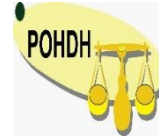




#noupapdòmi



Port-au-Prince, July 3, 2024

Mr. Garry CONILLE
Prime Minister
of the Republic
At his office. -

Open Letter

Mr Prime Minister,

The Circle of Reflections (CR), the National Episcopal Commission Justice and Peace (CE JILAP), NÈGÈS MAWON, the Platform of Haitian Human Rights Organizations (POHDH), and the National Human Rights Defense Network (RNDDH) feel it is their duty to share with you their positions on five (5) crucial issues that, if not addressed meticulously by your government, risk compromising the restoration of peace and security in the country and the sustainable return to constitutional order.

1. **Justice and Reparations for Victims of Insecurity**

Since 2018, armed individuals, organized in criminal associations, have been stealing, killing, gang-raping women and girls, burning houses, squatting in others after looting them, kidnapping and holding women, men, and children for ransom, demanding exorbitant sums for their release. They have also set up about twenty toll stations to extort money from the population and patrol the seas to attack boats, thus spreading terror throughout the country, particularly in the West and Artibonite departments.

The consequences of this wave of violence against the population are numerous: thousands of people have been murdered, including women, pregnant women, individuals with physical, sensory, or cognitive disabilities, elderly people, children, and babies. Hundreds of thousands of families have had to abandon their homes to seek refuge in camps created by victims of insecurity, while others have been internally displaced. Hundreds of women and girls have been gang-raped. Thousands of homes have been looted, burned, and/or squatted.

Brazen in their operations and fearless, during the entire period from 2018 to 2024 – and even today while you are Prime Minister – the aggressors, gang leaders, and members have boasted of their crimes in videos circulated on social media.

When, in February 2024, the two (2) formerly rival armed gang coalitions decided to merge into a federation called “Living Together” (Viv Ansanm), violence increased and the country narrowly avoided disaster: in addition to attacks on lives and property, private businesses, state institutions including prisons, courts and tribunals, police stations, hospitals, and schools were systematically vandalized and/or burned by them. With their complicity, at least

five thousand (5,000) prisoners escaped from the civil prisons of Port-au-Prince and Croix-des-Bouquets.

The disadvantaged neighborhoods, primary targets of these armed individuals, are now suffering. The survivors still living there are awaiting the Haitian judicial system to rule on the crimes committed there. That is why in 2023, three hundred forty-nine (349) victims and relatives of victims, assisted by the RNDDH, filed complaints before the courts of first instance in Croix-des-Bouquets and Port-au-Prince for homicides, rapes, thefts, arson, and destruction of their property. While these complaints have not yet been resolved, they prove that the surviving victims and relatives of victims demand **justice and reparations**.

In addition to denunciation reports published by several national human rights organizations, Human Rights Watch, Crisis Group, Amnesty International, and the United Nations Integrated Office in Haiti (BINUH) have also denounced what can be termed the terror of armed gangs.

It is unnecessary to remind you that Haiti is a party to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the American Convention on Human Rights, and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, also known as the Convention of Belém do Pará. These are regional and international human rights instruments that guarantee the rights to life, security, physical and mental integrity, private property, and free movement. Additionally, the Constitution and various laws of the Republic enshrine these same human rights and punish the aforementioned acts.

Therefore, **Mr Prime Minister**, knowing that you cannot accept that this impunity for committed crimes continues, let alone endorse judicial inaction, the organizations signing this communication recommend that you instruct the Minister of Justice and Public Security to direct government commissioners in the various courts of first instance of the Republic, particularly those of Croix-des-Bouquets, Port-au-Prince, Petit-Goâve, Gonaïves, and Saint-Marc, to initiate public action against armed criminals who have murdered, raped, kidnapped members of the population, burned, looted, and squatted citizens' homes, forcing them to relocate, with the aim of prosecuting and condemning them.

2. No Amnesty for Bandits Terrorizing the Haitian Population

For several months, the issue of full amnesty for armed bandits who have terrorized the population has been on the table. The country was on the brink of catastrophe when, during the formation of the Presidential Transition Council (CPT), close associates and protectors of armed bandits proposed that they have a seat within this new structure.

Although the call for amnesty is no longer as prominent, the organizations signing this letter fear it may resurface, particularly with the arrival in Haiti of the first agents of the Multinational Security Support Mission (MMAS).

In this regard, these organizations wish to draw your attention to the fact that the country is no longer in a position to show leniency towards armed bandits. If the Haitian state – having judged that the national police were overwhelmed by the chaos created by bandits with the complicity of certain state authorities at the time – had to call upon yet another

foreign force to help restore and maintain peace in Haiti, it is precisely because the Rubicon has been crossed.

