



The National Human Rights Defense Network (RNDDH)



Systematic violation of human rights in Haiti: RNDDH urges the state to recognize the seriousness of the situation

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I. INTRODUCTION

1. From January 24 to February 4, 2022, the United Nations Human Rights Council conducts its fortieth (40th) session of Universal Periodic Review with the aim of analyzing the general situation of Human Rights in twelve (12) countries including Haiti.
2. During the country's assessment session held on January 31, 2022, the state authorities affirmed that efforts had been made over the last four (4) years, for the respect, protection and realization of human rights in Haiti.
3. The National Human Rights Defense Network (RNDDH) which participated, alongside the Office of International Lawyers (BAI), the Institute for Justice and Democracy in Haiti (IJDH) and Chans Altènatif, in the preparation of an alternative report submitted to the Council, also closely followed the session of January 31, 2022. Today, the RNDDH considers its duty to remind everyone of a few facts that demonstrate that the Haitian population is living, since 2018, in a situation of denial of its civil, political, economic and social rights.

II. SITUATION OF CIVIL AND POLITICAL RIGHTS IN HAITI FROM 2018 TO 2021

a) Right to life and security

4. During the past four (4) years, at least three thousand two hundred and ninety-four

(3,294) people have been murdered among them, one hundred and fifty-three (153) police officers.

Years	Assassinated Persons	Assassinated police
2018	765	17
2019	736	45
2020	900	37
2021	893	54
Total	3294	153

5. Since 2018, the Haitian people have witnessed the rampant gangsterization of the country. Today, all geographic departments have at least one (1) gang operating there. These various armed gangs engage in fierce hegemonic struggles, for control of the territories, for political and electoral purposes. They also fought among themselves to control markets, private enterprises, decentralized state bodies and public transport stations for economic purposes.

6. If with the creation in June 2020 of the G-9 An Fanmi and Alye the security situation of the country has worsened, it should be noted that over the last four (4) years, numerous massacres and armed attacks, perpetrated by armed gangs, have been recorded. Older people, adult men or women, as well as children, were murdered with a great deal of violence, others were wounded by bullets or knives. Many people are missing. Women and girls have been gang raped.

Period	People killed	Women killed	Injured Persons	Women Raped
2018	71	7	66	11
2019	100	4	22	-
2020	181	18	40	18
2021	109	25	16	4
Total	461	54	144	33

7. At least six hundred and ninety-four (694) children became orphans as a result of these massacres and armed attacks. And the material losses recorded are enormous: entire houses have been burned down, businesses and small businesses looted.

8. No judicial inquiry into these bloody events has yet been concluded despite the fact that the suspects, including state authorities, have been clearly identified.

9. Since June 2021, Martissant and Fontamara, controlled by armed gangs fighting an endless war, are inaccessible. The enormous human and material losses recorded during these attacks are not yet quantified. And four (4) geographical departments namely the South-East, the Nippes, the South and the Grand'Anse as well as a part of the department of the West, are cut off from the rest of the country.

10. Furthermore, if the RNDDH has not been able to put in place a mechanism for counting the cases of kidnapping followed by sequestration for ransom, it remains convinced that on average five (5) people have been abducted each day, during the last two (2) years that have passed, an average that indicates an exponential increase in these cases throughout the analysis period.

b) Security situation in the country since Dr. Ariel HENRY became Prime Minister

11. Since the dramatic assassination of the incumbent President Jovenel MOÏSE on the night of July 6-7, 2021, the security situation in the country has deteriorated. New armed gang homes have emerged in neighborhoods that were previously considered relatively quiet. Existing gangs have also been reinforced by their protectors, the state authorities. This is reflected in the expansion of their territory and the continued availability of arms, ammunition and large sums of money. This phenomenon of enlargement of territory has for example been noticed in the plain and at the Croix-des-Bouquets where the armed gang of 400 Mawozo who were content in the past to cloister in his fief, control today the whole commune of the Cross-des-Bouquets and tries to spread its tentacles in neighboring communes.

c) Freedom of expression and right to information

12. In 2018 and 2019, several anti-government demonstrations were severely repressed by police authorities. Journalists have also been murdered and media outlets attacked.

