



**CARDH**  
Centre d'analyse et de recherche en droits de l'homme

The State of Human Rights in 2019  
The Dark Year!  
**Additional Note 2020**

©18February2020

The State of Human Rights in 2019  
The Dark Year!  
**Additional Note 2020**

***CARDH***

Centre d'analyse et de recherche  
en droits humains  
3, Rue Charlevoix (Bourdon, Haïti)  
(509) 28 11 79 44/36106909  
[www.cardh.org](http://www.cardh.org)  
[info\\_cardh@yahoo.com](mailto:info_cardh@yahoo.com)  
©18 February 2019

***CARDH: The State of Human Rights in 2019: The Dark Year!***

## Table of Contents

I. LIST OF ACRONYMS .....	4
II. ADDITIONAL NOTE .....	6
A. EXPONENTIAL RISE IN INSECURITY AND KIDNAPPING .....	6
B. PEOPLE KILLED.....	7
C. AT THE POLITICAL LEVEL .....	7
D. MALFUNCTION OF PARLIAMENT .....	7
E. PRESIDENT JOVENEL MOISE, LESS THAN A YEAR UNTIL THE END OF HIS TERM (FEBRUARY 7, 2021 )	7
F. THE EXECUTIVE SEIZES THE ATTRIBUTIONS OF THE PARLIAMENT: DECREE OF FEBRUARY 12, 2020 .8	
i) The President is implanting his dictatorial inclination .....	8
ii) On the legal and legitimate levels.....	8
iii) On the institutional level.....	9
G. THE NATIONAL POLICE OF HAITI, EXPERIENCING DIFFICULTIES .....	9
i) At the legal level .....	10
ii) CARDH position .....	11
III. NOTE FROM THE EXECUTIVE MANAGEMENT .....	13
IV. EXECUTIVE SUMMARY.....	14
V. INTRODUCTION .....	15
VI. CHARACTERISTICS OF THE MOÏSE ADMINISTRATION .....	17
H. DISINTEREST IN HUMAN RIGHTS.....	17
i) Non-renewal of the mandate of the Independent Expert on the situation of human rights in Haiti, Mr. Gustavo Gallon and intensification of the violence.....	18
ii) The Interdepartmental Committee on Human Rights (CIDP) pushed in the background .....	19
I. CONSOLIDATION OF CORRUPTION .....	20
i) PetroCaribe scandal and other cases of corruption.....	20
J. WEAKENING AND MANIPULATION OF INSTITUTIONS.....	22
i) Central Financial Information Unit (UCREF) .....	22
ii) Anti-Corruption Unit (ULCC).....	23
iii) National Police of Haiti (PNH).....	23
iv) Justice.....	25
K. FAILURE TO RESPECT THE PRINCIPLES OF DEMOCRATIC GOVERNANCE .....	29
L. STATE CRIME THROUGH THE SPREAD OF ARMED GROUPS AND THE "MERCENARIZATION" OF THE COUNTRY.....	31
i) Exponential increase of armed groups .....	31
ii) Mercenaries working for the government .....	33
M. INADEQUACY OF PUBLIC INSTITUTIONS .....	35
VII. THE HUMAN RIGHTS SITUATION .....	36
N. ECONOMIC AND SOCIAL RIGHTS.....	36
i) Food insecurity (violation of the right to food) .....	36
ii) Persistence of poverty .....	37
iv) Inflation rate .....	40
v) Violation of the right to private property .....	41
vi) Precarious access to health care .....	41
vii) Detention conditions in prisons .....	43
viii) Right to education .....	43
xix) Upcoming humanitarian crisis .....	45
O. CIVIL AND POLITICAL RIGHTS.....	46
i) Police brutality.....	46
ii) Violation of the right to vote and access to public affairs .....	47
iii) No access to justice.....	48
iv) Right to life violated .....	50

VIII. ACTIONS TAKEN BY CERTAIN ORGANS OF THE STATE .....	52
P. SUPERIOR COURT OF ACCOUNTS AND ADMINISTRATIVE LITIGATION (CSCCA).....	52
i) Audit report on the management of the PetroCaribe funds buried in the Senate .....	52
ii) Failure to publish the report on the remaining 25% of the funds.....	52
iii) Failure to publish debit orders (arrêts de débet).....	53
Q. NATIONAL POLICE OF HAITI .....	53
i) General Directorate of the National Police of Haiti (DGNPH).....	53
ii) General Inspectorate of the National Police of Haiti (DGNPH).....	55
R. JUSTICE .....	56
i) Investigation Office (Cabinet d'Instruction) .....	56
ii) Port-au-Prince Prosecutor's Office .....	56
IX. CONCLUSION .....	57
S. ANALYSIS.....	57
T. RECOMMENDATIONS.....	59
X. BIBLIOGRAPHY .....	62
XI. APPENDIX .....	66
APPENDIX I: SUMMARY: ATTACKS IN BEL-AIR, NOVEMBER 2019 .....	66
APPENDIX II: SUMMARY OF THE CARREFOUR FEUILLES ATTACKS ON THE NIGHT OF APRIL 24, 2019 ..	66
APPENDIX III: SUMMARY OF THE LA SALINE MASSACRE, FROM NOVEMBER 1 TO 14, 2018 .....	67

## I. List of Acronyms

ANAMAH*:	Association nationale des magistrats haïtiens [ <i>National Association of Haitian Magistrates</i> ]
APM*:	Association professionnelle des magistrats [ <i>Professional Association of Magistrates</i> ]
BINUH*:	Bureau intégré des Nations unies pour Haïti [ <i>United Nations Integrated Office in Haiti</i> ]
BLTS*:	Brigade de lutte contre le trafic de stupéfiants [ <i>Anti-Trafficking Brigade of drugs</i> ]
BOID*:	Brigade d'opération et d'intervention départementale [ <i>Departmental Operation and Intervention Brigade</i> ]
BRH*:	Banque de la République d'Haïti [ <i>Bank of the Republic of Haiti</i> ]
BRI*:	Brigade d'intervention et de recherches [ <i>Intervention and Research Brigade</i> ]
CARDH*:	Centre d'analyse et de recherche en droits humains [ <i>Center for Analysis and Research in Human Rights</i> ]
CE-JILAP*:	Commission épiscopale nationale Justice et Paix [ <i>National Episcopal Justice and Peace Commission</i> ]
CIDP*:	Comité interministériel des droits de la personne [ <i>Interdepartmental Committee on the Human Rights</i> ]
CIMO*:	Corps d'intervention et de maintien d'ordre [ <i>Intervention and Law Enforcement Body</i> ]
CNLTP*:	Comité national de la lutte contre la traite des personnes [ <i>National Committee to Combat Human Trafficking</i> ]
CONATEL*:	Conseil national des télécommunications [ <i>National Telecommunications Council</i> ]
CONHANE*:	Conseil haïtien des acteurs non étatiques [ <i>Haitian Council of Non-State Actors</i> ]
CSCCA*:	Cour supérieure des comptes et du contentieux administratif [ <i>Superior Court of Accounts and Administrative Litigation</i> ]
CSPJ*:	Conseil supérieur du Pouvoir judiciaire [ <i>Superior Council of the Judicial Power</i> ]
DCPJ*:	Direction centrale de la police judiciaire [ <i>Central Directorate of the Judicial Police</i> ]
ECC*:	Ensemble contre la corruption [ <i>Together Against Corruption</i> ]
EDH*:	Électricité d'Haïti [ <i>Electricity of Haiti</i> ]
IACHR:	Inter-American Commission on Human Rights
IGC*:	Inspection générale des finances [ <i>Chief Inspector General</i> ]
IHSI*:	Institut haïtien de statistique et d'informatique [ <i>The Haitian Institute of Statistics and Computer Science</i> ]
MINUJUSTH*:	Mission des Nations unies pour l'appui à la justice en Haïti [ <i>United Nations Mission for Support to Justice in Haiti</i> ]
MPCE*:	Ministère de la planification et de la coopération externe [ <i>Ministry of Planning and External Cooperation</i> ]
OHCHR:	United Nations Office of the High Commissioner for Human Rights
PNH*:	Police nationale d'Haïti [ <i>National Police of Haiti</i> ]

POHDDH*:	Plateforme des organisations haïtiennes des droits humains [ <i>Platform of Haitian human rights organizations</i> ]
RNDDH*:	Réseau national de défense des droits humains [ <i>National Human Rights Network</i> ]
SEMNAH*:	Service maritime et de navigation d'Haïti [ <i>Maritime and Navigation Service of Haiti</i> ]
SNGRS*:	Service national de gestion des résidus solides [ <i>National Solid Waste Management Service</i> ]
SWAT*:	Groupe d'intervention de la Police nationale d'Haïti [ <i>Haitian National Police Intervention Group</i> ]
UCREF*:	Unité centrale de renseignement financier [ <i>Central Financial Intelligence Unit</i> ]
UDMO*:	Unité départementale de maintien d'ordre [ <i>Departmental Law Enforcement Unit</i> ]
ULCC*:	Unité de lutte contre la corruption [ <i>Anti-Corruption Unit</i> ]
UPR :	Universal Periodic Review
USGPN*:	Unité de sécurité générale du Palais national [ <i>General Security Unit of the National Palace</i> ]
USP*:	Unité de sécurité présidentielle [ <i>Presidential Security Unit</i> ]

*\*In-text French acronyms*

## II. Additional Note

1. “The state of human rights in 2019, The dark year!” is the title of this CARDH report for the year 2019, published in French and English, which was to be officially presented in January 2020, during the third edition of the Human Rights Forum. However, given the country’s socio-political and economic situation, it was not until the second Monday of January 2020 that we could objectively assess the consequences of the malfunction of Parliament and the expiring mandate of the fiftieth legislature, as well as of two-thirds of the Senate (19).
2. The Forum has consequently been rescheduled for March 30 and 31, 2020. CARDH therefore considers it necessary to attach this note to the report, adding essential information relating to human rights violations, for the period covering January to mid-February 2020.

### A. Exponential rise in insecurity and kidnapping

3. The year 2020 begins on a very alarming note in terms of non-respect of the rights to life, to security, to safety, to freedom of movement. Acts of kidnapping against ransoms have taken an unprecedented proportion, and this, only for the month of January and the beginning of February. All social groups are affected, including students and schoolchildren. It has become one of the most recurrent topics in the media and on social media platforms.
4. In most cases, relatives of the people kidnapped negotiate directly with the kidnappers, without informing the police, for fear that they will be executed, given the possible links between the abductors and certain police officers. All the more worrying, there have been cases of murder despite the payment of ransoms. For example: Jean Rubens Eugène was shot dead on Monday evening February 10, at 4 avenue Bolosse, in Port-au-Prince, while bringing the ransom demanded by kidnappers who had, the previous Saturday, kidnapped and sequestered five young religious members of a church in Matissant 7. This situation developed under the helpless or even accomplice gaze of the authorities.
5. From January 1 to 22, 2020, 15 cases of kidnapping were registered by the National Police of Haiti<sup>1</sup> (PNH). After holding an emergency meeting, Mr. Jean Michel Lapin, Prime Minister a.i. and President of the Superior Council of the National Police of Haiti (CSPN), announced on February 12, the introduction of measures to tackle insecurity. So far, there has been no

---

<sup>1</sup> 8 cases of kidnapping and forcible confinement in the city center of Port-au-Prince, 4 in Delmas, 1 in Léogâne (municipality about thirty kilometers south of the capital), 1 in Clercine (in the area Tabarre, south-eastern periphery of the capital) and 1 at Croix-des-Bouquets (municipality south-east of Port-au-Prince): this is the number of cases brought to the attention of the PNH from Wednesday 1 to Wednesday 22 January 2020, in the metropolitan area of the capital.

structural change, except for an increased presence of police officers in the streets.

## **B. People killed**

6. Only in January and mid-February, at least 20 cases of violent death were identified, 15 by gunshot, including 4 police officers.

## **C. At the political level**

7. Since March 18, 2019, following the dismissal of the government of Mr. Jean Henry Céant by the Chamber of Deputies, the country has remained without a legitimate or constitutional government. Since then, there has been a resigning government, led by Mr. Jean Michel Lapin, minister of the sanctioned government, which liquidates current affairs. The political crisis worsened in 2020, as expected. In December 2019, following the respective visits of Mrs. Kelly Craft, representative of the Donald Trump administration to the United Nations, on November 20, 2019, and David Hale, Under-Secretary of State for Political Affairs, on December 6, President Jovenel Moïse had announced that he would endow the country with a legitimate government. He has not, however, managed to do so yet. The second attempt of dialogue on January 29, 30 and 31, 2020 at the nunciature, supported by the United Nations Integrated Office in Haiti (UNINH) and other countries members of the Core Group, has indeed failed.

## **D. Malfunction of Parliament**

8. On January 13, 2020, the mandate of the Chamber of Deputies forming the 50<sup>th</sup> legislature, as well as two thirds of the Senate, expired, as pointed out in the conclusion of the said report. That day, at 00:02, President Jovenel Moïse tweeted that he had noted the “lapse of Parliament”. Thus, special units of the PNH were posted outside Parliament, preventing MPs from entering.
9. Parliament, one of the three powers of the State, whose mission is to legislate and control the actions of the executive, is dysfunctional. This represents a major obstacle to the efforts to promote democracy and the rule of law in Haiti.

## **E. President Jovenel Moïse, less than a year until the end of his term (February 7, 2021 )**

10. The mandate of President Jovenel Moïse ends on February 7, 2021, in accordance with the provisions of article 134-2, stipulating that “(...) In the event that the ballot cannot take place before February 7, the elected president takes office immediately after the validation of the ballot and its mandate is supposed to have started on February 7 of the year of the election.” The presidential election began on October 25, 2015, but did not take place until November 20, 2016, in accordance with the February 6, 2016 agreement under which President Jocelerme Privert was elected.



11. Achieving the majority of votes in the first round, according to the results of the CEP, Mr. Jovenel Moïse was sworn in on February 7, 2017 (see note 100).
12. In the current political and socio-economic context, everyone agrees that the Jovenel Moïse administration will be unable to organize elections this year. The crisis could get even worse, because the protagonists have so far been unable to reach a consensus. Meanwhile, the living conditions of the population are worsening at an exponential rate.

#### **F. The executive seizes the attributions of the Parliament: Decree of February 12, 2020**

13. On February 12, 2020, President Jovenel Moïse published a decree in the official national newspaper "Le Moniteur", henceforth making "electricity markets" and "fields which contribute to the stability and development of the nation and of the values on which it is based or of the general well-being of the market population" part of the defense or national security department (Article 2).
14. Defense or national security covers: "contracts relating to the study, design, construction, supervision and rehabilitation of buildings under the responsibility of the three powers of the State and representing a stamp of sovereignty." It also encompasses the fact that: "The implementation of a memorandum of understanding or understanding signed between the Haitian State and another State or between the Haitian State and a public or private institution under the authority of another State, is done between the Executive of each of the stakeholders."

##### i) The President is implanting his dictatorial inclination

15. Without entering into the areas covered by this decree, President Jovenel Moïse is seizing the legislative power of Parliament. There is, therefore, no mechanism for overseeing his actions, normally monitored by Parliament. A selection committee, composed of one person, will now be responsible for evaluating private enterprises' files (article 7.2.1).

##### ii) On the legal and legitimate levels

16. The adoption of this decree is a flagrant violation and a tacit "shelving" of the Constitution, in particular of articles, 58, 60, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132 1, 2, 3.
17. It is also a violation of the law of June 12, 2009, relating to the general rules of procurement, execution and regulations of Public Procurement (Monitor # 60), and the decree of November 4, 2009 on the special procedure of public procurement (special # 10). In addition, Mr. Jean Michel Lapin is not eligible to perform such an act. Indeed, following the motion of censure to the

government of Mr. Jean Henry Ceant, on March 21, 2019, Mr. Jean Michel Lapin, former Minister of Culture, was appointed Prime Minister ai, for a period of 30 days (article 165 of the Constitution). However, he did not resign until four months later, on July 22, 2019, the day Mr. Fritz William Michel was appointed Prime Minister.

iii) On the institutional level

18. The Superior Court of Accounts and Administrative Litigation (CSCCA) has been excluded from public governance. Indeed, its compulsory advisory mission, as well as its financial and administrative competence have been completely ignored: “The CSCCA is consulted on all matters relating to legislation on public finances as well as on all draft contracts, agreements and conventions of a financial or commercial nature (...)” (art.200-4 of the Constitution). In addition, the Executive impinges on the mandate of the National Commission for Public Procurement (CNMP), the normative body of the National Public Administration, whose mission is to "ensure the regulation and control of the public procurement system and public service concession.”

**G. The National Police of Haiti, experiencing difficulties**

19. While acknowledging that progress has been recorded since its creation in 1995, the National Police of Haiti (PNH) faces multiple difficulties: largely inadequate wages, lack of social protection, lack of resources (suitable cars, ammunition, technology...), frequent political interference with the institution... At the dawn of the celebration of its first quarter of a century, on June 12, 2020, a problem emerges: the desire of a group of police officers to form a union.
20. The police hierarchy is categorically opposed to it, in accordance with the General Discipline Regulations of February 2, 1996 and the Order of August 20, 2013 on the Special Status of Members of the Staff of the National Police of Haiti<sup>2</sup>, while the police are determined to create it.
21. Consequently, two demonstrations took place on October 27 and November 17, 2019, and meetings are held regularly in “strategic” places, and interventions are made in the media... On February 3, 2020, Agent II Yanick

---

<sup>2</sup> Article 10 of the General Discipline Regulations, adopted on February 2, 1996 stipulates that: the police officer enjoys the rights and freedoms recognized for all citizens by the Constitution. He respects the General Statute of the Officials and the Institution and the particular obligations which this one imposes. These obligations or restrictions are recalled below: -Restriction on the right to freedom expression; -Prohibition to introduce publications harmful to morale or discipline in the buildings or precincts of the National Police; -Prohibition to join political groups or associations; - Non-enjoyment of the right to strike.

For its part, article 11 of the Decree of August 20, 2013 on the Special Statute of the Members of the Staff of the National Police of Haiti stipulates: “The officials of the National Police of all ranks are subject to the following conditions: 1. Be voters and not eligible for political office; 2. Non-enjoyment of the right to strike, the right to organize and the right to engage in political activities; 3. Non-enjoyment of the right of assembly and association due to the need for security and service.”

