non-state actors are unable or unwilling to assume their responsibilities in this regard. States have an obligation to adopt a gender-sensitive approach and to ensure that these recommendations are implemented taking into account the increased risk of abuse against women and children, including sexual and gender-based crimes.

8. If resource constraints make it impossible for a state to comply fully with its obligations under international law, it has the obligation to demonstrate that every effort has nevertheless been made to use all available resources at its disposal to meet those obligations as a matter of priority. Despite its fragile economic situation, Haiti is not exempt from taking all necessary measures to ensure the realization of a minimum core of civil, political, economic, social and cultural rights.

Haitian law

9. According to Article 19 of the 1987 Constitution of the Republic of Haiti, "the State has the imperative obligation to guarantee the right to life, to health, to respect for the human person, to all citizens without distinction, in accordance with the Universal Declaration of Human Rights.
10. Title II of the Haitian Penal Code protects the rights to life, physical, mental and moral integrity, and the right to property of all persons. Murder, assassination, injury, rape, kidnapping, and theft or destruction of property are classified as crimes. The penalty for these crimes is forced labor for life. However, the code specifies that those sentenced to hard labor will be employed in public works. In practice, the penalty of public works was replaced by life imprisonment after the end of the Duvalier regime in 1986.
11. Title II of the Haitian Penal Code protects the rights to life, physical, mental, and moral integrity, and the right to property of all persons. Murder, assassination, injury, rape, kidnapping, and theft or destruction of property are classified as crimes. The penalty for these crimes is forced labor for life. However, the code specifies that those sentenced to hard labor will be employed in public works. In practice, the penalty of public works was replaced by life imprisonment after the end of the Duvalier regime in 1986.

23 <https://www.ohchr.org/en/press-releases/2021/02/joint-statement-independent-united-nations-human-rights-experts-human-rights>

12. In particular, articles 278, 279 and 281 of the Haitian Penal Code establish that anyone who commits the crime of rape, anyone who is guilty of any other sexual assault, committed or attempted with violence, threat, surprise, or psychological pressure on the person of either sex, or anyone who promotes prostitution or other forms of sexual exploitation, is punished by imprisonment for six months to life.