Years	Demonstrators murdered	Murdered journalists	Media attacked
2018	20	1	-
2019	178	2	5
2020	1	-	1
2021	-	1	-
Total	199	4	6

13. Forty-two (42) of the demonstrators murdered were each shot in the head. And, for all these victims, they are people who were participating or had just participated in an anti-government demonstration.

14. Moreover, on June 17 and July 7, 2020, heavily armed bandits, including several indexed in the commission of the above-mentioned massacres and armed attacks, demonstrated in the streets of Port-au-Prince by displaying their firearms under the noses of the police authorities, However, they are quick to repress peaceful anti-government demonstrations.

15. The journalists who were murdered are Vladimir LEGAGNEUR (March 14, 2018, Grand Ravine), Rospite PETION (June 11, 2019, Martissant) Néhémie JOSEPH (October 10, 2019, Mirebalais), Diego CHARLES (June 29, 2021, Acacia Street, Christ-Roi). None of these murders have yet been prosecuted. In the case of Vladimir LEGAGNEUR in particular, almost four (4) years after his murder, the Central Directorate of the Judicial Police (DCPJ) is still waiting for the results of a DNA test carried out on bones that have been found and that could belong to the victim.

16. The six (6) attacks against the premises or media vehicles that were recorded for the period analyzed are: Radio Télé Ginen (June 9, 2019), Radio Télé Caraïbes (June 14, 2019), Radio Télé Zenith (on the night of June 17 to 18, 2019), Radio Télé Métropole (June 24, 2019), Radio Télé Nationale d'Haïti (February 13, 2019), Radio Télé Caraïbes (February 23, 2020).

17. Over the past four (4) years, the percentage of people awaiting trial has always hovered between 74% and 82% of the country's total prison population, further proof of the dysfunction of the judiciary. However, in December 2018, the Haitian State committed itself to the Inter-American Commission on Human Rights to reduce the rate of illegal and arbitrary preventive detention to 20%.

Year	Total	Convicted persons	Persons awaiting judgment	% Of people awaiting trial
September 2018	11.839	3952	8886	75.05%
September 2019	11.529	2951	8578	74.41 %
September 2020	11.131	2322	8809	79.14 %
September 2021	11.250	2014	9236	82 %

e) Political Rights and Election Organization

18. From 2018 to 2021, the Haitian parliament, totally unproductive, had exercised no power to control the actions of the various governments that succeeded each other. On the contrary, as soon as President Jovenel MOÏSE was enthroned on February 7, 2017, parliamentarians joined forces with the executive to dismantle state institutions, including those called to fight corruption.

19. The parliamentary by-elections were to be held in October 2019. They were never carried out because the Executive simply did not want to, since the political party Tèt Kale from which President Jovenel MOÏSE came could count on his overwhelming majority in the Haitian parliament to provide the country with an electoral law and budget.

20. The president had therefore chosen to lead the country in the situation that followed on the 2nd Monday of January 2020 when the constitutional order was broken. It was a situation that allowed him to strengthen his own powers and to rule the country by decree. And, precisely, in 2020, it adopted no less than forty-one (41) decrees, some more wacky and unexpected than the others.

21. The President had also engaged with his government in a process of issuing a new national identification card to serve as an electoral map, despite the lack of a legal provision, the flagrant non-compliance with the rules governing the award of public contracts, rumors of corruption tainting the process of choice of the German firm DERMALOG for the issue of the cards in question and the two (2) contrary opinions issued by the Superior Court of Auditors and Administrative Disputes (CSC/CA) relating to this project.

22. Legislative and executive powers have never respected the principle of judicial independence in the past few years. They have conspired to appoint, for example, judges and government commissioners in disrespect of legal and regulatory provisions in this area.

23. From 2018 to 2021, the new governments, the replenishment of governments, followed one another at a frantic pace. No less than five (5) governments have been established, headed respectively by Jacques Guy LAFONTANT, Jean Henry CEANT,

Jean Michel LAPIN, Joseph JOUTHE and Claude JOSEPH. Before his assassination, President Jovenel MOÏSE even had time to appoint Dr. Ariel HENRY to replace Claude JOSEPH.