Joseph, representative of the trade union "movement" was summoned by the PNH General Inspectorate and appeared on February 7. This summons turned into chaos: hoodies and other people took over the offices of the institution, thus attacking its staff – even Police inspectors – and the premises were ransacked. Thinking that the policewoman was going to be retained, they shot in the air, blocked traffic... According to the General Inspectorate, the officer's badge and weapon were forcibly retrieved (a fact which could be confirmed by a public statement by the concerned officer) ... Now the question takes a different turn.

22. This unfortunate incident was particularly condemned by human rights organizations<sup>3</sup> because the police institution must be strengthened and protected. Authorities who met with CARDH, including officials of the General Inspectorate, announced that targeted sanctions would be recommended following an investigation into these incidents, but not into the police's claim to a union.
23. However, the institution's approach should not be purely based on sanctions, because this reality also testifies to a situation of great frustration within the police institution.

i) At the legal level

24. The Haitian Constitution (article 35.3<sup>4</sup>), the American Convention on Human Rights (article 16, paragraph 1<sup>5</sup>), as well as the International Covenant on Civil and Political Rights (article 22, paragraph 1) entered into force on March 23, 1976, ratified by Haiti respectively on February 6, 1971 and September 14, 1977, guarantee freedom of association for all persons in the public service and private sector.
25. However, the Convention recognizes that domestic law determines the conditions for the exercise of this freedom, which suggests that the latter may be subject to restrictions (derogable rights).

---

<sup>3</sup> "(...) The image of a police force engaged in acts of vandalism is unacceptable. And, those who are guilty of the events recorded in the premises of the General Inspectorate must answer for their actions, in accordance with the internal regulations of the PNH", National Network for the Defense of Human Rights (RNDDH) Advocacy for the creation of a Police Union in compliance with the Law, February 14, 2020.

"(...) This is a breach of discipline without which the police force does not exist." Fondasyon Je Klere (FJKL), National Police of Haiti (PNH), Revolt of the base against the officers in the form of a demand for freedom of association and the right to strike: The Fondasyon Je Klere (FJKL) encourages the creation of an independent commission responsible for identifying and proposing lasting solutions to the discriminations, injustices and acts of corruption that are rotting the police institution with the aim of restoring discipline and ensuring the respect of the PNH hierarchy, February 12, 2020.

<sup>4</sup> "Freedom of association is guaranteed. Any worker in the private and public sectors can join the union of his professional activities for the exclusive defense of his work interests."

<sup>5</sup> "Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes."

26. This right of derogation is expressly set out in the Convention (article 16, paragraph 2<sup>6</sup>) and the Covenant with regard, in particular, to the Police and the Army (article 22, paragraph 2<sup>7</sup>). It is probably on this basis that the General Discipline Regulations of February 2, 1996 and the Order of August 20, 2013 on the Special Status of Members of the Staff of the National Police of Haiti prohibit the creation of unions within the institution.
27. In addition, the right to organize is one of the derogable rights, as the European Court of Human Rights has stated, while also specifying that this right to derogate must be exercised in strict compliance with the law<sup>8</sup>.
28. As contradictory as these regulations and the Constitution may appear, it is a principle in law that special laws derogate from general laws (*Specialia generalibus derogant*). This principle should be interpreted by a competent authority to prevent misuse of this technical process, frequently applied by national and international courts.

## ii) CARDH position

29. If CARDH does not claim that the police are automatically entitled to a union, it nevertheless considers that they are entitled to a grievance mechanism<sup>9</sup> (see, for example, *Journal Le Nouvelliste*, Tuesday (...), “PNH/Union, Do the police have the right to organize...?”<sup>10</sup>)
30. This position finds its basis in the following argument: Everyone agrees that the police, who have the mission to “protect the life and property of society”, work in degrading conditions, affecting therefore their dignity, and do not have the means to fulfill their mission.
31. Thus, during the celebration of the 24<sup>th</sup> anniversary of the PNH, on June 12, 2019, in a context of great turmoil, the then Director General in Chief of the

---

<sup>6</sup> “The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.”

<sup>7</sup> “No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.”

<sup>8</sup> (...) Certain rights guaranteed by the European Convention on Human Rights do not authorize any derogation: thus, article 15 § 2 of the Convention prohibits any derogation from the right to life, except for cases of lawful acts of war, the prohibition of torture and inhuman or degrading treatment or punishment, the prohibition of slavery and servitude and the rule “no punishment without law”; Similarly, any derogation from Article 1 of Protocol No. 6 to the Convention, which relates to the abolition of the death penalty in peacetime, is prohibited, as is Article 1 of Protocol No. 13 to the Convention relating to the abolition of the death penalty in all circumstances, as well as in Article 4 (right not to be tried or punished twice) of Protocol No. 7 to the Convention. European Court of Human Rights, July 2018.

[https://www.echr.coe.int/Documents/FS\\_Derogation\\_FRA.pdf](https://www.echr.coe.int/Documents/FS_Derogation_FRA.pdf)

<sup>9</sup> For example: Brotherhood of police officers in Montreal ; French Police Union, Swiss Federation of Police Officials (Association of Lausanne Police Officials, Association Police Lavaux, Association of Personnel of the Security Police...)

<sup>10</sup> [https://lenouvelliste.com/article/212196/les-policiers-ont-ils-le-droit-de-se-syndiquer.»](https://lenouvelliste.com/article/212196/les-policiers-ont-ils-le-droit-de-se-syndiquer.)

Institution, Michael Gédéon, had to declare that the PNH's means were "cheap."

32. The mechanisms established by law creating the institution, as well as the great social and economic precariousness in which the country finds itself – consequences of the bad governance of the last 30 years – lead to a Police whose members' most fundamental and elementary rights are systematically violated. This is a breach of the very essence and spirit of the International Covenants relating to civil, political, social, economic and cultural rights, as they lack effective mechanisms to defend their rights.
33. This is a violation of the essence and spirit of the International Covenants relating to civil, political, social, economic and cultural rights, as they lack effective mechanisms to defend their rights.
34. If it is accepted in international law that a State, while being a party to a treaty, has a right of reservations, this should in no way violate the object of the treaty in question (article 19 et seq. of the Vienna Convention on treaty law). This suggests that the PNH's internal regulations, as well as the exemptions to freedom of association and trade union rights provided for in the Convention and in the Covenants mentioned, do not authorize the Haitian State to leave the police unworthy.
35. While recognizing the lawfulness of the restriction of the right of association to police officers, the situation in which they operate undermines their human dignity, the backbone of the Charter of the United Nations (Preamble) and of the human rights regime. Restrictions set in the PNH codes of conduct are not absolute, this therefore calls for the search for a mechanism able to assist the police in progressively enjoying their fundamental rights. Nonetheless, certain essentials should be taken into account, especially: **(i) the nature of the police institution, different from other public institutions (ii); an association, a union or other forms of organization of the police force is an outcome, varying from one country to another, which requires research, technical consultations... so as not to get lost in the different stages of its establishment and hence, cause serious prejudice in promoting the rule of law in Haiti (iii); the difference between a grievance mechanism in the police and that in other institutions (iv); intrinsic restrictions on police freedom of association (European Court of Human Rights<sup>11</sup>).**
36. This must be approached with intelligence, with respect for the police institution and its achievements. The law is not *ad vitam aeternam* and must take into account human reality and evolution. In this sense Montesquieu said that the law stems from nature and from the very order of things.

---

<sup>11</sup> In the case of *Mately* against The Court "(...) even significant restrictions may be placed on freedom of association by a member of the armed forces, since the specific nature of the missions of the army requires an adaptation of the activity union."

Seized by a Spanish police union (E.R.N.E) the Court recognized that "more stringent requirements", not exaggerated, can be made to the Police since they "allow the general interests of the State to be preserved and, in particular to guarantee its security, public safety and the defense of order."

### III. Note from the Executive Management

37. “2019, the dark year!” It is generally accepted that the current multidimensional crisis, which started on July 6, 7 and 8 2018, following the government’s announcement to increase the cost of petroleum products, has completely blocked the country, having disastrous socioeconomic and political consequences.
38. Indeed, February 7, 2019, marked the first phase of what is now commonly referred to as the “country lock” movement. Since then, the country has experienced an unprecedented cycle of socio-economic and political instability, culminating in acute criminal violence and systematic violations of human rights, including that of life; the absence of a government since the dismissal of Prime Minister Jean Henry Céant on March 18, 2019; the failure to hold elections in October 2019 for deputies to form the 51<sup>st</sup> legislature and for two thirds of the Senate, suggesting that there will be no parliament from the second Monday of January 2020; demonstrations taking place almost everywhere in the country, some of them spontaneous and at an exponential rate, demanding the departure of the President of the Republic; an explosive spread of armed groups (96); the permanent closure of the gates of justice as it operates in precariousness; 3.5 million Haitians in food insecurity, an increase of almost 50% compared to last year; a considerable increase in killings estimated at 222 at least, and in gunshot wounds reaching around 155 cases; the suspension of activities of schools, institutions and many private companies; the 1,845 units of the National Police of Haiti (PNH) are overwhelmed by the scale of the mobilization. Can’t we speak of a political, economic and social bankruptcy, and isn’t it time to work actively and urgently for a paradigm shift?
39. It is in this climate that the Center for Analysis and Research in Human Rights (CARDH) produced this report on the state of human rights in Haiti for the year 2019, ahead of the third edition of the Forum on Human Rights, scheduled for January 2020, a space for exchanges in perspectives between civil society organizations and the State around the issue of human rights, adopting a holistic approach.
40. I wish to thank all colleagues at the CARDH, as well as partner institutions and personalities from the academic world, public and private administrations who contributed to the realization of this work.

*Gédéon Jean*  
*Executive Director*

## IV. Executive Summary

41. This report, although non-exhaustive, takes stock of the human rights situation in Haiti, while considering the overall context of a governance that distinguishes itself by the following: a clear disinterest in human rights; the consolidation of corruption; the weakening of institutions; the failure to respect the principles of democratic governance; state crime through the spread of armed groups and the “mercenarization” of the country; the inadequacy of public institutions.
42. Said report indicates an increased violation of the right to life, by the considerable rise in violent deaths, estimated at 222, at least, including 155 gunshot dead, and of social and economic rights, due to food insecurity, persisting poverty, high unemployment and inflation rates, a precarious access to health care, the appalling conditions of detention and the non-respect of the right to education and private property. Human rights defenders (2) and the police (37) were also victims of strong violence.
43. The few actions taken by public authorities prove to be insufficient and unconvincing, due to obstacles arising from the very nature of the institutions or the President’s desire to vassalize them.
44. A political agreement proves necessary, given the worsening and complex nature of the situation. It is therefore recommended that the President limits his mandate to 7 February 2020, following serious high-level negotiations (the Marriott agreement could be used as the base document for such negotiations).
45. At the institutional and legal levels, it is necessary to adopt measures to lead to inclusive, transparent and participatory general elections; to approve a budget for the year 2019–2020, focused on an austerity policy and an efficiency approach; to strengthen and harmonize, in view to increase effectiveness, the relationships between anti-corruption institutions (ULCC; CSCCA; UCREF; BAFE; IGF; BRH; prosecutors); to publish the report from the CSCCA on the remaining 25% of the PetroCaribe fund; to audit public administration; to reform the prosecutors so that they are independent; to create a task force at the justice entities’ level in order to carry out the trials for the massacres perpetrated in the country (2018–2019) and give victims access to remedy; to reform legally and financially the High Council of the Judiciary (CSPJ); to strengthen the Interdepartmental Committee of Human Rights (CIDP) and the PNH General Inspectorate (IGPNH) so that the latter becomes an independent and, financially and administratively autonomous entity, capable of monitoring and sanctioning accordingly.

## V. Introduction

46. **Background.** The third edition of the Forum on Human Rights in Haiti is due to be held on January 29 and 30, 2020<sup>12</sup>. Initiated on December 5 and 6, 2018 by the Center for Analysis and Research in Human Rights (CARDH), the Forum on Human Rights aims to be a “platform of exchanges between the various organizations evolving in this field and civil society, in order to try to find answers to human rights issues, built on analyzes based on a global vision of the question<sup>13</sup>”.
47. In preparation for this third edition, two new features will be introduced, including a report on the overall human rights situation in Haiti. This is particularly important in the present context, where the whole of 2019 was marked by a series of popular anti-government protests, most of which ended in many serious and systematic human rights violations. This first issue is published under the title: “The State of Governance and Human Rights in 2019: The Dark Year!”
48. **Purpose of the report.** The objective of this report is to present the general state of human rights in Haiti with a view, on the one hand, to follow the orientation of governance in the democratic transition’s dynamics initiated after the departure of the Duvalier dictatorial regime on 7 February 1987, and, on the other hand, to make recommendations relating thereto.
49. Governance is measured here in relation to the rule of law. For the Secretary-General of the United Nations (UN), it is a “principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.”

---

<sup>12</sup> Initially the third edition was scheduled for January 29 and 30, 2020. However, given the crisis, particularly its acceleration in September, October and November, it will more likely take place during the first quarter of 2020.

<sup>13</sup> National newspaper *Le Nouvelliste*, 7 May 2018, « *Justice/Journées de réflexions, Le CARDH initie le premier salon des droits humains en Haïti* »: <https://lenouvelliste.com/article/180107/le-cardh-initie-le-premier-salon-des-droits-humains-en-haiti>



50. In a more limited way, it is a question of public governance, although it is a fairly broad issue, in order to grasp the effectiveness of public action and its capacity to promote the enjoyment of human rights.
51. **Methodology.** The report is based on a compilation of different works from the CARDH, undertaken throughout the year and on field investigations, either to supplement information drawn from previous reports, or to verify the veracity of certain facts reported.
52. Reports from local and international organizations, known for their proficiency in specific fields, are also taken into account. Analyzes and comments are made from the theories and principles inherent to human rights. The expertise of certain personalities from the academic and professional worlds is also sought for the preparation of the document.
53. **Limits of the report.** This report does not cover all civil, political, economic, social and cultural rights. However, given their interdependence and their complementarity<sup>14</sup>, the rights taken into account make it possible to globally demonstrate the state of human rights and the way in which public governance is exercised by the Jovenel Moïse administration.
54. **Axes of the report.** This report is based on two fundamental axes: first, a highlight of some important characteristics of Jovenel Moïse's governance; then, a presentation of the situations of civil and political rights and, economic, social and cultural rights (ESCR).

---

<sup>14</sup> All human rights are universal and inalienable; indivisible; interdependent and interrelated (article 5).

## VI. Characteristics of the Moïse Administration

55. Human rights violations highlight a relationship of verticality, that is, from the state to the citizen. It is therefore important to underline some factors characterizing the administration of President Jovenel Moïse, to better understand these violations and the scope of the analyzes and comments relating thereto, supported by this report.
56. In 2017 already, the CARDH published a report on the first hundred days of the Moïse administration<sup>15</sup>. The President's first actions had led the CARDH to raise doubts about his desire to conduct public policies respectful of human rights, democratic principles and the rule of law, as well as the need for civil society to play its watchdog role.
57. Highlighting the characteristics of the Moïse administration seems all the more relevant since, according to the World Bank, Haiti is still a so-called fragile state, defined, among other things, by a low capacity and/or legitimacy of the state<sup>16</sup>. However, the government has an obligation to provide results in order to limit the vulnerability of citizens facing economic and social difficulties, and thus, guarantee their rights.
58. Five indicators are considered here: (a) a disinterest in human rights; (b) the consolidation of corruption; (c) the weakening of institutions and the failure to respect the principles of democratic governance; (d) State crime through the spread of armed groups and "mercenarization" of the country; (e) inadequacy of public institutions.

### H. Disinterest in Human Rights

59. Here, two indicators are taken into account: (i) the non-renewal of the mandate of the UN Independent Expert on the situation of human rights in Haiti, and the intensification of violence; (ii) the Interdepartmental Committee on Human Rights (CIDP) pushed to the background.

---

<sup>15</sup> CARDH, "The first hundred (100) days of the presidency of Jovenel Moïse: Actions in disagreement with democratic governance."

<sup>16</sup> -World Bank, harmonized list of fragile situations:  
<http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/FCSHarmonizedListFY13.pdf>

- United Nations, special procedures "The situation of human rights defenders operating in conflict or post-conflict areas, including in the context of so-called fragile states, A questionnaire from the United Nations Special Rapporteur on human rights defenders," Michel Forst, September 2019.

i) Non-renewal of the mandate of the Independent Expert on the situation of human rights in Haiti, Mr. Gustavo Gallon and intensification of the violence

60. Since 1991<sup>17</sup>, the United Nations has always appointed an independent expert on the human rights situation in Haiti. Considered a "spotlight", the Expert's periodic missions (two annual missions) enabled the Human Rights Council (HRC)<sup>18</sup> to monitor the development of the human rights situation in the country and to make recommendations to the State as duty bearer (to respect, protect and fulfill).
61. This mechanism therefore participated in a preventive measure, in addition to the treaty bodies (Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Rights of the Child, etc.) and other mechanisms of the United Nations human rights protection system such as the Human Rights Council and the Security Council.
62. After taking office on February 7, 2017, President Jovenel Moïse formally expressed his opposition to the renewal of the Expert's mandate to the United Nations. This act shows his administration's lack of interest in human rights issues.
63. At the same time, massacres were systematically orchestrated, some of which at the Executive's instigation, in several working-class neighborhoods. The country is gangsterized, justice becomes more and more dependent on the President, impunity is reinforced.
64. The increase of such massacres, both in number and in cruelty, and this strengthening of gang activity, is illustrated by a number of concrete cases that took place in 2018–2019. We note in particular: (i) the massacre in La Saline District in November 2018, by the armed group directed by Serge

---

<sup>17</sup> The first Expert for Haiti was Mr Adama Dieng (Senegal), appointed in 1991. In 2002, he was replaced by Mr Louis Joinet (France). In 2008, Mr. Michel Forst (France) was appointed new expert for Haiti. In 2013 Mr Gustavo Gallon (Colombia) replaced Mr. Forst.

<sup>18</sup> Established by the United Nations General Assembly on March 15, 2006 by resolution 60/251, replacing the Commission on Human Rights, the Human Rights Council (HRC), made up of 47 members states, elected by the General Assembly is an intergovernmental body of the UN system, responsible for strengthening the promotion and protection of human rights worldwide. It also has the task of dealing with and making recommendations on situations of human rights violations. Throughout the year, he is able to examine human rights issues and situations that require his attention. At its first session, which took place from June 19 to 30, 2006, the Council implemented procedures and mechanisms, such as: the **Universal Periodic Review**, used to assess the human rights situation in the member states of the United Nations, the **Advisory Committee**, providing expertise to the Council, the **communications procedure**, allowing individuals and organizations to draw the Council's attention to human rights violations, the **special procedures**, consisting of rapporteurs and panels of special representatives, independent experts and working groups charged with supervising, examining, advising and reporting publicly on thematic issues or situations of human rights in specific countries.