24. Some parliamentarians took advantage of these replenishments or formations of new governments to negotiate the appointment of family members, friends, spouses and offspring to ministerial and diplomatic posts. The decentralized bodies for old age insurance, port and airport control were, during the period analyzed, offered to other parliamentarians as a reward for their vote. And repeated scandals of overbilling have splashed the Haitian parliament.

25. In 2020, President Jovenel MOÏSE set up his exclusive, non-representative Provisional Electoral Council (CEP), denounced by the political class and civil society. This electoral body had the task of organizing a referendum in order to endow the country with a new constitution and to organize general elections, two (2) points of discord between Jovenel MOÏSE and the Haitian people.

26. Moreover, as the elections for the municipalities were not held either, the mayors were all replaced by interim agents of the Executive, except those who were already close to power and whose cartels were not changed.

27. Since July 2021, the country has been in an atypical situation. The current Prime Minister, Dr. Ariel HENRY, appointed on the eve of the assassination of President Jovenel MOÏSE, and on whom there are serious suspicions of involvement in this assassination, holds the reins of power. On September 21, 2021, he decided to dismiss the members of the CEP which had been set up by Jovenel MOÏSE, while announcing that he was beginning consultations with a view to forming a new electoral body and implementing the initial plan of Jovenel MOÏSE, adopting a new constitution and holding general elections. However, it remains clear that Dr. Ariel HENRY, who enjoys no legitimacy, cannot proceed with the creation of an electoral body without a national consensus. Moreover, without a tangible improvement in the country's overall security situation and without an audit of the implementation of the DERMALOG contract, there will be no question in Haiti of free, democratic, participatory and inclusive elections.

III. COUNTRY SECURITY SITUATION IN JANUARY 2022

28. During the first month of 2022, the rights to life and security of the Haitian population were systematically violated. Indeed, from January 1 to 31, 2022, not a day went by without at least one incident of harm to life and property being recorded. Assassinations, kidnappings followed by forcible confinement for ransom, street chases, were legion. This situation already suggests that 2022 will be as bloody or bloodier than its previous year.

a) Persons killed and injured

29. From January 1 to 31, 2022, at least fifty (50) people were murdered, including five (5) police officers and two (2) journalists. Others were either shot and wounded or kidnapped and held for ransom by armed bandits. Here are some examples:

- On January 1, 2022, during a routine patrol in Fessard, Dan Jerry TOUSSAINT, a divisional inspector assigned to the Laboule 25 sub-police station was murdered by armed bandits;
- On January 1, 2022, Jennifer JEAN BAPTISTE, fifteen (15) years old, was killed in Laboule;
- On January 1, 2022, Yves DUROGENE was assassinated during an armed attack in Gonaives against the motorcade of de facto Prime Minister Ariel HENRY;
- On January 2, 2022, Carl Frantz THELUSCA, Berlo THELUSCA and Beбето FEVRIER were assassinated on Rue Rigaud, Pétion Ville;
- On January 2, 2022, Arnold PIERRE was shot and killed by unidentified individuals. He was in Delmas 3 and was going about his business when he was murdered;
- On January 3, 2022, Jean Samuel ACCEUS, former member of the Conseil d'Administration des Sections Communales (CASEC) of Carrefour was assassinated in Rivière froide, a locality of the commune. The assailant, known as Manno, was lynched by the population;