Alexis and others working for the Executive Power<sup>19</sup>, causing at least 38 deaths<sup>20</sup>; (ii) the armed attack at Carrefour Feuilles (Impasse Eddy) in April 2019, directed by Sony Jean, having relations with authorities of the executive and legislative levels, killing eight (8) and injuring a dozen people<sup>21</sup>; (iii) the attacks at Bel-Air in October 2019, by members on motorbikes of the BoLaKwa base and others, opening fire on civilians and burning down houses; (iv) summary executions by armed groups<sup>22</sup>.

65. Combined, these attacks left more than a hundred dead and a considerable number of wounded. It is important to note that in addition to these massacres, certain districts of the capital, including Martissant and its surroundings – South entrance of Port-au-Prince, are plagued by daily violence linked to the activities of different armed groups, terrorizing the population and leaving lifeless bodies in the streets<sup>23</sup>.

#### ii) The Interdepartmental Committee on Human Rights (CIDP)<sup>24</sup> pushed in the background

66. Created on May 13, 2013 (Moniteur No. 84), the Interdepartmental Committee on Human Rights (CIDP), whose mission is to coordinate and harmonize public policies in the field of human rights, has been pushed to the background. It is true that a minister responsible for human rights and the fight against extreme poverty has been delegated to the Prime Minister, but nobody knows what this minister does.
67. The CIDP does not have a budget or a functional secretariat, so it is obvious that it cannot fulfil its mission, despite its high relevance. Nonetheless, it must be given the merit of producing reports for the Universal Periodic Review (UPR), although the participation procedure for civil society is ineffective (late invitations to workshops, no prior submission of documents, etc.).

---

<sup>19</sup> CARDH, « Massacre à La Saline, Violations de droits humains et nécessité d'une intervention humanitaire », p. 5

<sup>20</sup> *Ibid*

<sup>21</sup> Four people were killed on the spot and four others, including a pregnant woman, died in hospital. The Canada-Haiti information Project (cited in La Fondasyon Je Klere) <https://canada-haiti.ca/content/la-fondasyon-je-klere-exige-larrestation-des-auteurs-du-massacre-du-24-avril-2019-carrefour>

<sup>22</sup> More detailed information on the listed massacres can be found in the annexes.

<sup>23</sup> Three major armed groups have been identified in the Martissant area: (i) Village de Dieu; (ii) Gran Ravine; (iii) Ti Bwa.

<sup>24</sup> It is made up of the Minister Delegate to the Prime Minister responsible for human rights and the fight against poverty, the Minister of the Interior and Territorial Communities, the Minister of Foreign Affairs and Religious Affairs, the Minister of Justice and Public Security, the Minister of Social Affairs and Labor, the Minister for the Status of Women and Women's Rights, the Minister of Public Health and Population and the Minister of National Education.

68. This devaluation of the CIDP and the lack of consultation with civil society, directly involved in the promotion and protection of human rights, is a clear illustration of the disinterest the Moïse administration has in effectively fulfilling its role as duty-bearer, and undoubtedly contributes to the narrowing of civil society space.

## **I. Consolidation of corruption**

69. One of Mr. Moïse's administration's hallmarks is the strengthening and consolidation of the "dynasty" of corruption.

### i) PetroCaribe scandal and other cases of corruption

70. The Moïse administration has been denounced for its direct involvement in grand corruption. It is for this reason that the population demands the departure of the head of state. The report of the Superior Court of Accounts and Administrative Litigation (CSCCA)<sup>25</sup>, submitted to the Senate on July 2, 2019, has indeed demonstrated his involvement, as well as this of his relatives, in the scandal of the squandering of the PetroCaribe funds<sup>26</sup>. According to the newspaper *Le Devoir*<sup>27</sup>, "Corruption is infiltrated at all levels in this government".
71. Other corruption scandals linked to the Executive can also be highlighted: (i) the "Caravan of Change" agricultural program, launched in May 2017, accounting for more than 5 billion gourdes, including 10 million dollars from the Inter-American Development Bank (IDB)<sup>28</sup>, and contracting private companies (contracts totaling USD 123.372.025 billion) for the acquisition

---

<sup>25</sup> According to article 200 of the Constitution, the Superior Court of Accounts and Administrative Litigation is a financial, administrative, independent and autonomous jurisdiction, responsible for the administrative and jurisdictional control of State revenue and expenditure, the verification of the accounts of state enterprises, as well as those of local authorities.

<sup>26</sup> Following a report by the Senate Ethics and Anti-Corruption Commission in which the President was listed as one of the personalities who participated in the squandering of the PetroCaribe funds, a meeting was held by the Assembly of Senators and ended with the adoption of a resolution requesting the Superior Court of Accounts and Administrative Litigation to "carry out (...) a detailed examination of the management of the PetroCaribe funds over the period from September 2008 to September 2016 ( ... )". It is in this sense that the Court produced a report under the title "Specific audit of the management of the PetroCaribe funds report, Management of projects funded by the PetroCaribe funds, Final report", transmitted to the Senate on July 2, 2019.

<sup>27</sup> *Le Devoir*, "Canada called to let go of Haitian President Jovenel Moïse", October 4, 2019. <https://www.ledevoir.com/monde/ameriques/564109/le-canada-appelle-a-lacher-jovenel-moise>

<sup>28</sup> 197 million gourdes, then 3.5 billion, then 10,000,000 million US dollars from the Inter-American Development Bank (IDB). See: CARDH "The new budget 2017-2018, Consolidation of corruption and social inequality", September 2017, p.5, p.13.

of heavy equipment<sup>29</sup>. This program was not budgeted anywhere, therefore, subject to no oversight by the CSCCA and Parliament, and ended up vanishing into thin air;

72. (ii) the DERMALOG scandal, consisting of the signing of a 27-million contract between the Haitian State and the German biometric company DERMALOG, in December 2018, involving the First Lady of the Republic, Martine Moïse, despite two unfavorable opinions of the CSCCA<sup>30</sup> and, against a fundamental clause of the agreement itself<sup>31</sup>. The agreement aimed to illegally replace the National Identification Card (CIN<sup>32</sup>), for which USD 2,987.194 million was needed to reform and update it<sup>33</sup>. In addition, USD 2,000,000, not stipulated in the contract, were transferred to the firm.
- (iii) the AGRITRANS SA-SOFIDAIL scandal, the evidence of which suggests that the SOFIDAIL company, founded in November 2018 and approved in less than a year by the Bank of the Republic of Haiti (BRH), would be an extension of 'AGRITRANS S.A.<sup>34</sup>, a company managed by Mr. Jovenel Moïse before becoming president, and proven by the CSCCA to be involved in the dilapidation of the PetroCaribe funds.

---

<sup>29</sup> Auto Plaza S.A, HAYTRAC (HaytianTractor & Equipment Co. S.A.) and Automeca (Auto et Mécanique S.A.) for the acquisition of nearly 500 units of heavy equipment.

<sup>30</sup> In its opinion of February 16, 2018, the Court concluded in these terms “fort of the above, the CSCCA returns the said draft contract to the Ministry of Justice and Public Security (MJSP) and invites it to resume the procedure (...)”. In that of April 11, 2018, the Court: “Maintains the remarks it made in its opinion of February 16, 2018”. It invites the government "once again, on the basis of a technical file, to resume the procedure (...)”

<sup>31</sup> According to article 4.1 of said contract, the Haitian State must pay the sum of 27,700,000 million US dollars according to the following schedule: **30% upon receipt of the notification of approval of the contract by the CSCCA**; 50% as the system is set up and opened to service; 20%, after the final commissioning of the system.

<sup>32</sup> The bill establishing the new Single National Identification Card (UNIC) was not passed in parliament.

<sup>33</sup> On the eve of the 2016 elections, a report entitled “Modernization of the national identity platform: Enrollment solution for ONI-Haiti” was prepared and presented to ONI officials by the Société Smartmatic of Haiti SA, proposing in six points, among others: the restoration of maintenance services; training for maximum device operation; the restoration of all data center services; improving the network connection and correcting the electrical problems encountered, notably in the area of Boutillier. It was completed and then sent to the authorities concerned on October 29, 2018. All activities were budgeted up to 2,987.194 million USD (Center for Analysis and Research in Human Rights (CARDH) et al, "The UNIC unique national identification card: Between popular distrust, grand corruption operation and human rights violations").

<sup>34</sup> In a correspondence from the Ethics and Anti-Corruption Commission requesting an urgent intervention by the Governor of the Bank of the Republic of Haiti, Mr. Jean Baden Dubois, to elucidate the fact that this company is approved in less than a year, it is mentioned that “SOFIDAI (...) less than a year of existence and “unknown” in the financial sector, benefits from the endorsement of the BRH to the point of being accredited on the Bank's web page as an institutional reference in financing”. SOFIDAI would be an extension of AGRITANS.

73. The President's involvement in corruption, not only prior to his presidency, but also since he became head of state, has therefore been clearly identified and proven. The cases listed above raise serious concerns about his legitimacy, and therefore his administration in general.

## **J. Weakening and manipulation of institutions**

### **i) Central Financial Information Unit (UCREF)**

74. *Removal of the General Director of UCREF, Mr. Sonel Jean François.* One of the mechanisms used to consolidate corruption is to weaken and control the institutions that must fight to eradicate this scourge. Once invested in his functions, President Jovenel Moïse, in violation of the law of 2001 on the laundering of assets from illicit drug trafficking and other serious offenses, by order dated of April 19, 2017, replaced the Director General of the Central Financial Information Unit (UCREF)<sup>35</sup>, Mr. Sonel Jean François, publicly accusing Mr. Jean François of having indexed him for money laundering in a report by the institution, transmitted to the Prosecutor's Office for legal action in August 2016.
75. *The law of 8 May 2017 on the organization and functioning of the UCREF.* In addition, a law on the organization and functioning of UCREF was passed on May 8, 2017, through the presidential majority, putting this organization under the rule of the Executive. Previously, the director of UCREF was chosen, following a call for candidates, from a list of three candidates drawn up by the National Committee to Combat Money Laundering<sup>36</sup>. Under this new law, however, the director is now appointed by the President of the Republic<sup>37</sup> on the recommendation of the Minister of Justice, who appoints the deputy director.

---

<sup>35</sup> Appointed for a four-year term, renewable once, the General Director is subject to the hierarchical power of the Board of Directors. His duties can only be terminated early in the event of gross negligence, which is defined as any fraudulent or illegal act, or an act contrary to the fundamental objective of the powers and rules of procedure of UCREF.

<sup>36</sup> Article 6.2.2 of the 2001 law provides: "The General Director is appointed for three years renewable once, by order of the President of the Republic on the proposal of the Minister of Justice and Public Security from a list of three names, drawn up by the National Committee to Combat Money Laundering. He is assisted by a deputy director general, appointed by the Minister of Justice and Public Security, from a list of three names established by the said committee."

<sup>37</sup> Article 13 of the 2017 law on the organization of the UCREF is thus stipulated: "The General Management is provided by a General Director, appointed by Presidential Decree taken in the Council of Ministers, on the recommendation of the Minister of Justice and of Public Security. The General Director is assisted by a Deputy General Director designated by the Minister of Justice and Public Safety."

76. This change of procedure in the selection of the UCREF's director is a clear grip of the Executive on the institution. This demonstrates that Jovenel Moïse controls the said institution by legally and ethically dubious means.

ii) Anti-Corruption Unit (ULCC)

77. *Appointment of Mr. David Bazile.* On July 7, 2017, the President appointed to the Anti-Corruption Unit (ULCC), to replace Mr. Lionel Constant Bourgoïn, Mr. David Bazile, member of his political party (PHTK). Former Minister of the Interior and Local Authorities, he is suspected to be involved in one of the biggest corruption scandals that the country has had to face, for having signed resolution #8 of December 11, 2013, authorizing the commitment of several thousands of US dollars from the PetroCaribe funds.
78. This appointment again, indicates the weakening of one of the public administration's anti-corruption institutions.
79. *Blocking of reports to the Prosecutor's Office.* Like the UCREF, the ULCC reports are transmitted to the Public Prosecutor's Office, although the ULCC can search or even arrest<sup>38</sup>. However, as the outgoing director, Mr. Basile, deplored, the transmitted files have no follow-up.

iii) National Police of Haiti (PNH)

80. The National Police of Haiti (PNH), the only legal task force operating in the territory with the mission of protecting lives and property, is today overwhelmed by the complexity of the situation due to the poor working conditions of its workforce. The crisis, which started following the mobilization of July 6, 7 and 8, 2018 to denounce the increase in the prices of petroleum products, continued with violent demonstrations – which caused numerous deaths, injuries, scenes of looting... demanding the departure of the President Jovenel Moïse. This crisis is political.

---

<sup>38</sup> Having the status of Judicial Police Officers (OPJ) and, carrying firearms to protect themselves in the exercise of their function, sworn agents of the ULCC can “conduct a search in accordance with the provisions of the Code of Penal procedure”. Thus, “all papers, documents, objects or substances that can serve as exhibits, as well as all objects, values or goods related to acts of corruption and similar offenses can be seized and sealed. "With a written mandate from the Director General," they can find corruption offenses, collect evidence, investigate, research any public service, inspect the accounts of banks and other financial institutions of any suspect and/or their allies or nominees. “For the purposes of their work,” they are authorized to use all modern techniques and any process they consider useful in the detection of an offense.”



81. *The PNH operational plan (2017–2021)*. For the 2018–2019 fiscal year, the government gave only 4.24% of its share dedicated to the execution of the PNH operational plan containing five axes<sup>39</sup>. This underpayment for the implementation of the framework document to "transform the PNH into a more professional, more mobile and operational institution that is more respectful of human rights", illustrates the lack of respect of the Executive to its commitments, with serious repercussions on the security of the population and the protection of their rights.
82. The police workforce, which today stands at 15,937, including 1,563 women<sup>40</sup>, is out of step with the number of inhabitants (over 11 million)<sup>41</sup>. Indeed, according to international standards, there should be at least three police officers per thousand inhabitants.
83. The units specialized in law enforcement operations, namely the Departmental Law Enforcement Unit (UDMO) and the Intervention and Law Enforcement Body (CIMO) total a workforce of 1,845 agents. However, demonstrations are taking place in all departments, in a systematic and unforeseen manner, it is thus obvious that this manpower is not enough to limit the overflows and the violence emerging from the protests.
84. Other units, not specialized in this type of operation, such as the Departmental Operation and Intervention Brigade (BOID), the Intervention and Research Brigade (BRI), Anti-Drug Trafficking Brigade (BLTS), the General Security Unit of the National Palace (USGPN), the Presidential Security Unit (USP), the Haitian National Police Intervention Group (GIPNH / SWAT) and the Border Police (Polifront), are often deployed during demonstrations. Some of them kill and injure demonstrators, a consequence of their lack of specialization and experience in dealing with such situations<sup>42</sup>.
85. The under-equipped police do not have the means to fulfil their mission. During his hearing in front of the Commission for Justice, Public Security and National Defence of the Senate of the Republic, Thursday, July 11, 2019, the director general of the PNH, Mr. Michel-Ange Gédéon, declared

---

<sup>39</sup> The five axes are: strengthening the institutional and regulatory framework; human resource development; strengthening of administration and communication; improving security governance; infrastructural development.

<sup>40</sup> Journal Le Nouvelliste, "Le testament de Michel-Ange Gédéon, Directeur General de la PNH", August 26, 2019, <https://lenouvelliste.com/article/206170/le-testament-de-michel-ange-gedeon-director-general-de-la-font-national-Dhaiti>

<sup>41</sup> There are no exact figures yet. The Haitian Institute of Statistics and Computer Science (IHSI), the body responsible for carrying out censuses on Haitian territory, had announced, for March 2019, its next RGPH. See: La Population data mention : <https://www.populationdata.net/pays/haiti/>

<sup>42</sup> CARDH, "Is the Police on the verge of becoming a killing force?" Unregistered cars and armed individuals in the President's procession" October 2019.

that “we cannot have a good police force with cheap resources, which means that the question of means, of budget is impeding the police institution<sup>43</sup>”.

86. Their inadequate wages are not received in time and they have no social protection. On October 27, 2019, while the country was completely paralyzed, the police organized a march to demand better working conditions, despite formal notes and positions taken by the institution prohibiting them from doing so.

#### iv) Justice

87. *Prosecutors: Resignation of Commissioner Paul H. Villard.* The Government Commissioner, Paul Heronce Villard, resigned from his duties on September 26, 2019, because he refused the Executive’s request to repress at all costs the demonstrators who claimed their rights on the streets and, to protect against any prosecution his relatives involved in criminal acts.
88. The actions of Senator Jean-Marie Ralph Féthière, caught red-handed in the precincts of Parliament shooting at people opposing power, is an example of behavior to which the Commissioner was not ready to consent<sup>44</sup>.
89. *Renewal of judges’ mandates.* According to article 184.2 of the Constitution, the “Administration and control of the Judicial Power are entrusted to a Superior Council of the Judicial Power which exercises over the magistrates, a right of supervision and discipline, and which has a general power of information and recommendation on the state of the judiciary.” Thus, the law of November 13, 2007, makes the Superior Council of the Judicial Power the organ of administration, control, discipline and deliberation of this Authority.
90. As in the past, President Moïse became bogged down in a policy of attrition with the magistrates. Some see their mandate not being renewed without explanation. Commissioners are dismissed for their righteousness<sup>45</sup>; others were reportedly approached by powerful members of the Executive for the renewal of their mandate, which is being carried out sparingly, sometimes under pressure from magistrates’ associations.

---

<sup>43</sup> Newspaper *Le Nouvelliste*: “Parlement/Sécurité Climat d’insécurité : « La PNH manque de moyens », rappelle Michel-Ange Gédéon », 11 July 2019. <https://lenouvelliste.com/article/204398/climat-dinsecurite-la-pnh-manque-de-moyens-rappelle-michel-ange-gedeon>

<sup>44</sup> Indeed, in an exclusive interview with the newspaper *Le Nouvelliste* three days after his resignation, Mr. Villard revealed the existence of a "deep disagreement" with his superior. He underlined the following: “We are genuinely interested in watching the street. I just wanted a balance. If we attack Ti Joël, we must put public action in motion against everyone. It’s not their position.” A position attesting to an imbalance within the Justice system, visibly not impartial.