- On January 4, 2022, the priest Charles FRANÇOIS was seriously injured in Calbassier, Miragoâne, by unidentified armed individuals. He was in his vehicle at the time of the incident;
- On January 5, 2022, the lifeless body of Fernande THEROGENE, a shopkeeper, was found. She had received several projectiles;
- On January 6, 2022, two (2) journalists, John Wesley AMADY and Wilguens LOUISSAINT, working respectively for Écoute FM and Safe News Haiti, were murdered in Laboule 12;
- On January 6, 2022, two (2) agents of the PHS security company were killed in Morne Lazarre, Pétion-ville;
- On January 8, 2022, Jean Cols RAMEAU and Enelson MONEVIL were shot and killed in Pont Durand, Port-au-Prince. A merchant who was not far from there was also murdered;
- On January 19, 2022, Patrice ISRAËL, former police commissioner and former Senate candidate for the department of Artibonite, was in Croix-des-Bouquets when he was shot several times. He was rushed to the hospital and succumbed to his injuries the day after he was admitted;
- On January 19, 2022, Police Commissioner Jean Ismay AUGUSTE and his wife Clotilde VILUS were shot and killed by members of the 400 Mawozo gang. Their daughter, who was accompanying them, was shot and wounded;
- On January 19, 2022, a schoolgirl was in her classroom in Turgeau when she was shot;
- On January 19, 2022, Judge Léa CHARLOTON was shot and wounded in Croix-des-Bouquets;
- On January 20, 2022, Naïme BERNARD was shot and killed in Saint-Marc by armed individuals on a motorcycle.
- On January 20, 2022, Jean Caleb AMOS and Jean Bernard AUGUSTE were shot and killed in Morne Cabrit by unidentified armed individuals.

- On January 20, 2022, Mr. Fritz ALTENOR, a lawyer registered at the bar of Croix-des-Bouquets, was in his vehicle on Avenue Christophe when he was shot and killed.
- On January 21, 2022, Pastor Mathieu CHERINE, from the Mahalaléel church in Delmas was shot and killed in Delmas 41, while trying to escape a kidnapping.
- On January 26, 2022, Elie VERTIL was in Canapé-vert when he was shot in the head. According to the victim's relatives, the bullet was fired by police officer Jean Josué CLOTAIRE, alias Kondagana. He is also a member of the musical group Baricad Crew.
- On January 29, 2022, Divisional Inspector Jean Nickson SAVERDIEU was murdered while in his vehicle at the corner of Poste Marchand and Avenue John Brown (Lalue).
- On January 29, 2022, police officer Diock Blada JOSEPH was killed in an attack orchestrated by the 400 Mawozo gang against the Bon Repos sub-police station and the Corail Cesselesse branch. Another police officer, Shmy SAUVEUR, was injured.

30. During the month of January 2022, sporadic armed attacks were recorded in Delmas 6 and Mayard. At least fifteen (15) people lost their lives:

- On January 2, 2022, Sandra DESROSIERS and Diana EXUMA were burned alive in their home in Delmas 6 ;
- On February 2, 2022, Wesner ORVIL was shot and killed in Delmas 6 by armed bandits;
- On January 3, 2022, Shiller LEGER, Ulrick LEGER, Léanne Niska JOSEPH, Phélicia JOSEPH and Rézia FADEAU were burned alive in their homes in Delmas 6;
- On January 3, 2022, Evenson VILSAINT, Wesly CAZENEUVE and Jean Pierre BAPTISTE were shot and killed in Delmas 6;

- On January 5, 2022, Judith CAMPION was shot and killed in Delmas 6;
- On January 6, 2022, in Mayard, the body of Jean Denis CIVIL was discovered. He had been shot several times;
- On January 10, 2022, Mirelaine BALTHAZAR and Carlo DANIEL were killed in Delmas 6 by armed bandits.

31. It was also reported to RNDDH that at least seven (7) armed bandits, members of the G-9 An Fanmi e Alye gang, were killed during these attacks in the neighborhoods of Mayard and Delmas 6. They were Harry JOSEPH, Fritzner BELFORT, Ricardo DESAMOUR, Alexander CESAR, Chrislor FELISSAINT, Wilson SAINTEUS and Bouboul, as known.

b) Kidnapping followed by kidnapping for ransom

32. During the month of January 2022, many spectacular cases of kidnapping for ransom have already been recorded. Some examples include:

- On January 5, 2022, unionist Paul Loulou CHERY and his wife, feminist activist Ginette APPOLON were kidnapped in Croix-des-Bouquets by armed individuals;
- On January 3, 2022, unidentified individuals kidnapped a Cuban doctor, Taimara Heles Jeres ALAVEDRA, in Martissant;
- On January 19, 2022, Naromie BARTHOL, administrative secretary of the St. Luke's and NPFS Foundation was kidnapped in Delmas by unidentified armed individuals;
- On January 21, 2022, Joëlle MOISE was abducted by armed individuals whom she caught burglarizing her house;

- On January 21, 2022, Fauster DESCOLLINE was kidnapped in Bois-Verna by unidentified armed individuals. He was returning from abroad to attend the funeral of his mother, which was to be held on January 22, 2022;
- On January 9, 2022, in Croix Périsse, a locality in the municipality of L'Estère, bandits kidnapped forty (40) people who were aboard a public transportation bus coming from Jean Rabel;
- On January 12, 2022, in Martissant, two (2) people who were transporting a generator for the Hôpital Sainte-Croix de Léogâne were abducted;
- On January 21, 2022, Rousseau MAXON, a police officer of the USGPN was kidnapped in Pernier, near his home;
- On January 25, 2022, Father Jean Rilus EXCELLUS was kidnapped in Morne Lazarre, Pétion-ville;
- On January 26, 2022, Father Pierre Etienne BELNEAU from the parish of Saint Louis de La Tremblay, was kidnapped in Michaud by the armed gang of 400 Mawozo.
- On January 29, 2022, engineer Jean François DORCE, professor at the GOC University, was kidnapped in Tabarre;
- On January 31, 2022, in broad daylight, Roland TROUILLOT was kidnapped in Delmas 19.

IV. COMMENTS AND RECOMMENDATIONS

33. Over the past four (4) years, the overall human rights situation in Haiti has only worsened. The rights to life and security have been systematically violated. Thousands of families have been forced to flee their homes and take refuge in refugee camps or have been forced to rent another home. This exposes them to attacks on life and property and worsens their economic situation. The displaced persons of Village de Dieu, Martissant, Fontamara for the municipalities of Port-au-Prince and Carrefour, those of La Tremblay, Duval Roche, Michaud, Jumecourt, for the municipality of Croix-des-Bouquets or the refugees of Bel-Air, Cité Soleil, La Saline, for the municipality of

Port-au-Prince constitute today the proof of the Haitian State's abysmal failure to ensure the security of the people.

34. Today, no governmental action suggests an improvement of the situation. State authorities, totally in denial, behave as passive spectators and leave the population at the mercy of armed bandits. As proof, RNDDH would like to point out the numerous cases of violation of the rights to life and security that have already been recorded for the month of January 2022 alone: fifty (50) people murdered, among them five (5) police officers and two (2) journalists, the numerous cases of kidnapping followed by kidnapping for ransom as well as the gunshot wounds recorded reveal an unprecedented level of trivialization of life in the country.

35. Armed gangs are expanding their territory every day. New pockets of bandits have also formed since the arrival of Dr. Ariel HENRY as Prime Minister. However, no mechanism has been put in place to prevent the expansion of armed gangs or to control the entry of firearms and ammunition into the country. On the contrary, these armed gangs, continuing to enjoy the unfailing protection of state authorities who want to maintain their power through them, are becoming more and more powerful and above all more arrogant in their modus operandi. As a result, they act with complete peace of mind and the number of victims is increasing.

36. For their part, the judicial authorities do nothing to favorably influence the rate of illegal and arbitrary preventive detention. Nor is any action being taken against the countless number of armed bandits whose names are cited in the commission of the crimes listed above.

37. Consequently, RNDDH does not understand why state authorities were able to affirm at the 40th session of the UN Universal Periodic Review that in Haiti, continuous efforts have allowed for an improvement in the respect and realization of human rights. In this sense, RNDDH urges the Haitian State to recognize that the situation is extremely serious and that it deserves the adoption of immediate measures to

- Unmasking, judging and condemning all state authorities in collusion with the armed bandits
- Regain control of the national territory from the forces of law and order;

- Judging the illegal entry of arms and ammunition into the national territory;
- Certify the national police officers before providing them with adequate means of work;
- Certify the Haitian judicial personnel as a whole.