<sup>45</sup> Proximity survey carried out by CARDH with several judges and commissioners excluded from the system by the Executive.

91. On May 21, 2019, a strike was launched by the Professional Association of Magistrates to demand "the renewal of the mandates of judges certified by the Superior Council of the Judicial Power (CSPJ) and the independence of this power". Additionally, activities were paralyzed in the country's 18 jurisdictions.
92. From April 11 to October 19, 2017, the files of 133 certified judges were sent to the Executive by the CSPJ for renewal. On October 12, only 58 judges were appointed. From October 19, 2017, to March 1, 2018, 38 others were transmitted to the Executive. On May 4, only 41 were appointed. These figures clearly illustrate the lack of desire from the Executive to appoint competent and honest judges who should be, however, the pillars of an independent judiciary.
93. To belittle justice President Moïse declared in Paris, in December 2017, that he was pressured to appoint at least 50 corrupt judges<sup>46</sup>. In a press conference, members of the Higher Council of the Judiciary denounced his untimely statements as an attempt to jeopardize the independence of the Judiciary.
94. *Some files as proven indicators.* It seems important to take into consideration a few files to illustrate concretely how Haitian justice is being used.
95. **SOGENER case.** On October 15, 2019, in a "strong" speech at the National Palace, the President accused the protectors of the system, beneficiaries of contracts with the state, and announced that he was going to attack them.
96. On the basis of a resolution adopted by the Council of Ministers on October 23, the contract for the supply of electricity, binding the Haitian State with SOGENER, was unilaterally broken. The President immediately hired a private firm for his defense. Has a contract been submitted to the Superior Court of Accounts and Administrative Litigation (CSCCA) to define the rate of such legal assistance? No one knows for how much these lawyers work. Furthermore, the Haitian state must be represented in all legal disputes by lawyers of the DGI, not by private firms.
97. A complaint was therefore lodged at the Prosecutor's Office of the Court of First Instance against the officials of SOGENER, in November 2019. The Prosecutor's Office issued an exequatur on November 21, 2019, following an order of the Port-au-Prince Court of First Instance, authorizing the Electricity

---

<sup>46</sup> Newspaper *Le Nouvelliste*, December 15, 2017, "Juges corrompus : Le CSPJ dément et accuse le Président Jovenel Moïse d'avoir violé la Constitution" : <https://www.lenouvelliste.com/article/180625/juges-corrompus-le-cspj-dement-et-accuse-le-president-jovenel-moise-davoir-viole-la-constitution>

of Haiti (EDH) to recover the sites and power plants of Varreux, controlled for about 14 years by SOGENER.

98. The contract signed between EDH and the State of Haiti following a call for tenders on May 25, 2006, established arbitration as the method of conflict resolution, in accordance with the law of the parties (article 23.1). However, it only took 11 days for EDH to recover the Varreux sites and power plants.
99. On November 27, 2019, the Public Prosecutor's Office issued arrest warrants against SOGENER officials, which, in consequence, restricted the freedom of the said officials; their houses were raided by the DCPJ.
100. However, the complaint filed by SOGENER's lawyers should have been forwarded to the Investigation Office, as only the investigating judge is empowered to undertake such measure<sup>47</sup> (article 31 of the CIC). In addition, the Dean of the Port-au-Prince Court of First Instance, in his capacity of *habeas corpus* judge, decided on December 2nd to "stay the proceedings" on said request.
101. This whole action appears to be a personal revenge of the President of the Republic against the managers of the company. Thus, through its chairman and managing director, Mr. Jean Marie VORBE, SOGENER sent a correspondence on December 5, 2019, to *Together Against Corruption* (ECC), a certified copy of which was sent to 20 institutions (civil society, public and international bodies)<sup>48</sup>.

---

<sup>47</sup> The **appearance warrant** is an act, officially notified, by which the investigating judge gives notice to a person to appear before him on such day and at such a time. " It is awarded by the investigating judge, if he considers it appropriate, in the event of an offense which only incurs a correctional penalty. He has the power to transform it into another warrant after questioning the accused (art. 77 CIC).

The **deposit warrant** is the order given by a magistrate or a court to the head of a penal institution to receive and detain an individual. The examining magistrate may order him, after interrogation, or in the event of the accused's absconding, "if the act involves imprisonment or another higher penalty" (art. 80 CIC).

The **arrest warrant** is an order given by the investigating judge to any custodian of the police to bring such an accused before him. This mandate authorizes the use of coercive measures. The accused who does not respond to an appearance warrant may be subject to an arrest warrant from the investigating judge; just as for those who face an afflictive and infamous punishment (art. 77 et seq. CIC).

<sup>48</sup> Superior Council of the Judiciary, Haitian Chamber of Commerce and Industry, Franco-Haitian Chamber of Commerce and Industry, Haitian-American Chamber of Commerce, Association of Industries of Haiti, Professional Association of Banks, Commercial Section of Embassy of the United States of America, Commercial Section of the Canadian Embassy, Commercial Section of the French Embassy, Commercial Section of the German Embassy, Commercial Section of the Spanish Embassy, Integrated Office of the United Nations in Haiti (BINUH), Collective December 4, 2013, Center for Analysis and Research in Human Rights (CARDH), Ecumenical Center for Human Rights (ECHR), National Episcopal Conference Justice and Peace ( CE-JILAP), Haitian Council of Non-State Actors (CONHANE), Center for Research and Economic and Social Training for Development (CRESFED), Program for an Alternative of Justice (PAJ), National Network of Defense of Human Rights (RNDDH), Sant Karl Lévêque (SKL).

102. While effectively recognizing that the contracts concluded between the Haitian State and many private companies have been overcharged, despite the need to give new directions to public policies and to protect the interests of the State and of society as a whole, this file shows that justice is vassalized by President Moïse who uses it for the purposes of political and criminal persecution.
103. SOGENER is not an isolated case. This government is heavily involved in various overcharging scandals related to corruption: (i) school kit scandal in August 2017 (Minister Roosevelt Bellevue, serving as a scapegoat at the National Palace, was "dismissed", then rewarded with a job in diplomacy); (ii) scandal of the helicopter rental contract binding the Haitian government and the HELICO S.A. Company for an amount close to USD 600,000 for two months; (iii) DERMALOG scandal, a contract worth around USD 27 million, illegally signed by the Haitian state to change the database of the national identification card. What did the prosecutors do with it?
104. *Non-execution of the judgment of May 8, 2018, of the Court of Cassation (Woodly ETHEART, alias Sonson La Familia and others)*. On May 8, 2018, in ordinary and public hearing, the Court of Cassation delivered its judgment, requesting that Woodly ETHEART and Renel NELFORT, two leaders of the *Galil* gang and released by the criminal court sitting without jury assistance on April 17, 2015, be arrested so that the case could be heard again.
105. "For these reasons, the Court, the Public Ministry heard, sets aside the judgment of the criminal court without jury assistance dated of April 17, 2015, between the Government Commissioner (...) and Mr. Woodly ETHEART alias Sonson La Familia and Renel NELFORT alias Le Recif accused of kidnapping, forcible confinement, money laundering, illicit drug trafficking, murder and association of criminals; orders that this case be heard before the same court with other judges (...)". This judgment has still not been executed, almost two years later.
106. *The case of Arnel Bélizaire*. On November 26, 2019, a warrant was brought against Arnel Belizaire, former deputy for Delmas/Tabarre, by the Port-au-Prince Prosecutor's Office for "conspiracy against the internal security of the State and threats of setting fire to the American Embassy and the Crown Brewery."

---

Newspaper *Le Nouvelliste*, December 5, 2019: "La Sogener écrit à la présidente de l'Organisation ensemble contre la corruption" : <https://lenouvelliste.com/article/209893/la-sogener-ecrit-a-la-presidente-de-lorganisation-ensemble-contre-la-corruption>

107. On the evening of November 30, 2019, accompanied by other individuals, he was arrested in Jacmel, in the southeast of the country, with several weapons in his possession. However, parliamentarians supporting the government in power, delegates (representatives of the President) and armed civilians accompanying them continue to circulate with weapons of war, with everyone's knowledge.
108. *Non-appearance of the departmental delegate from the west, Joseph Pierre Richard Duplan.* Suspected in the La Saline massacre, Mr. Duplan was never invited to appear before the investigating judge working on the case.
109. After investigating the La Saline massacre, the Central Directorate of the Judicial Police (DCPJ) asked the justice system to arrest Jimmy Cherisier, aka Barbecue, which has never been done.
110. In addition, the gates of justice unquestionably remain closed to the population. Public institutions at the *Bicentenaire* are in turn relocated to Pétion-Ville: the Office of Monetization, the President of the Senate has already signed a contract with the Ritz Kinam Hotel to relocate the Senate, of which, from the second Monday of January 2020, two thirds of the current legislation (50th) will not be part in the next one (51st), due to the non-holding of the elections. Why spend billions of gourdes in this context and for what Parliament?
111. The government terrorizes the population with armed groups in its pay. With inexplicable staggering expenses, the failure of the Prosecutor's Office to follow up on cases sent by the ULCC and justice remaining out of reach, the country is in complete anarchy, where the state takes the emotional shape of the President.

#### **K. Failure to respect the principles of democratic governance**

112. On March 18, 2019, by a motion of censure, the majority of the President in the Chamber of Deputies dismissed the government led by Prime Minister Jean Henry Céant. Since then, the country has had no government. This is why, the International Monetary Fund (IMF) declared, on March 21, 2019, that the concessional loan granted to Haiti of USD 229 million at 0% interest rate over three years, had been frozen, pending the formation of a new government and the ratification of the budget for the ongoing financial year<sup>49</sup>.

---

<sup>49</sup> Newspaper *Le Nouvelliste*: "Le FMI gèle les 229 millions de dollars en attendant le prochain gouvernement", 22 March 2019: <https://lenouvelliste.com/article/199544/le-fmi-gele-les-229-millions-de-dollars-en-attendant-le-prochain-gouvernement>

113. Following this motion of censure, on March 21, 2019, Mr. Jean Michel Lapin, former Minister of Culture, was appointed Prime Minister *ai*, for a period of 30 days, in accordance with article 165 of the Constitution. He resigned four months later, on July 22, 2019, the day Mr. Fritz William Michel was appointed.
114. Unbeknownst to the population, who systematically demonstrated in the streets to demand better living conditions, denounce corruption, injustice and the shortage of basic services, President Moïse, along with Mr. Jean Michel Lapin, –“interim” for some and “illegal” for others– made appointments at the highest level of public administration<sup>50</sup>, including five ministers and several general directors, mostly ineligible. The new Director of the General Inspectorate of Finance, for example, Mr. Wolff Dubic, must have had at least 15 years of experience in public service<sup>51</sup>. However, he did not work as a public servant before 2009, then hired as a contract employee.
115. It must be reminded, however, that an interim government cannot appoint or dismiss, because these new administrative acts modify the legal system. As noted in Article 165 of the Constitution, the interim government liquidates current business, pending the taking office of the new government. Interim ministers appoint and install other interim ministers. What a mess!

---

<sup>50</sup> Messrs. Pierre Josué Agénor Cadet, Minister resigning from National Education, has been appointed Minister of the Interior and Territorial Communities; Joseph Joute, Minister who resigned from the Environment, has been appointed *ai* Minister of the Economy and Finance; Edmond Bocchit, Minister of Foreign Affairs, has been appointed Minister of Tourism, Enold Joseph, Minister of Defense, has been appointed Minister of Industry and Trade; Mrs. Evelyne Sainvil, Minister who resigned from the Status of Women, was appointed Minister *a.i* of Haitians living abroad.

By presidential decree published on October 16, MM. Wilfrid Trénard, Wilson Fièvre and Léon Jean-Marie Guillaume were respectively appointed director general of the Ministry of Planning and External Cooperation (MPCE), director general of the Haitian Institute of Statistics and Information Technology (IHSI) and director of National Telecommunications Council (CONATEL). Mr. Wolff Dubic has been appointed Director of the General Inspection of Finances (IGF). Eudes Lajoie and Éric Prévost Junior respectively at the National Solid Waste Management Service (SNGRS) and the Maritime and Navigation Service of Haiti (SEMANAH). By presidential decree dated November 29, 2019, Mr. Claudy Gassant was appointed director general of the ULCC, taking on his duties on December 3.

<sup>51</sup> According to article 8 of the decree of May 25, 2006 (*Le Moniteur* No. 47), creating the General Inspection of Finance (IGF), a decentralized technical service of the Ministry of Economy and Finance (MEF), “IGF is placed under the hierarchical authority of a senior manager of category A, level I justifying at least fifteen (15) years of career in economic and/or financial administration.”

## L. State crime through the spread of armed groups and the "mercenarization" of the country

### i) Exponential increase of armed groups

116. Upon the arrival of the United Nations Mission for Stability in Haiti (MINUSTAH) in October 2004, following the departure of President Jean-Bertrand Aristide (February 29, 2004), whose mission was to “promote the recovery and maintenance of the rule of law<sup>52</sup>”, Haiti mainly had two lawless zones: Cité Soleil and Bel Air. For analysts, these pro-*Lavalas* zones were rather pockets of resistance.

117. Today, at least 96 armed groups and 500,000 illegal weapons in circulation are listed across the territory<sup>53</sup>. The expansion of these armed gangs has accelerated considerably with the advent of the TêTKale group in power (Mr. Michel Martelly and Jovenel Moïse)<sup>54</sup>, some of which are directly sponsored by the Executive and the Parliament<sup>55</sup>.

---

<sup>52</sup> CARDH, "Haiti in the Age of a New UN Mission (MINUSTAH), Building the Rule of Law: A Shared Responsibility", October 2017

<sup>53</sup> National Disarmament, Dismantling and Reintegration Commission (CNDDR), Haiti Press NetWork: <http://www.hpnhaiti.com/nouvelles/index.php/societe/6360-haiti-insecurite-scenes-de-crimes-horribles-dans-l-artibonite>

Rezonodwes: <https://rezonodwes.com/2019/11/12/haiti-violence-96-gangs-armes-recenses-500-mille-armes-a-feu-en-circulation/>

<sup>54</sup> On March 25, 2014, a complaint was filed with the Prosecutor's Office of the Court of First Instance of Port-au-Prince, by the deputy of Delmas, Arnel Belizaire, against Prime Minister Laurent Salvador and Mr. Salim Succar, illegally bringing in 200 galils in the country. “(...) On March 3, 2013 Laurent Salvador Lamothe, Prime Minister of his state and the named Salim Succar formulated an order for weapons of war and handgun in Israel with the complicity of Fresnel Jean Baptiste, director general of Customs, without respecting regulations, since no budget forecast was allocated for such transactions and no consultation was engaged with the other co-depositary institutions with the Executive, of national sovereignty, on the advisability of such expenses. From this command, 200 galils entered the country and the cost of these operations remains unknown, which amounts to illegal arms trafficking, the backbone of organized crime.”

On September 8, 2016, agents of the National Police (PNH), at Saint-Marc customs, discovered a large shipment of weapons of war and ammunition, namely: 150 rifles of 12.9 caliber, 12 double barrel rifles, 5 M 4 rifles, 15 pairs of handcuffs, 10 pairs of boots, 50 cases of 50 units of 38 caliber cartridges, 4 cases of 1,000 units of 9mm cartridges, 10 cases of 250 units of 12.7 caliber cartridges cases, 50 boxes 50 cartridges 380, 2 boxes 250 cartridges 12.7 leader caliber 5.56mm, 1 loader M14, 12 uniforms (blue pants, black shirt), 5 tactical vests, 1 Glock pistol 9mm BCB2761 and a loader... A PNH Galil assault rifle, model IWI ACE21, serial number 43100915, caliber 5.56mm, endowed at the National Palace by the logistics directorate, was found in the possession of a gang involved in the massacre of La Saline (PNH, DCPJ report, April 23, 2019, pp. 18,23).

<sup>55</sup> National Disarmament, Dismantling and Reintegration Commission (CNDDR).





*President Jovenel Moïse greeted by Poldo, gang leader of Descalhos, Vertières, and other people during a short trip to Les Gonâives, 16 December 2019, © Lakay Info*

118. During a meeting with the director of the National Police of Haiti, on July 31, 2019, the Justice and Security Commission of the Senate of the Republic established the relationships between Senator Gracia Delva and the gang leader Arnel Joseph. The chairman of the said Commission, Senator Jean Renald Sénatus, had to emphasize that "98% of the information linking Garcia Delva to Arnel Joseph in acts of kidnapping is authentic"<sup>56</sup>. Consequently, Senator Delva decided not to sit in Parliament.
119. After meeting with one of the GranRavin gang leaders on November 13, 2019, on behalf of the Executive, Mr. Fritz Jean Louis was allegedly attacked by the same gang. It was said that negotiations had gone wrong (statement by Senator Youri Latortue).
120. This exponential increase of armed gangs has the direct consequence of an escalation in criminality. Throughout the day, gangs terrorize the population and try to extend their "hegemony" in other districts. In Petite Rivière de L'Artibonite, after a confrontation between two armed gangs during the day of October 25, a disturbing video was looped on social networks, revealing images showing members of armed gangs burning and beheading members of other gangs.

---

<sup>56</sup> Newspaper *Le Nouvelliste*, 31 July 2019: <https://lenouvelliste.com/article/205264/a-98-les-informations-liant-garcia-delva-a-arnel-joseph-dans-des-actes-de-kidnapping-sont-authentiques-rapporte-le-senateur-senatus>

ii) Mercenaries working for the government

121. On October 17, 2019, foreign snipers were spotted in parts of the country, including the top of the 2004 tower, located at the Champ de Mars, near the National Palace.
122. This seems unthinkable, yet the presence of mercenaries and heavily armed foreign individuals recruited by the government has become frequent in Haiti, against the backdrop of the exponential increase in crime.



*Photo montrant des étrangers lourdement armés recrutés par le président Moïse sur la Cour du palais national (©Mario Andresol)*

123. *Case of the seven mercenaries.* On February 17, 2019, seven heavily armed foreigners, traveling by car, including one belonging to Ms. Magalie Habitant, director of the Metropolitan Solid Waste Collection Service (SMCRS), were arrested by a patrol from the *Cafeteria* police station. They had nine-millimeter pistols, assault rifles – qualified as weapons of war, drones, bullet-proof jackets and satellite phones.
124. They were then taken to the Port-au-Prince police station and transferred to the Central Directorate of the Judicial Police (DCPJ), by orders of the government commissioner who found they could not be released. However, three days later, on February 20, to everyone’s dismay and without any explanation, they were released, and then taken to the airport towards the United States, by order of the Executive, via the Minister of justice, Mr. Jean Roudy Aly.
125. Appalled by the act, the Superior Council of the Judicial Power (CSPJ) wrote to Minister Aly on February 21, expressing “his deep concern over the countless deaths and injuries”, and asking for explanations. The Council added its amazement at the fact that the individuals had left the country, “in defiance of the Constitution and the laws of the Republic, which undermines the foundations of the rule of law and democracy”.

126. Prime Minister Jean Henry Céant was also surprised at the transfer of the seven mercenaries to the United States. He therefore wrote to the director of the PNH and to Minister Aly in order to acquire the arrest reports, as well as a detailed report of the stages and legal references which led to this decision.
127. Senator Youri Latortue, president of the Ethics and Anti-Corruption Commission, subsequently revealed that these mercenaries belonged to the ACADEMI Firm, succeeding BLACKWATERS<sup>57</sup>, which was sanctioned for crimes committed in Iraq. As for the President, he told a journalist on October 15 that foreign agents were in Haiti to strengthen his security, without giving details on the nature of their work.
128. *Heavily armed foreigners accompany the President's procession.* Heavily armed foreigners, hooded men, unregistered or folded-plate cars accompany the President's procession.
129. As an example: On Wednesday, October 16, around 1 p.m., a gray Mitsubishi carrying heavily armed individuals accompanied a USGN patrol parked at the corner of Avenue Martin L. King and Avenue Lamartinière. A few days before, another unlicensed car, accompanying USGPN patrols, was parked at the gas station at the corner of John Brown Avenue and Martin L. King Avenue<sup>58</sup>.
130. A few days later, a black Toyota, Model Land Cruiser, with folded number plates and white front doors, carrying heavily armed people in uniform, was among PNH cars, with BOID agents accompanying heavy vehicles which removed the barricades at the rear entrance of the Palace (*in the Faculté Normale Supérieure* area).
131. On November 18, 2019, a Toyota Prado, with folded license plates, was among other cars in the President's motorcade towards Pétiion-Ville.
132. Heavily armed individuals in cars were also identified in USGPN (mid-October), USGN (October 16) and PNH patrols with BOID agents, as well as in the President's motorcade (November 18).
133. *The case of Jacques Yves Duroseau.* On November 12, 2019, Jacques Yves Duroseau, a former member of the US Navy, who arrived at Toussaint Louverture International Airport on board of American Airlines flight 949, was detained at the airport. He had in his possession several "pistols", assault

---

<sup>57</sup> BLACKWATERS committed serious violence against civilians in Iraq in 2014 and several of its agents had been convicted by the American justice system, in particular for the NISOUR massacre in 2017 which left 17 dead and 20 injured, the Senator said.

<sup>58</sup> CARDH, "Is the police on the way to becoming a killing force?" Unregistered cars and armed individuals in the President's procession. October 2019, p.7.

rifles, etc. After intervention by the Anti-Drug Trafficking Brigade (BLTS), he was handed over to the DCPJ. On the radio, we were told of his release and his return to the United States.

#### **M. Inadequacy of public institutions**

134. The factors highlighted above on the failure of the Haitian State, categorized as fragile, are generally explained by the inadequacy of public institutions, due to their weakness. This reality accelerated with the accession to power of President Jovenel Moïse, whose administration is characterized, among other things, by a lack of interest in respecting human rights, grand corruption, the weakening of institutions, the violation of the law and of democratic principles as well as a lack of humaneness<sup>59</sup>.

135. These indicators give a global idea of the way in which the State is managed and will allow a better understanding of the scope of human rights violations, beyond the observations which will be made in the following section.

---

<sup>59</sup> CARDH, “Haiti at the heart of human rights violations, The popular mobilization of September 27 and 30, 2019”, October 2019, pp. 5, 6 and 7.

## VII. The human rights situation

136. This part, dealing with the human rights situation in Haiti for the year 2019, is divided into two chapters. The first covers economic and social rights; the second, civil and political rights.

### N. Economic and social rights

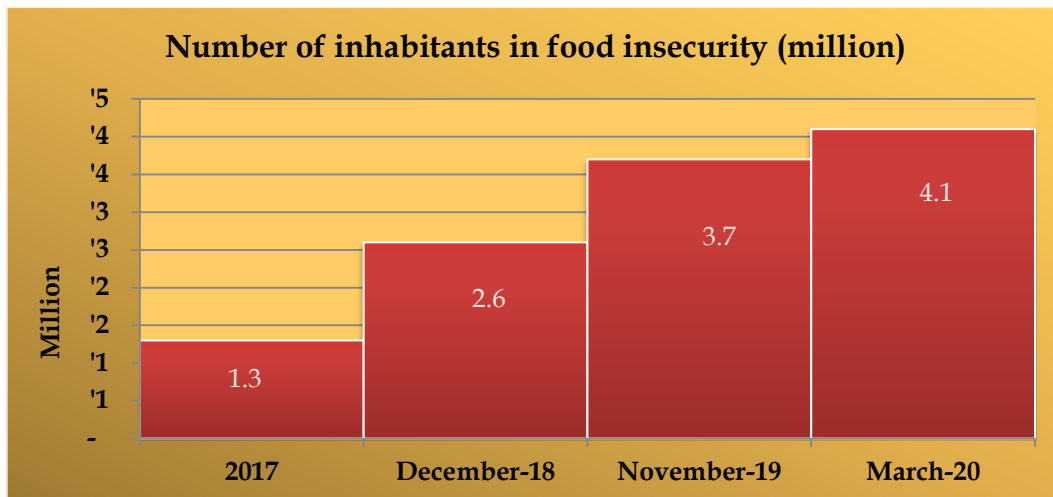
137. The analysis on social and economic rights, also called second generation rights, takes into account: (i) food insecurity (violation of the right to food); (ii) persistence of poverty; (iii) unemployment; (iv) inflation; (v) violation of the right to private property; (vi) precarious access to health care; (vii) detention conditions; (viii) non-respect of the right to education; (ix) the upcoming humanitarian crisis.

#### i) Food insecurity (violation of the right to food)

138. The number of people experiencing acute food insecurity has increased exponentially. In 2017, the number of 1.3 million food insecure inhabitants rose to 2.6 million in December 2018 (almost 50% in rural areas) and reached 3.7 million in November 2019. This marks an increase of 42.3% in one (1) year. Without an urgent and massive intervention, it will reach 4.1 million by March 2020<sup>60</sup>, which would represent an increase of almost 11%.

	Number of inhabitants in food insecurity (million)			
	2017	Dec. 2018	Nov. 2019	March 2020
<b># of inhabitants</b>	1,300,000	2,600,000	3,700,000	4,100,000
<b>Variation</b>		100%	42.3%	10.8%

<sup>60</sup> Newspaper *Le Nouvelliste*, November 8, 2019: "Nations Unies, Haïti : plus d'une personne sur trois en insécurité alimentaire grave" : <https://www.lenouvelliste.com/article/208871/haiti-plus-dune-personne-sur-trois-en-insecurite-alimentaire-grave-selon-lonu>  
<https://www.lenouvelliste.com/article/200676/258-millions-de-personnes-evoluant-en-milieu-rural-vivent-en-insecurite-alimentaire-aigue>



## ii) Persistence of poverty

139. According to the World Bank, Haiti is today the poorest country in the Western Hemisphere, with a gross domestic product (GDP) per capita of USD 870 and a human development index (HDI) ranking it 168 out of 189 countries. More than six million Haitians live below the poverty line (on less than \$2.4 per day), and more than 2.5 million are below the extreme poverty line (on less than \$1.23 per day)<sup>61</sup>.

140. Poverty is a serious affront to human dignity, the foundation on which the edifice of human rights and fundamental freedoms rests (United Nations, Guiding Principles on Extreme Poverty and Human Rights).

141. This situation worsened with the socio-political and economic crisis that persisted throughout 2019 and resulted in a rapid monetary depreciation estimated at almost 30%; a high inflation rate of around 20%, as well as a contraction in GDP (estimated at 0.5%). Added to this, is the fact that over 96% of the population is exposed to natural disasters<sup>62</sup>, a risk that can lead to an even faster increase in poverty and has serious implications for the national economy.

142. The labor force is estimated at 4.8 million. In 2016, unemployment was estimated at 70%. With a population growth rate of 1.5% and the absence of job policies, the unemployment rate could reach 5 million. In 2018, the job index was revised downwards, to 3.1%<sup>63</sup>. If we refer to the employment index calculated and published by the Employment Statistics Monitoring Unit (USSEM) of the IHSI, we see a downward trend in the 1st quarter of the fiscal

<sup>61</sup> See: <https://www.banquemoniale.org/fr/country/haiti/overview>

<sup>62</sup> *ibid*

<sup>63</sup> See: [http://www.lenational.org/post\\_free.php?elif=1\\_CONTENUE/economies&rebmun=2441](http://www.lenational.org/post_free.php?elif=1_CONTENUE/economies&rebmun=2441)

year 2019. Its level fell from 108.4 in the first quarter of 2018 to 107.1 in the first of 2019, a fall of 1.2%.

143. The two institutional sectors most affected by the decline in employment are Non-Governmental Organizations/International Organizations (NGOs/IOs) and the Public sector. In fact, the NGO/IO sector experienced a negative inter-annual variation of 8.2% in the first quarter of the 2018–2019 fiscal year, having gone from 110.7 to 101.6 in one year. The Public sector, which is very important in the overall trend of the Employment Index, also declined. Its index went from 111.5 in October-December 2017 to 110.3 in October-December 2018, i.e. a fall of 1.1% in one year. Only the private sector was able to maintain a modest growth of 0.3% over the same period. The decrease of 1.1% recorded in the public sector is mainly due to the negative development of Public Administration, since the EI of public enterprises is rather on the rise. The Public Administration EI fell from 111.8 in the first quarter of the 2018 fiscal year to 109.8 in the quarter under study, a decrease of 1.8% over the year. On the other hand, the other component, public enterprise, as mentioned, experienced a positive growth of 11.9%.

**Table: Employment index by institutional sector (base 100 in the first quarter of 2014)**

Institutional Sector	Employment Index (EI)				
	Oct-Dec 2017	July-Sept 2018	Oct-Dec 2018	Quarterly Variation (%)	YoY decrease (%)
<b>Overall EI</b>	108.4	99.7	107.1	7.4	-1.2
<b>Public EI</b>	11.5	100.2	110.3	10.1	-1.2
Public Administration	111.8	99.6	109.8	10.2	-1.8
Public Enterprise	107.3	113.9	120.1	5.4	11.9
<b>Private EI</b>	97.9	97.2	98.2	1.0	0.3
Private Enterprise	97.9	92.2	98.2	1.0	0.3
<b>EI NGOs/IOs</b>	110.7	103.5	101.6	-1.8	-0.8
NGOs/IOs	110.7	103.5	101.6	-1.8	-8.2

Source : Unité de suivi des statistiques de l'emploi (USSEM/IHSI)

144. In addition, it is important to note that 5% of the population has 50% of the national income. The remaining 95% share the other half. This is due to very large wage gaps in Haiti, where income inequality is the highest in the Caribbean region. In fact, almost 20% of the wealthiest households hold

around 64% of the total national income, compared with barely 1% for the 20% of the poorest households<sup>64</sup>.

145. With the outbreak of the socio-economic and political crisis in July 2018, which accelerated in 2019, and the violence it generated, companies have closed their doors, and others have reduced their staff considerably. Some have been looted or burned, causing further job loss in several areas.
146. On November 20, 2019, the Bank of the Republic of Haiti (BRH) and the Haitian Chamber of Commerce and Industry (CCIH) announced a study on the closure of businesses and its impact on the economy.
147. Official data are not yet available, but observations can be made. For example, for the month of October, the Best Western Premier, Mont Joli (established since 1954) and Stercha hotels have in turn closed their doors; the Karibe Hotel and the Crown Brewery have suspended certain employment contracts; Maison Deschamps, which has worked in the education sector for more than 120 years, has reduced the work rate from five to three days a week, resulting in a 30% reduction in wages for its employees<sup>65</sup>. Contacted media outlets were already in the process of reducing their teams (CARDH's investigation).

---

<sup>64</sup> Newspaper *Le Nouvelliste*, January 1, 2018. "L'économie haïtienne est coincée avec des travailleurs essentiellement pauvres": <https://lenouvelliste.com/article/181321/leconomie-haitienne-est-coincee-avec-des-travailleurs-essentiellement-pauvres>

<sup>65</sup> Newspaper *Le National*, 23 October 2019: "Haïti/Crise : le marché du travail sévèrement touché": [http://www.lenational.org/post\\_free.php?elif=1\\_CONTENUE/economies&rebmun=2441](http://www.lenational.org/post_free.php?elif=1_CONTENUE/economies&rebmun=2441)



iv) Inflation rate

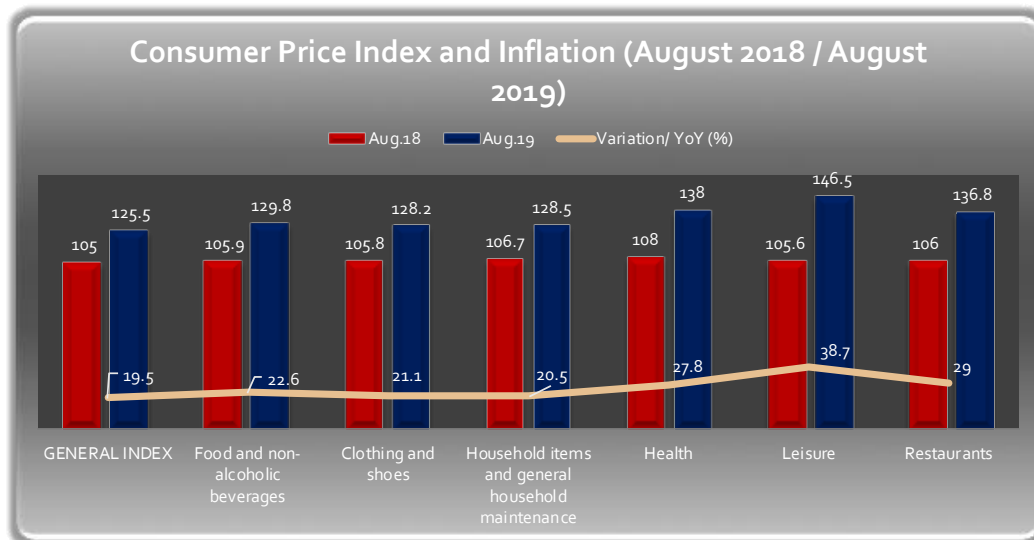
148. From January 2018 to January 2019, the inflation rate rose from 10.9 to 15.5 and from 15.5 to 19.5 from January to August 2019, considerably weakening the purchasing power of the population. This variation is due to the increase in almost all consumption functions, the most important of which are "Food products and non-alcoholic drinks" (1.5% over a month and 22.6% over a year), "Articles of clothing and shoes" (3.2% over a month and 21.1% over a year).

Division	Aug. 2018	June 2019	July 2019	Aug. 2019	Variation (%)	
					Per month	Per year
<b>General Index</b>	105.0	121.6	123.5	125.5	1.6	19.5
Food and non-alcoholic beverages	105.9	126.0	127.0	129.8	1.5	22.6
Clothing and shoes	105.8	121.0	124.2	128.2	3.2	21.1
Furnitures, household items and general household maintenance	106.7	125.4	127.7	128.5	0.7	20.5
Health	108.0	131.8	135.0	138.0	2.2	27.8
Leisure	105.6	134.0	138.1	146.5	6.0	38.7
Restaurants	106.0	127.6	130.2	136.8	5.1	29.0

*Table: Consumer Price Index per division  
IHSI/DSE/pricing offices*

149. "Furniture, household items and household maintenance" (0.7% over a month and 20.5% over a year), "Healthcare" (2.2% over a month and 27.8% over a year), "Leisure" (3.1% over a month and 29.6% over a year) and "Restaurants" (5.1% over a month and 29.0% over a year)<sup>66</sup>. This considerably weakens the purchasing power of the population, of which more than half already lives below the poverty line (6 million) and 3.7 million is in acute food insecurity.

<sup>66</sup> IHSI/DSE/BUREAU DES PRIX, IPC, August 2019



v) Violation of the right to private property

150. The current economic situation also affects the right to private property. During the days of September 27 and 30, CARDH identified at least fifteen companies that were looted, and some others burned down<sup>67</sup>. It should also be noted that public goods are no exception, with, for example, six PNH vehicles and four public buildings set on fire<sup>68</sup>.

vi) Precarious access to health care

151. Haiti has 3,354 doctors and 8,202 nurses for the entire population (more than 10 million), according to the last census quoted by the Ministry of Public Health and Population (MSPP), which represents a drop, in comparison with 2017<sup>69</sup>.

<sup>67</sup> Western Union (Port-au-Prince, between Delmas 50 and 52); A Pharmacy (Pétion-Ville, rue Lambert); A detached house (Pétion-Ville, corner of rue Faubert and Louverture); Sogebank (Port-au-Prince, Delmas 48); Digicel store (Port-au-Prince, Gerald Bataille area); Total gas station (Port-au-Prince, corner of Boulevard Toussaint Louverture and Haile Selassie); Digicel card (Port-au-Prince, Delmas 48); Carribean Craft (Port-au-Prince, Maïs-Gâté); Avis, vehicle rental (Port-au-Prince, boulevard Toussaint Louverture); Kreyatif Hands Company (Port-au-Prince); Keijzer Computer Systems S.A. (Port-au-Prince, Delmas 56); Complex housing the clinic and the political office of Senator Carl Murat Cantave (Gonaïves); Hotel / restaurant Ô Divin (Gonaïves, Avenue Lumane Casimir Bigot); Banj (Delmas)

<sup>68</sup> In addition, at least six (6) PNH vehicles were set on fire: One (1) in Marigot; One (1) at Saint-Marc; One (1) at the airport junction; Three (3) at Cité Soleil (UDMO base). Public buildings: Buildings housing public institutions were burned down, others looted: Parquet of Petit Goâve; Office of the Artibonite departmental delegation; The Court of Jacmel; EDH office in Delmas.

<sup>69</sup> Newspaper *Le Nouvelliste*, 4 January, 2019 “3 354 médecins pour desservir plus de 10 millions d’habitants” : [https://lenouvelliste.com/article/196624/3-354-medecins-pour-desservir-plus-de-10-millions-d’habitants](https://lenouvelliste.com/article/196624/3-354-medecins-pour-desservir-plus-de-10-millions-d-habitants)

152. In addition, the 2016 MSPP statistical report mentions that almost 70% of the population does not have access to health care<sup>70</sup>.
153. The report highlights the increase in certain diseases, such as diphtheria, which reappeared in 2014, increasing in 2016, and reaching all sections of the population in the country; malaria went from 7,013 cases in 2015 to 13,189 in 2016, an increase of 88%; diarrhea, recorded in both adults and children, increased by 3.7% and; cholera increased by 16% compared to 2015.
154. Health conditions in Haiti were already very precarious. The year 2019 is even more worrisome due to the ongoing socio-economic and political crisis. In February 2019, the State University of Haiti Hospital (HUEH)<sup>71</sup> was effectively closed. On September 16, 2019, the third phase of “country lock”, demanding the departure of the President, took an unprecedented proportion, impacting the functioning of health services: private and public hospitals could not access supplies, ambulances were struggling to move around...
155. Calls for help came from everywhere. The Association of Private Hospitals of Haiti (AHPH), formed of 28 member hospitals, sounded the alarm stressing that the blocking of socio-economic activities in the country posed risks to public health, with hospitals facing major challenges: shortage of electricity, fuel and oxygen; depletion of stocks of medicines and; curtailment of means of transport and communication. These challenges directly affect the ability to save lives.
156. An urgent request was made to all the protagonists of the crisis, asking them to understand how major the impact was for the well-being and immediate survival of all strata of the population. Priority should be given to the country’s medical services for electricity, fuel and the security of their premises, staff, ambulances and other means of transport.
157. Pregnant women gave birth on the streets; others who have launched distress calls have given birth on the courtyard of radio stations (Caribbean, Zenith). For example on Sunday, November 3, after having wandered unsuccessfully through the streets of Port-au-Prince in search of a hospital, Blandine Pierre, originally from Fontamara (southern suburb of the capital), aged 24, gave birth to a baby boy on the courtyard of *Radio Caraïbes*, on rue Chavannes.
158. A further investigation is needed to assess the damages caused by the crisis on the access to health care.

---

<sup>70</sup> *Ibid*

<sup>71</sup> See: <sup>61</sup><https://lenouvelliste.com/article/198145/lhopital-general-ferme-de-fait-quand-on-en-a-le-plus-besoin>

vii) Detention conditions in prisons

159. Detainees are particularly shaken by this crisis, from a social and economic point of view, given the degrading conditions in which they live.
160. Since the start of the third “locked country” phase, on September 16, 2019, the food stocks of nine prisons, namely: Hinche; Grande Rivière du Nord; Cap-Haitien; Jacmel; Anse-à-Veau; Les Cayes; Jérémie; Port-de-Paix and; Saint-Marc were not delivered. In the prisons of Port-au-Prince (at the Penitentiary), at Croix des Bouquets, and in Cabaret, food stocks were only renewed for two to three days and not for a month, as it is normally the case.
161. The cells are unsanitary and foul-smelling and, the hygiene kits have not been renewed. Detainees and prisoners did not receive health care, as stocks of medicines were not replenished by the Prison Administration Department (DAP). As a result, at least 34 prisoners have died<sup>72</sup>.

viii) Right to education

162. Children should all have access to education and thus benefit from the same opportunities to build a future for themselves, respecting the principle of equality and non-discrimination. In addition to accessibility, the right to education also requires quality teaching.
163. Education in Haiti is problematic both in terms of quality and accessibility. Private schools represent 80% of educational establishments, while the public ones account for only 20%. Given that unemployment has reached over 70% in Haiti, this factor could explain the inaccessibility of education for all, particularly for vulnerable groups.
164. In addition, the cost of schooling increases each year according to the appreciation of each owner. The state has no effective system of control and regulation. The law on school fees, voted in Parliament on December 10, 2009, was published in the country’s official journal, *Le Moniteur*, on January 3, 2017, eight years later. This shows the disinterest of several presidents on the issue.
165. This law provides that an increase in school fees can only be considered every four years and cannot exceed 10%. Despite its existence, school fees continue to increase annually.

---

<sup>72</sup> CARDH interviews with officials from the Prison Administration Department, supplemented by the RNDDH report: "Impacts of the current socio-political crisis on general conditions of detention", 6 November 2019.

166. On August 23, 2019, following complaints from parents, representatives of the school Les Filles de Marie, of the Institutions Saint-Louis de Gonzague, Sainte-Trinité, of the Académie chrétienne, of Saint-Louis de Bourdon and of Marie Anne were heard for more than an hour at the Prosecutor's Office of the Port-au-Prince's Court of First Instance. Having no binding power in the matter, the prosecution announced that an agreement had been reached. Indeed, the intended remedy must be brought before the litigation department of the Ministry of National Education and Professional Training (MENFP), the decision of which is final<sup>73</sup>.
167. In Haiti, around 375,000 children between the ages of 6 and 11 (one third of this age group) are not in school<sup>74</sup>. The literacy rate remains around 50%<sup>75</sup>. The socio-economic and political crisis prevailing in Haiti since 2018 has significantly affected an already fragile access to education.
168. The 2018–2019 academic year was not completed and was spent in fear. From February 7 to 17, 2019, the country, especially the West Department, was paralyzed. School and university students could not go to school. The "locked country" operation continued the following June. Schools therefore calculated the final average from the previous three semesters and had to cancel the exams for the fourth.
169. Despite the fact that the 2019–2020 academic year was due to start on Monday 9 September 2019, in accordance with the schedule of the Ministry of National Education, the gates of schools and universities remained shut. When answering questions from journalists, the President of the Republic could not give any date or guarantee as to their reopening.
170. For its part, the Haitian Religious Conference (CHR) formally closed the doors of its educational establishments and organized a march on October 22, 2019, in order to appeal to "consciences" on the magnitude of the situation<sup>76</sup>.
171. On November 20, World Children's Day, also marking the 30<sup>th</sup> anniversary of the Convention on the Rights of the Child (CRC), UNICEF and UNESCO stressed that political unrest and the rise of violence in Haiti had significantly reduced access to basic social services, including this to schools

---

<sup>73</sup> Newspaper *Le Nouvelliste*, 23 August 2019, "Augmentation des frais scolaires / Rentrée des classes. Des directeurs d'écoles convoqués au Parquet : des solutions à l'horizon":

<https://lenouvelliste.com/article/206112/des-directeurs-decoles-convoques-au-parquet-des-solutions-a-lhorizon>

<sup>74</sup> See: <http://enfants-soleil.org/spip.php?article97>

<sup>75</sup> Laënnec Hurbon "Education, condition of development in Haiti", January 16, 2018: <https://ideas4development.org/education-haiti-condition-developpement>

<sup>76</sup> Newspaper *Le Nouvelliste*, 20 October 2019: <https://lenouvelliste.com/article/208203/les-ecoles-congreganistes-resteront-fermees-jusquau-denouement-de-la-crise-decide-la-conference-haitienne-des-religieux>

and universities. As a result, more than three million children were unable to attend classes.

172. At the beginning of December 2019, 70% of the schools in the country remained closed. In addition, there are 500,000 children aged 5 to 18 outside of the school system who are exposed to violence.

173. This panorama depicts how the Haitian education system, the least efficient in the region in terms of quality, and with a number of school days varying between 140 and 150 per year in normal times, has considerably deteriorated for the 2018–2019, 2019–2020 academic years. In these conditions, where the "State proves incapable of providing training for children and young people", the future of the country will not be able to progress, underlined Professor Hérold Toussaint<sup>77</sup>.

#### xix) Upcoming humanitarian crisis

174. Everyone agrees that the country is on the brink of a humanitarian crisis. On 15 October 2019, the members of the Security Council stressed that the transition from the United Nations Mission for Support to Justice (MINUJUSTH) to the United Nations Integrated Office in Haiti (BINUH) would take place in a difficult context, marked by a multidimensional crisis (...), worsened by a disastrous economic and humanitarian situation<sup>78</sup>.

175. UN Humanitarian Coordinator, Fernando Hiraldo, said: "The lives of many children, women and men are in danger. Nineteen thousand malnourished children need emergency assistance<sup>79</sup>."

176. The United States Agency for International Development (USAID) has recognized that "the crisis has a humanitarian impact".

177. However, while structural measures have not yet been taken to resolve the political crisis with direct social and economic consequences, the United Nations Humanitarian Coordinator has announced the delivery of fuel, medicines, medical supplies, and oxygen to 17 hospitals, which will allow them to provide care for more than 4.3 million patients for one month. Fuel

---

<sup>77</sup> Hérold Toussaint: « Une société qui ne prend pas au sérieux l'éducation des enfants et des jeunes n'a pas d'avenir », in the Newspaper *Le Nouvelliste*, 5 December 2019: <https://www.lenouvelliste.com/article/209869/herold-toussaint-une-societe-qui-ne-prend-pas-au-serieux-leducation-des-enfants-et-des-jeunes-na-pas-davenir>

<sup>78</sup> Security Council, (meeting 8641), 15 October 2019: <https://www.un.org/press/fr/2019/cs13987.doc.htm>

<sup>79</sup> Newspaper *Le Nouvelliste*, 2 November 2019, "Mouvements de protestation. Le coordonnateur humanitaire de l'ONU préoccupé par les conséquences de la crise politique sur les couches les plus vulnérables."

was delivered to enable the drilling of wells and the supply of drinking water to more than 400,000 people<sup>80</sup>.

178. For its part, the United States government, following a request from the Haitian government, announced that 3.5 tons of food rations were shipped to Haiti for this year's hurricane season<sup>81</sup>.

179. These factors alone are sufficient to indicate to what extent the living conditions of the population have considerably deteriorated, and social and economic rights violated. Given the principle of the indivisibility and interdependence of human rights, such reality therefore inevitably also affects civil and political rights.

## O. Civil and political rights

180. Four indicators are considered to measure the situation of civil and political rights, also called first generation rights: (i) police violence; (ii) right to vote and access to public affairs; (iii) lack of access to justice; (iv) right to life.

### i) Police brutality

181. Several incidents of police brutality were identified and reported in 2019. These acts of violence were perpetrated by members of the PNH, UDMO, USGPN and CIMO, not only in Port-au-Prince, but also in Mireblais, Jacmel and Les Cayes.

182. USGPN commander Dimitri Hérard opened fire on demonstrators, leaving at least four injured on June 10, 2019. On October 16, 2019, a USGPN patrol opened fire on people participating in the funeral of demonstrators, leaving at least two injured. This unit also violently attacked and struck journalist Raynald Petit Frère, as well as human rights activist Jean Bernard Marcelin in the capital.

183. UDMO agents opened fire on demonstrators in Jacmel, and brutally beat François Jacquelin, correspondent journalist for Radio Zenith in Les Cayes. In Mirebalais, crowds of demonstrators were violently dispersed, causing the suffocation of at least one person. A CIMO patrol in Pétion-Ville also used tear gas against a crowd of demonstrators.

184. Back-up 1-00541 used lethal force<sup>82</sup> to crush a demonstration heading towards Pétion-Ville on Friday, September 27. Back-ups 1-00190 and 1-

---

<sup>80</sup> *Ibid.*

<sup>81</sup> Newspaper *Le Nouvelliste*, 2 November 2019: <https://lenouvelliste.com/article/208620/crise-humanitaire-les-etats-unis-viennent-en-aide-a-haiti-avec-2-000-tonnes-de-rations-alimentaires>

0030 employed the same method at rallies at the airport junction on September 30.

185. Therefore, systematic violence by the police has been noticed, but in no way reprimanded. This police brutality directly affects the right to freedom of expression, but also the right to peaceful assembly.

186. Mr. Gédéon Jean, Executive Director of the Center for Analysis and Research in Human Rights (CARDH) was physically and verbally attacked by individuals from the security team of former President Joseph Michel Martelly, under the passive and amused gaze of agents of the USGPN, the Cat-Team and the USP, on March 14, 2019, while preparing to leave the premises of Radio Télé Caraïbes, returning from a prerecorded television program (FORUM).

#### ii) Violation of the right to vote and access to public affairs

187. The elections for the deputies who were to form the 51st legislature, two thirds of the Senate<sup>83</sup> and local elected officials – including mayors, scheduled for October 2019, in accordance with the Constitution and the electoral decree of 2 March 2015, did not take place.

188. In the National Assembly meeting of Monday, September 9, 2019, in accordance with the provisions of articles 92.2, 98 and 98.1 of the Constitution, senators and deputies closed the second ordinary session, the last for the Chamber of Deputies, who will return the second Monday of January 2020 to close the legislature.

---

<sup>82</sup> According to general order # 003 (February 2, 1996), lethal force is a force which causes serious body injury or results in death by the use of firearms, sticks, flashlights, vehicle, the establishment of roadblocks, or the use of any object, or the initiation of any other action that may cause serious injury or death. Deadly force can only be used when all other reasonable alternatives have been exhausted or seem unworkable.

<sup>83</sup> According to articles 45. 2 and 46 of the electoral decree of March 2, 2015, the term of office of a senator of the Republic is six years, in accordance with article 95 of the amended 1987 Constitution. The Senate is renewed by thirds every two years.

On the occasion of senatorial elections involving both a renewal and one or two vacancies in the same department, voters vote for as many candidates as there are vacancies. The candidate with the highest number of votes remains in office until the second Monday in January in the sixth year of his or her term. The senator elected with an immediately lower number of votes fills the vacancy during the term of office for the time remaining. Any potential third senator elected, that is to say that he comes in third position, ends the mandate which comes to an end first, specifies article 50.3.

In the case of the election of two senators, if the absolute majority is not obtained in the first round by one or more candidates or if none of the candidates meets the conditions of article 45.1, it is proceeded, as the case may be, in a second round: a) If there is no elected representative in the first round, the number of candidates for the second round must not exceed four among those who obtained the greatest number of votes. Voters will be asked to vote for two of them; b) If there is only one elected representative, therefore qualified for the first place, the number of candidates for the second round is two at most. Voters are called upon to vote for one of them, under article 50.4.



189. The Moïse administration unfortunately failed to form a government and to hold the elections, although a lack of interest on the part of the population has been noticed, given the drop in its participation rate in previous elections<sup>84</sup>. Consequently, representatives of the people cannot be renewed and those who have not fulfilled their duty will not be punished.

190. In addition, citizens will not be able to participate in the management of public affairs as legislators. At the institutional level, the Parliament will be dysfunctional. The right to vote, which guarantees the basis of democracy in accordance with the Constitution and the main human rights instruments, is therefore in no way respected.

### iii) No access to justice

191. Access to justice is a fundamental principle of the rule of law, guaranteed by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the American Convention on Human Rights, instruments to which the Haitian State is a party, and the Haitian Constitution. This access is based on the right to a fair trial, which first and foremost requires access to an independent and impartial tribunal.

192. Haitian justice faces multifaceted difficulties caused by the non-renewal of the mandates of judges by the Executive, thus affecting the independence of the judiciary and creating an obstacle to the proper functioning of the Superior Council of the Judicial Power (CSPJ), created by the law of 2006. Having no mandate, the Commissioners of the government, heads of public action and representatives of society in criminal matters, are still under the administration of the Executive.

193. The following issues have been identified, considerably affecting access to justice in Haiti:

194. *0.8% of the budget allocated to the CSPJ.* Only 1.12 billion gourdes is allocated to the CSPJ, which represents 0.8% of the budget, compared to the 7.2 billion allocated to the Legislative Power. 14,179 billion gourdes are spent on servicing the public debt<sup>85</sup>. Note that for the 2018–2019 and 2019–2020 fiscal years, no budget was voted in Parliament. We are still under the aegis of the 2017–2018 budget law (law of 4 May 2016 on the preparation and execution of financial laws).

---

<sup>84</sup> CARDH, "Elections and democracy in Haiti: What about citizens' participation? ", March 2015.

<sup>85</sup> CARDH, "The New Budget 2017-2018, Consolidating Corruption and Social Inequality".

195. *Prolonged pretrial detention.* The issue of prolonged pretrial detention has always been a puzzle, identified in 2018 as one of the causes of the high overcrowding rate in prisons in Haiti. On average, 74% of men in prison have not been tried. Pretrial detention is even more discriminatory for women (82%) and girls (95%<sup>86</sup>).
196. *Magistrates' strike and closing of the courts.* 2019 has been the year when access to a court has become even more difficult. The first phase of the "country lock" movement, launched on February 7, 2019, resulted in the closing of the courts, due to the country's paralysis for almost two weeks.
197. On May 21, 2019, yet another strike was launched by the Professional Association of Magistrates (APM), mainly demanding "the renewal of the mandates of judges certified by the Superior Council of the Judicial Power (CSPJ) and the independence of this power". Consequently, the judicial activities were paralyzed in the country's 18 jurisdictions, according to Magistrate Wendo Sainvilier, President of said association.
198. *The Port-au-Prince Courthouse at the heart of armed violence.* The Courthouse at the Bicentenary is controlled by armed groups, creating mayhem at any given time. Judicial sessions are sometimes blocked due to wars between armed gangs.
199. *Burning and looting of the courts, and attacks on magistrates.* Acts of violence have multiplied. Courts were burned down, others looted, notably: The Peace Courts of Jacmel and Petit-Goâve; the Courts of First Instance of Petit-Goâve, Saint-Marc and Aquin. A deputy/commissioner of the Public Prosecutor's Office near the Court of First Instance of Port-au-Prince was kidnapped, a justice of the peace at the Peace Court of Kenscoff was attacked.
200. *Permanent closure of the courts.* On October 25 and 27, 2019, the two main associations of magistrates, the National Association of Haitian Magistrates (ANAMAH) and the Professional Association of Magistrates (APM), the unions and the Association of Haitian Registrars formally asked magistrates and clerks to stay at home until the country was stable. For the newspaper *Le Nouvelliste*, the doors of justice are permanently closed<sup>87</sup>.
201. *Hypothetical criminal trials.* Criminal trials without a jury will not be held at the end of the year, which constitutes a violation of the right to judicial guarantees. Only 465 prisoners, representing 5.42% of the prison population,

---

<sup>86</sup> See: <https://minujusth.unmissions.org/surpopulation-carc%C3%A9rale-la-minujusth-accompagne-1%E2%80%99am%C3%Amélioration-des-conditions-de-vie-dans-les>

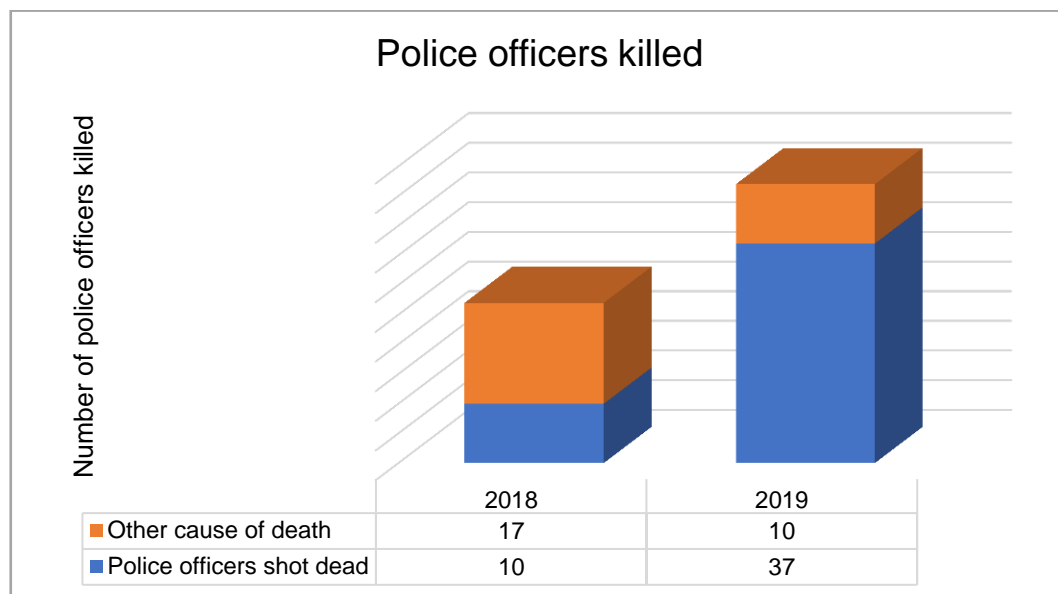
<sup>87</sup> Newspaper *Le Nouvelliste*, 28 October 2019, "La justice ferme définitivement ses portes" : <https://www.lenouvelliste.com/article/208491/la-justice-ferme-definitivement-ses-portes>

evaluated at 11,530 detainees – 8,579, representing 74.41%, are awaiting trial, and 2,951 are convicted felons, representing 25.59% – have received an extraction order.

iv) Right to life violated<sup>88</sup>

202. *Number of Deaths in general.* Given the acceleration of the crisis and of the socio-political instability during 2019, many citizens have been arbitrarily deprived of their lives. At least 222 deaths have been recorded, including 155 by firearm.

203. *Police.* For the year 2019, there were 42 police officers killed, including 37 shot dead, compared to 28<sup>89</sup> in 2018, with 10 shot dead. This represents a considerable increase.



204. However, while these deaths are not necessarily to be considered as cases of human rights violations, they at least reflect the accelerated rise in crime.

205. *Deaths in prisons.* From September to November 2019, there were 34 deaths in prisons, including 12 at Croix des Bouquets (8 in September, 9 in October and 17 in November)<sup>90</sup>.

<sup>88</sup> N.B: An annex (in preparation) will be attached to this report, when presented in 2020.

<sup>89</sup> Eight cases of natural death, ten shot dead, two by knives, two shot dead followed by calcination, six suicides.

<sup>90</sup> The RNDDH has listed 38 detainees and prisoners (including in police stations): 15 deaths have been recorded in Port-au-Prince; six at the Petit-Goâve police station; four in Les Cayes; three in

206. *Human rights defenders*<sup>91</sup>. Two human rights defenders were shot dead on June 10 in Port-au-Prince (Pétion Rospide) and on October 10 in Mirebalais (Néhémie Joseph)<sup>92</sup>.

---

Anse-à-Veau; three in Croix des Bouquets; three in Gonaïves; one in Mirebalais; two at the Miragôane police station, and one in Jacmel.

<sup>91</sup> According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the expression "human rights defender" means "any person who, individually or in association, works for the promotion or protection of human rights. "Referring to articles 1, 5, 12, 13 and 16 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted at the 54<sup>th</sup> session of the General Assembly (A/RES/53/144), on March 8, 1999, the United Nations Special Rapporteur on human rights defenders, Mr. Michel Forst, defines human rights defenders as "those who individually or in association, promote and endeavor to protect and establish these rights and fundamental freedoms at the national and international levels, by peaceful means. Human rights defenders recognize themselves above all by their action, that is to say their work. Nine lines of work have been identified by the United Nations (non-exhaustive list).

<sup>92</sup>

## VIII. Actions taken by certain organs of the State

207. The facts mentioned in the previous chapter have made it possible to understand the extent to which human rights are systematically violated in Haiti under the administration of Jovenel Moïse. However, it is important to highlight the encouraging actions of certain state institutions, while acknowledging that they have encountered difficulties of various kinds (political, legal).

### P. Superior Court of Accounts and Administrative Litigation (CSCCA)

#### i) Audit report on the management of the PetroCaribe funds buried in the Senate

208. In accordance with the resolution adopted by the Senate on the night of February 1 to 2, 2019, asking the Superior Court of Accounts and Administrative Litigation to “(...) carry out a detailed examination of the management of the PetroCaribe funds for the period from September 2008 to September 2016 (...)”, the report “Specific audit of the management of the PetroCaribe funds: Management of projects funded by the PetroCaribe Funds” was officially submitted to the President of the Senate on July 2, 2019. This report, however, has never been referred to justice for legal action.

#### ii) Failure to publish the report on the remaining 25% of the funds

209. Since the publication of this report, the report on the remaining 25% of the fund has still not been drafted. The Court seems to have fallen silent. On October 24, 2019, the Noupapdomi Citizen Collective, in a letter to the new president of the CSCCA, Mr. Rogavil Boisguené, demanded the report on the remaining 25% of the funds. Having received no answer, further correspondence was sent to the Court on November 25, but no response has been given to date.

iii) Failure to publish debit orders (arrêts de débet)

210. The Court has no jurisdiction over the authorizing officers (the ministers<sup>93</sup>). On the other hand, *de jure* or *de facto* accountants come under its jurisdiction.

211. Article 3 of the decree of 23 November 2005, establishing the organization and functioning of the CSCCA, provides that “the Superior Court of Accounts and Administrative Litigation adjudicates the accounts of public accountants and those made by the persons whom she declared *de facto* accountant.” In addition, Articles 18 and 19 continue in these terms: “When a decision releases the financial responsibility of a public accountant *de jure* or *de facto*, the legal act takes the title of a discharge or discharge order. This act automatically entails the cancellation of mortgage registrations taken on their property and the release of the amounts deposited as collateral for their management. The decision which engages the financial responsibility of accountants, *de jure* or *de facto*, either by noting embezzlement, diversion, theft or bribery, or by raising acts prejudicial to the Treasury or to the financial interests of the territorial communities or autonomous bodies takes the title of debit order (*arrêt de débet*).”

212. To date, no judgment has been issued by the Court. However, *Le Nouvelliste* of December 5 informed that, according to a source close to the Court, from the beginning of January 2020, the files of the accountants of public funds indexed in the two reports will be distributed to the different courts<sup>94</sup>.

## **Q. National Police of Haiti**

### i) General Directorate of the National Police of Haiti (DGPNH)

213. Appointed Director General A.I. of the National Police of Haiti on August 27, 2019, replacing Mr. Michel-Ange Gédéon, Mr. Normil Rameau, appreciated for his past as head of the Central Directorate of the Judicial Police (DCPJ), was slow to react to denunciations of numerous gross violations of the rights

---

<sup>93</sup> Article 233 of the Constitution specifies: “With a view to exercising serious and permanent control of public expenditure, a parliamentary committee of 15 members, including nine deputies and six senators, is elected by secret ballot at the start of each ordinary session and is responsible for reporting on the management of ministers to allow the two assemblies to give discharge. This Commission can add specialists to help it in its control duty.”

<sup>94</sup> Newspaper *Le Nouvelliste*, 4 December 2019, “vers un rebondissement dans le dossier Petro Caribe”:

<https://lenouvelliste.com/article/209809/vers-un-rebondissement-dans-le-dossier-petrocaribe>

of citizens and demonstrators by the specialized units and the police. His presumed passivity led to him being criticized<sup>95</sup>.

214. The former director, Mr. Gédéon, in the interests of transparency, intervened publicly to clarify cases that hit the headlines and investigated the General Inspectorate<sup>96</sup>. A similar attitude on the part of Mr. Rameau would therefore be considered as a legitimate desire for transparency of the police institution as a whole.

215. *Changes made in the institution.* However, changes have been made in different departments of the country for a strict application of the new provisions adopted by the High Command of the institution: Jean Bazelais Bornélus, divisional commissioner, in the Departmental Direction of the Nord (DDN), replaced divisional commissioner Hilaire Jackson; Jean Claude Jean, principal commissioner at the Saint-Marc police station replaced the commissioner Dienane J. Borgelin; Jean Claude Bazile, principal commissioner in command of the Departmental policing unit (UDMO-Ouest) replaced Inspector Frenet Duval; Ronald Michel at the command of the Haitian National Police Intervention Group (SWAT) replaced Commander Clevens Cetoute; Jorès Charles, principal commissioner, new manager of the Cabaret jurisdiction.

216. On September 10, Divisional Commissioner Godson Jeune was appointed to the Departmental Direction of the West (DDO), replacing Mario Aubergiste, transferred to the Central Direction of the administrative police (DCPA), replacing Carl Henry Butcher at the DCPA.

217. On November 15, Inspector General, Hervé Julien, was appointed Chief Inspector General (IGC), replacing Inspector Ralph Stanley Brice, who had held this position since September 2013.

---

<sup>95</sup> See, for example, CARDH, “Is the Police on the verge of becoming a killing force? Unregistered cars and armed individuals in the President's procession”, October 2019.

<sup>96</sup> For example, on November 21, 2018, CARDH and RNDDH drew the attention of the Directorate General and the General Inspectorate to the presence of the General Security Unit of the National Palace (USGPN) in demonstrations of 17 October and 18 November and his alleged involvement in caning and killings (at least six demonstrators had been shot in the head) as well as hooded agents wearing a uniform other than that of the PNH and heavily armed of M-60, weapons not used by the institution. Two days later (November 20), the Director-General intervened publicly to provide lighting. In the scandal in which the USGN official shot demonstrators on the road to the airport, the Inspectorate General was instructed to investigate, but the results of the investigation were not known.

218. *Operation "Spiderweb"*. On November 8, the spokesperson for the National Police of Haiti (PNH), Michel-Ange Louis-Jeune, announced the establishment of an operation called "Spiderweb", to allow the population to go about their everyday business and facilitate the resumption of activities in the metropolitan area. On November 21, 2019, a report covering the period from October 1 to November 21 was presented: 221 arrests, 22 firearms seized, including six assault rifles and 525 rounds, and the confiscation of five vehicles.

219. It is not known from what perspectives these changes have taken place. Are they strategic or are they part of a drive for efficiency? Many proven cases of human rights violations by the Specialized Units, which report to the DGPNH<sup>97</sup>, have still not been punished. For its part, the "Spiderweb" operation is an isolated action, therefore a short-term one.

#### ii) General Inspectorate of the National Police of Haiti (DGPNH)

220. *Sanction against the police*: Four police officers, implicated in the death of Mr. Fede, at Carrefour, were referred to the Public Prosecutor's Office for legal action; A police officer is currently in solitary confinement at the IGPNH for homicide committed in Ganthier. He will also shortly be referred to the Public Prosecutor's Office for legal action. By order of the General Inspectorate, the departmental director is responsible for investigating incidents that have occurred in his jurisdiction. Two investigations were respectively opened, one concerning a little girl with a bullet in the leg at Corridor Bastia and the other regarding a person killed, as well as people injured at Pont Rouge.

221. *On police stations' premises that were vandalized, burned, looted*. A commission of inquiry was dispatched to Saint-Marc to shed light on the incidents of September 24<sup>98</sup>.

222. At a press conference on Monday, April 9, 2018, the General Inspectorate took stock of the activities that occurred in March: tours in the West and South departments (police stations, sub-police stations, specialized units and civil prisons in the South Department) in order to assess the behavior of the police in this region and inquire about the needs of the police: the processing of eight cases involving police officers on duty, 67 complaints received, 458 investigations, 119 summons and 102 hearings.

---

<sup>97</sup> According to Directive # 30 of October 25, 1996, the responsibility for personnel management of the USGPN rests exclusively with the Directorate of the DGPNH's staff.

<sup>98</sup> Meeting with the General Inspectorate, October 2, 2019.



223. While recognizing the importance of the IGPNH's actions, the population should be informed of the sanctions for the most notorious cases, regarding the specialized units under its control.

## R. Justice

### i) Investigation Office (Cabinet d'Instruction)

224. Case of *La Saline*. On July 18, Commissioner Paul Eronce Villard made the following assessment of the *La Saline* case: "98 people identified, 16 people arrested, 14 automatic weapons seized, 74 complaints filed and more than 80 victims listed". He also announced that the file was in the investigation office.

225. However, the alleged instigators of the massacre have still not been invited by the investigating cabinet. Only a ban was issued on July 24, 2019, against MM. Fednel Monchery and Joseph Pierre Richard Duplan, respectively Director General of the Ministry of the Interior and Territorial Collectivities and Departmental Delegate for the West, both representatives of the Executive.

### ii) Port-au-Prince Prosecutor's Office

226. *Decrease in prolonged pretrial detention*. As mentioned, detention in the Port-au-Prince jurisdiction had gradually decreased by 37%<sup>99</sup>, from 4,018 detainees to 3,108 from December 2018 to September 2019. This was due to an increased effort by Commissioner Villard, who subsequently had to resign. The detention rate should be revised upwards due to the closure of the courts and the mass arrests made during the demonstrations.

227. *Attempt to put public action in motion against the Senator Jean Marie Ralph Fethière*. Senator Jean Marie Ralph Fethière took out his weapon in the courtyard of Parliament and shot demonstrators, who came in support of the opposition senator to prevent the holding of the ratification session of the Prime Minister named, Fritz William Michel, wounding a journalist. The Government Commissioner has announced that he is going to put public action in motion in accordance with the law. Upon pressure from his supervisor, he resigned from office.

---

<sup>99</sup> Newspaper *Le Nouvelliste*, 10 July 2019, "La détention préventive prolongée a chuté d'environ 30%, selon le chef du parquet de Port-au-Prince": <https://www.lenouvelliste.com/article/204341/la-detention-preventive-prolongee-a-chute-denviron-30-selon-le-chef-du-parquet-de-port-au-prince>

## IX. Conclusion

### S. Analysis

228. The human rights situation in Haiti in 2019 deteriorated at an exponential rate that is highly worrying, in a context where the administration of Jovenel Moïse is bogged down in a political “strategy” of arming and repressing popular neighborhoods to neutralize opponents and to remain in power.
229. From 1 to 14 November 2018, the “La Saline Project” district and its surroundings were the scene of bloody attacks, perpetrated by an armed group evidently working for the Executive power. On the night of April 24, 2019, the armed gang led by Sony Jean, alias TiJe, who had relations with officials of the executive and legislative powers, left eight people dead and a dozen injured at Carrefour Feuilles. At Bel Air, armed men disembarked on October 4 and left numerous people dead... In 2019, at least 222 people were killed, 155 of them shot dead.
230. In a letter sent on November 15, 2019, to the Inter-American Commission on Human Rights (IACHR), Haitian human rights organizations, including CARDH, drew the attention of the said Commission to “the serious and systematic human rights violations committed in Haiti since the acceleration of the socio-political crisis, on July 6, 7 and 8, 2018 ”.
231. This conjuncture, considered to be very worrisome, “requires urgent intervention by international bodies in order to curb these violations and to establish, as soon as possible, a climate of serenity where human rights and fundamental freedoms will be guaranteed within the meaning of the American Convention on Human Rights and other main international instruments and general principles”, concluded the said organizations.
232. The IACHR responded on December 12, 2019, informing them of its visit to Haiti and inviting them to a meeting with a view to "receiving information on the human rights situation in the country".
233. Considered as the result, or even a “strategy”, of the Moïse administration to maintain power at all costs (use of repression; “gangsterization” of the country; control of certain important institutions) and the consequences of grand corruption (weakening of institutions, notably the justice system, UCREF, etc.), these human rights violations also derive from the political instability in the country. Whether considered upstream or downstream, this factor should also be taken into account to better address the context and scope of these violations.
234. Civil society and political parties signed an agreement called the “Marriot Agreement” on November 10, 2019, demanding the resignation of President

Moïse, due to his involvement in corruption and his inability to run the country. However, he (the President) has repeatedly stated, loud and clear, that he will not leave power.

235. This childish determination completely ignores the fact that the management of State affairs does not solely lie in the duration of a mandate, but that it is above all, a matter of bringing results for which this mandate was given and of respecting the principles of good governance (accountability, separation of powers, consideration of citizens' requirements, effectiveness and efficiency in public policy, etc.).
236. No one wants to sit with the President. Consequently, no legitimate political agreement will be reached with him in power to get the country out of the precipice. Since March, the country has had no government. The President cannot even go to Pont-Rouge and Vertières on commemoration days. He comes down painfully from Pétion-Ville to the city center where the Palace is located. USGPN, CAT-TEAM, USP and other units, as well as unregistered cars carrying heavily armed hooded men are forced to be posted on the streets.
237. In an attempt to find a solution to the crisis, two missions were carried out in Port-au-Prince: the first, on November 20, 2019, led by Mrs. Kelly Craft, representative of the Donald Trump administration to the United Nations; the second, on December 6, by David Hale, Under-Secretary of State for Political Affairs.
238. Lemoine Bonneau, editorial secretary of the national newspaper *Le Nouvelliste*, pointed out that since 1991, it is the first time that the American government sends its ambassador to the United Nations to speak to protagonists in a Haitian political crisis, which threatens the collapse of the country.
239. Following her visit, Ms. Craft stressed on Twitter "the urgent need to (...) fight corruption, investigate perpetrators, prosecute and combat against narcotics and human trafficking".
240. The opposition and representatives of civil society who met with the delegations reaffirmed their position, namely the departure of the President of the Republic.
241. The crisis can therefore only continue. The President will continue to exploit institutions, particularly the justice system; to use repression and orchestrate massacres to stay in power. In addition, some political analysts already predict that after the second Monday of January 2020, the Parliament will be dysfunctional due to the non-holding of elections in October 2019 and the President will "reign as Master and Lord".

242. Concerns have already been expressed about the President's desire to establish a dictatorial regime in a context where institutions are almost non-existent, and the country pretty much under the control and authority of numerous armed groups in the pay of the Executive. Several thugs were recruited by the Ministry of the Interior and by some delegations, including that of the West.

243. In the editorial of *Le Nouvelliste* on Saturday and Sunday, November 23 and 24, 2019, it is said that "when an elected president is without an institutional safeguard, he changes status. He becomes like an emperor, a king, a monarch with divine right. The rule of law is withdrawing." The editorial concluded with these words: "**No more legal screens, make way for forceful reaction.**"

## T. Recommendations

244. Given the critical and multidimensional situation in the country, leading to the exponential increase in human rights violations and to the non-respect of the fundamental principles of the rule of law, the recommendations focused on both political governance and other specific parameters that can contribute to the improvement of human rights.

245. At the political level. President Jovenel Moïse's term will expire on February 7, 2020<sup>100</sup>.

---

<sup>100</sup> According to articles 134-1 and 134-2 of the Constitution: "The duration of the presidential mandate is five (5) years. This period begins and ends on February 7 following the date of the elections. The presidential election is held on the last Sunday of October in the fifth year of the presidential term. The president-elect takes office on February 7, following the date of his election. If the ballot cannot take place before February 7, the president-elect takes office immediately after the validation of the ballot and his mandate is supposed to have started on February 7 of the year of the election."

Note that the presidential and legislative elections were held respectively on August 9 and October 25, 2015 for the fiftieth legislature (deputies), as well as 20 senators and the 57<sup>th</sup> President of the Republic, respectively. The political crisis did not allow President Joseph Michel Martelly to complete these elections. Thus, on February 6, 2016, one day before his departure, he jointly signed with the Parliament, represented by the President of the Senate and that of the Chamber of Deputies, a political agreement called: "Agreement for institutional continuity at the end of the mandate of the President of the Republic in the absence of an elected President and for the continuation of the electoral process".

In this agreement, it is stipulated that the President of the Republic, before the National Assembly, makes an address to the Nation relating to the end of his mandate and his departure from power on February 7, 2016. He informs the Parliament, as co-custodian of sovereignty, of the vacuum created by this situation at the executive level. The President of the National Assembly, by a respective message, said to take note of the message of the President of the Republic and noted the presidential vacuum, causing the malfunction of the Executive Power. Once the void has been established, the President of the National Assembly entrusts the Prime Minister in charge of the management of current affairs and announces the election by the National Assembly of a provisional President. The President of the National Assembly takes the opportunity to inform of the holding, within a period not exceeding five calendar days, of the presidential elections by the National Assembly to fill the void.

246. It is imperative that serious and responsible negotiations be conducted in order to reach a legitimate political agreement and draw a roadmap to guide the transitional power called for by the population (PetroCaribe trial, audit of public administration, constitutional and economic reform).

247. The achievements of the Marriot agreement can be used in a tangible way for a realistic transition out of the crisis, offering consensual and legitimate alternatives for the replacement of the President and clearly defining the said transition: i) content; ii) program framework; iii) requirements for human, financial and other resources; iv) duration; v) profile of key potential candidates.

248. The creation of a National Transitional Council with respectable and respected personalities, including young people who have shown commitment and civic responsibility, appears to be necessary.

249. At the institutional and legal level, it is recommended:

- to adopt measures to complete inclusive, transparent and participatory general elections;
- to approve a budget for the year 2019–2020, focused on an austerity policy and an efficiency approach;
- to strengthen and harmonize, in view to increase effectiveness, the relationships between anti-corruption institutions, especially the ULCC; the CSCCA; UCREF; BAFE; IGF; Prosecutors;
- to publish the CSCCA report on the remaining 25% of the PetroCaribe funds.
- to audit the public administration;

---

This new President will have to form a new CEP, whose mission is to “relaunch the electoral process after evaluation of the steps taken and apply the technical recommendations of the Independent Electoral Evaluation Commission”, organize the second round of the presidential election and install the President-elect. Thus, on February 7, 2016, President Martelly appeared before the National Assembly in these terms: “This February 7, 2016, as required by the amended 1987 Constitution, my mandate is coming to an end. Indeed, according to article 134-1 of the mother law, the duration of the presidential mandate is five (5) years. This period begins and ends on February 7 of the fifth year of the mandate, regardless of the date of taking office.” Following the election organized by the National Assembly, President Jocelerme Pivert had to recall in his inauguration speech that his mission rests on three pillars, including: “the continuation and strengthening of the electoral process.” The presidential election took place on November 20, 2016. Obtaining 55.67% of the vote and declared elected in the first round according to the results of the CEP, Jovenel Moïse was sworn in on February 7, 2017, as the 57<sup>th</sup> President of Haiti.

Gédéon Jean, “Electoral crisis in Haiti (...)”, Tomes I and II, CARDH, Imprimerie Press Max, April 2016, November 2016.

- to reform the Public Prosecutor's Office (defining the term of office of the prosecutors, establishing a financial center with the necessary material, as well as human, coercive and financial resources, and with territorial jurisdiction, in order to effectively combat the scourge of corruption);
- to create a working group in the various judicial entities in order to carry out trials relating to the various massacres perpetrated in the country (2018–2019) and to compensate the victims;
- to reform, at the legal and financial levels, the Superior Council of the Judicial Power (CSPJ) so that it can effectively serve justice: judges, government commissioners, bailiffs, clerks...;
- to strengthen the Interdepartmental Human Rights Committee (CIDP) in a mission to coordinate and harmonize public policies in the area of human rights across all sectors;
- to complete the draft of the new Criminal Code, to regularize the duration of preventive detention, limit prison overcrowding and the inhuman conditions of prisoners resulting therefrom...;
- to strengthen the IGPNH so that it becomes an independent and, financially and administratively autonomous entity so that it can effectively carry out its work of control and sanctions of the PNH.

## X. Bibliography

### A. National legal instruments

1. Haitian Constitution
2. Order of September 8, 2004, creating an administrative body called: Anti-Corruption Unit (ULCC)
3. General Order # 003, PNH (February 2, 1996)
4. Electoral decree of March 2, 2015 (articles 45. 2 and 46)
5. Directive # 30 of 25 PNH (October 1996)

### B. International legal instruments

6. United Nations "Vienna Declaration and Program of Action"
7. United Nations, special procedures "The situation of human rights defenders operating in conflict or post-conflict areas, including in the context of so-called fragile states, A questionnaire from the United Nations Special Rapporteur on human rights defenders ", Michel Forst, September 2019
8. United Nations General Assembly, Resolution 60/251, March 15, 2006
9. Security Council (8641 Session), October 15, 2019

### C. Reports from international institutions

10. World Bank, harmonized list of fragile situations:  
<http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/FCSHarmonizedListFY13.pdf>

### D. Report of national state institutions

11. CSCCA "Specific audit of the management of the PetroCaribe funds report, Management of projects funded by the PetroCaribe funds, Final report", sent to the Senate on July 2, 2019

### E. Report of national institutions

1. *Center for Analysis and Research in Human Rights (CARDH)*
  12. "The first hundred (100) days of the presidency of Jovenel Moïse: Actions not in conformity with democratic governance"
  13. "La Saline Massacre, Human Rights Violations and the Need for a humanitarian intervention"

14. "Specific audit of the management of the PetroCaribe funds report, Management of projects financed by the funds
15. "The new 2017–2018 budget, Consolidation of corruption and social inequality", September 2017
16. "Is the police on the way to becoming a killing force?" Unregistered cars and armed individuals in the President's procession", October 2019
17. "Haiti in the era of a new UN mission (MINUSTAH), Building the rule of law: a shared responsibility", October 2017
18. "Haiti at the heart of human rights violations: Popular mobilization of September 27 and 30, 2019", October 2019
19. "Elections and democracy in Haiti: What about the participation of the population?", March 2015.
20. "The new 2017–2018 budget, Consolidation of corruption and social inequality"

## 2. RNDDH

21. "Impacts of the current socio-political crisis on the general conditions of detention", November 6, 2019

## F. National newspapers

### 1. Newspaper *Le Nouvelliste*

22. « Justice/Journées de réflexions, Le CARDH initie le premier salon des droits humains en Haïti », 7 May 2018:  
<https://lenouvelliste.com/article/180107/le-cardh-initie-le-premier-salon-des-droits-humains-en-haiti>
23. « Le testament de Michel-Ange Gédéon, directeur général de la Police Nationale d'Haïti » , 26 August 2019:  
<https://lenouvelliste.com/article/206170/le-testament-de-michel-ange-gedeon-directeur-general-de-la-police-nationale-dhaiti>
24. « Parlement/ Sécurité Climat d'insécurité : « La PNH manque de moyens », rappelle Michel-Ange Gédéon », 11 July 2019 :  
<https://lenouvelliste.com/article/204398/climat-dinsecurite-la-pnh-manque-de-moyens-rappelle-michel-ange-gedeon>
25. « Juges corrompus : Le CSPJ dément et accuse le Président Jovenel Moïse d'avoir violé la Constitution. » 15 December 2017:  
<https://www.lenouvelliste.com/article/180625/juges-corrompus-le-cspj-dement-et-accuse-le-president-jovenel-moise-davoir-viole-la-constitution>
26. « La Sogener écrit à la présidente de l'Organisation ensemble contre la corruption. » 5 December 2019:  
<https://lenouvelliste.com/article/209893/la-sogener-ecrit-a-la-presidente-de-lorganisation-ensemble-contre-la-corruption>



27. « Le FMI gèle les 229 millions de dollars en attendant le prochain gouvernement », 22 March 2019 :  
<https://lenouvelliste.com/article/199544/le-fmi-gele-les-229-millions-de-dollars-en-attendant-le-prochain-gouvernement>),
28. « Parlement haïtien, « À 98%, les informations liant Garcia Delva à Arnel Joseph dans des actes de kidnapping sont authentiques », rapporte le sénateur », 31 July 2019 :  
<https://lenouvelliste.com/article/205264/a-98-les-informations-liant-garcia-delva-a-arnel-joseph-dans-des-actes-de-kidnapping-sont-authentiques-rapporte-le-senateur-senatus>
29. « Haïti : plus d'une personne sur trois en insécurité alimentaire "grave" », Le Nouvelliste, 8 November 2019:  
<https://www.lenouvelliste.com/article/208871/haiti-plus-dune-personne-sur-trois-en-insecurite-alimentaire-grave-selon-lonu>
30. « L'économie haïtienne est coincée avec des travailleurs essentiellement pauvres », 1 January 2018:  
<https://lenouvelliste.com/article/181321/leconomie-haitienne-est-coincee-avec-des-travailleurs-essentiellement-pauvres>
31. « 3 354 médecins pour desservir plus de 10 millions d'habitants », 4 January 2019: <https://lenouvelliste.com/article/196624/3-354-medecins-pour-desservir-plus-de-10-millions-d-habitants>
32. « Des directeurs d'écoles convoqués au Parquet : des solutions à l'horizon », 23 August 2019.
33. « Les écoles congréganistes resteront fermées jusqu'au dénouement de la crise, décide la Conférence haïtienne des religieux », 20 October 2019: <https://lenouvelliste.com/article/208203/les-ecoles-congreganistes-resteront-fermees-jusquau-denuement-de-la-crise-decide-la-conference-haitienne-des-religieux>
34. « Hérold Toussaint : « Une société qui ne prend pas au sérieux l'éducation des enfants et des jeunes n'a pas d'avenir », 5 December 2019: <https://www.lenouvelliste.com/article/209869/herold-toussaint-une-societe-qui-ne-prend-pas-au-serieux-leducation-des-enfants-et-des-jeunes-na-pas-davenir>
35. « Mouvements de protestation. Le coordonnateur humanitaire de l'ONU préoccupé par les conséquences de la crise politique sur les couches les plus vulnérables », 2 November 2019 : [hviennent-en-aide-a-haiti-avec-2-000-tonnes-de-rations-alimentaires](https://www.lenouvelliste.com/article/208491/la-justice-ferme-definitivement-ses-portes)
36. « La justice ferme définitivement ses portes », 28 October 2019:  
<https://www.lenouvelliste.com/article/208491/la-justice-ferme-definitivement-ses-portes>
37. « Vers un rebondissement dans le dossier Petro Caribe, Nouvelliste du 4 December 2019

38. « La détention préventive prolongée a chuté d'environ 30%, selon le chef du parquet de Port-au-Prince », 10 July 2019: <https://lenouvelliste.com/article/209809/vers-un-rebondissement-dans-le-dossier-petrocaribe>

2. Newspaper *Le National*:

39. « Haïti/Crise: le marché du travail sévèrement touché », 23 October 2019: [http://www.lenational.org/post\\_free.php?elif=1\\_CONTENUE/economies&rebmun=2441](http://www.lenational.org/post_free.php?elif=1_CONTENUE/economies&rebmun=2441)
40. « Haïti - Violence : 96 gangs armés recensés et 500 mille armes à feu en circulation » <https://reznodwes.com/2019/11/12/haiti-violence-96-gangs-armes-recenses-500-mille-armes-a-feu-en-circulation/>

**G. International newspapers**

41. *Le Devoir*, « Le Canada appelé à lâcher le Président haïtien Jovenel Moïse », 4 October 2019: <https://www.ledevoir.com/monde/ameriques/564109/le-canada-appelle-a-lacher-jovenel-moise>

**H. Journal Articles**

42. Laënnec Hurbon, « L'éducation, condition du développement en Haïti », 16 January 2018: <https://ideas4development.org/education-haiti-condition-developpement>

## XI. Appendix

### **Appendix I: Summary: Attacks in Bel-Air, November 2019**

On Friday October 4, people from the *Bo La Kwa base*, riding a motorcycle, leaving Rue Marca Joux (Madan Kolo areas) took the direction of Bel-Air. They removed a first barricade and physically assaulted a young boy. Arriving at Rue des Fronts-Forts, Zone Lycée Alexandre Pétion, where the bases called ASOMA and DEMEPLÉ were located, the people of the area prevented them from removing the barricades. Disputes then broke out, forcing them to turn back. Reinforcing their troop, they then returned, weapons in hand, opening fire on the population and burning houses, including two at rue Monseigneur Guilloux (zone baz KDZ) and about seven at rue Marcajoux, near the *Collège Mère* of Bel-Air. In the process, a transformer was also damaged. They returned to rue Monseigneur Guilloux, took motorcycles (at least two) belonging to citizens, and set fire to a house belonging to Bertony, and it was reported that individuals inside were killed. A motorcycle belonging to ANOE was also burned. Arrived near the ASOMA base, someone took off his hood, shouting: *Se mwen ki Barbecue* (I'm Barbecue)!

Hostilities continued. On that day, at least two people were killed with machetes, including one near the Nazarene College. Others, who were shot and tortured, died, including Loudi Denis, aka Blan Diget, and another at OFATMA Hospital.

Several people were severely beaten, including ti Bobot, and a girl known as sat pral gen laa.

In the evening of Saturday, November 30, people traveling by car, identified by the population as police officers, opened fire on residents, leaving at least four dead and several injured. (CARDH, situation in Bel-Air, The State must assume its responsibilities, December 3, 2019).

### **Appendix II: Summary of the Carrefour Feuilles attacks on the night of April 24, 2019**

For years, the population of Savann Pistach and its surroundings, at Carrefour Feuilles, has been taken hostage by an armed group led by Sony Jean, alias Ti Je, which has relationships with authorities of the executive power, as well as a Deputy supportive of the power. Several attempts by the police have resulted in failure. An intervention by the Port-au-Prince police on October 23, 2018, left at least two police officers injured by gunshots.

On the night of April 24, 2019, the armed band led by Sony Jean landed at the Eddy impasse, at Carrefour Feuilles, and left eight dead and a dozen injured. Four (4)

people were killed on the spot and four (4) others, including a pregnant woman, died at the hospital.

### **Appendix III: Summary of the *La Saline* massacre, from November 1 to 14, 2018**

On November 1, 2018, at the end of the day, the residents of Projet La Saline and its surroundings were attacked by an armed group, while they were celebrating All Saints Day, also known as the Day of the Dead for the voodoo. A climate of terror has settled in the area, which has become inaccessible (large caliber gunfire ...). There have been rumors of several deaths and gunshot wounds.

Alerted by the situation, on November 3, 2018, CARDH met with a few residents and merchants who had taken refuge, particularly in the vicinity of Place d'Italie (opposite of the Parliament) and the healing market (Rue du Quai). According to initial information collected, this attack left five (5) dead, including a pregnant woman, Julio Pyram, aka Kiki, and Jimmy Petit-Frère, as well as several gunshot wounds, including Hervé Bonnet Barthelemy, aka bout Janjan, a "leader" of Project La Saline, admitted to the Bernard Mevs Hospital on November 2.

Police attempted to arrest him, which was denounced by opposition leaders, human rights activists and citizens, due to the fact that the hospital grounds were "inviolable". On November 6, bout Janjan was transferred to the civil prison of Port-au-Prince.

Also, according to information received, this armed attack was perpetrated by an armed group led by Serge Alexis, aka ti Junior, "chief" of the area of Nanchabon, in the hand of departmental delegate from the West, Joseph Pierre Richard Duplan.

Since then, a climate of tension and terror has reigned in La Saline. Large caliber automatic weapons gunshots are heard throughout the day. However, the judicial and political authorities, as well as the police, remained indifferent.

On November 13, around 4:20 P.M., automatic heavy weapon gunshots were heard for hours at La Saline. The first information provided the following day by those who could escape, pictured a new attack perpetrated against the population. Media reported a massacre. Very shocking images of individuals charred on rubbish and others left at the mercy of pigs, as well as corpses in bags or spread out on pieces of cardboard, have circulated on social networks.

Despite various emergency calls, the authorities did not intervene to rescue the population in accordance with their mission to "protect". It was not until November 16 that the National Police decided to make a first intervention by crisscrossing the area, without really entering it.

Alerted by a secondary source reporting nearly fifteen deaths and several women raped, CARDH decided to directly inform the authorities concerned of the need to intervene urgently, as well as go to the scene to conduct an assessment, but especially in order to assess the humanitarian needs of the population after such a tragedy.

On November 29, 2018, CARDH went on another observation mission to La Saline to evaluate the damage, as well as the urgent needs of residents of the neighborhood. Eighty-five (85) witnesses were interviewed by four (4) investigators. At the end of this mission, supplemented by other information, the following assessment could be established: thirty-eight (38) people killed, four (4) women raped, several missing. In addition to the need to establish the truth and punish those responsible, humanitarian assistance is essential in view of the precarious living conditions of the population (Massacre at La Saline Human rights violations and need for intervention humanitarian, December 10, 2018).