After years of suffering, the focus cannot be on the armed bandits who themselves caused this suffering. Instead, the victims of these atrocious crimes should be the primary concern of your government: financial, medical, and psychological assistance programs must be made available to them to help them recover. They must also be supported in their desire to reintegrate into their communities.

Under no circumstances can the accountability of the intellectual and material authors of the committed crimes be overlooked. Those who enriched themselves at the expense of kidnapping and ransom victims, those who fueled insecurity by illicitly selling weapons, ammunition, and psychotropic substances, those who gained and maintained power thanks to the activities of armed gangs must be held responsible. Those who murdered citizens, who gang-raped women and girls – some of whom became pregnant and others contracted sexually transmitted diseases they will live with – who looted, burned, and squatted citizens' homes, must be held responsible.

For minors recruited by armed gangs and involved in the commission of the aforementioned crimes, the organizations signing this letter remind you that the legislature has already addressed the protection of minors in conflict with the law. Thus, in a process respecting the judicial guarantees of all involved parties, judicial decisions will consider the degree of involvement of all members of armed gangs in the commission of criminal acts, and the resulting punishments will be fairer.

Therefore, the organizations signing this communication recommend, **Prime Minister**, that you formally instruct the members of your government, particularly those on the Higher Council of the National Police (CSPN) – of which you are the president – and the Director-General of the PNH, to take all necessary measures to establish lasting peace in the country based on the repression of common law crimes and recorded human rights violations, and the recovery of victims and survivors.

3. No Human Rights Violations by MMAS Agents Will Be Tolerated

On June 25, 2024, the first agents of the Multinational Security Support Mission (MMAS) arrived in Haiti. The organizations signing this letter have repeatedly opposed this deployment for many reasons. The two (2) main ones are:

a) The request was made by the government of Ariel HENRY, therefore, by those who led the country into the current chaos.

b) The state authorities at the time were invited by the majority of the organizations signing this letter to initiate a certification process for the police institution to sanction agents who colluded with armed bandits and to provide certified police officers with adequate means and equipment to combat organized crime. These recommendations were never considered. The authorities simply declared the police incapable of facing the situation and requested a foreign force.

Now that these agents are beginning to arrive, the organizations signing this letter believe it is appropriate to draw your attention to the reputation of human rights predators attached to Kenyan law enforcement agents. The recent alarming events in Kenya, during which protests are being severely repressed, reinforce the concerns of these organizations.

Moreover, it is crucial that you understand the urgency of informing the population about the mission's objectives because these must take into account the specific security needs of the country.

Mechanisms must be put in place to prevent human rights violations, particularly sexual crimes. For this, permanent channels of communication between the mission and civil society organizations must be established. These mechanisms must also allow for the collection of complaints from potential human rights violation survivors and the effective prosecution of offending agents before their repressive jurisdiction, while encouraging the presence of civil parties throughout the process.

As mentioned in the Agreement on the Status Protection of the Multinational Security Support Mission (MMAS), the mission must compensate victims when the civil liability of agents is established. Similarly, the countries providing sexual and human rights predator agents must also commit to punishing them and compensating surviving victims.

Today, you are obliged, **Prime Minister**, to consider the concerns of civil society regarding this deployment because it is the bitter experiences with predecessor missions that have generated these concerns.

And, knowing that you recently expressed the wish that this latest mission be the last, the organizations signing this letter encourage you to ensure that agents of the Haitian National Police (PNH) benefit from capacity-building programs and are involved, alongside MMAS agents, in all field operations. This will allow them to acquire the necessary skills and abilities to fight organized crime and dismantle armed gangs.

4. Corruption and All Financial Crimes Must Be Punished Like Common Law Crimes and Human Rights Violations Perpetrated Against the Haitian Population

Enormous sums have been embezzled by various successive governments. The PetroCaribe fund embezzlement accountability movement launched in 2018 highlighted the propensity of state authorities to set up fictitious companies, take bribes, embezzle public funds, illicitly enrich themselves, engage in smuggling and nepotism while manipulating the Haitian judicial system to maintain impunity for financial crimes.

It is imperative that your government sends a clear signal that it will not tolerate corruption within the public administration.

To this end, the organizations signing this letter recommend that you and all members of your government immediately declare your assets as required by the February 12, 2008, law on asset declaration by certain categories of political personalities, civil servants, and other public agents.

Given the numerous corruption scandals between 2021 and 2024 within certain ministries and autonomous public bodies, the organizations signing this letter recommend, **Prime Minister**, that you adopt measures to clean up public finances and order the financial audits of the National Palace, the Prime Minister's Office, the Ministry of Public Works and Communication, the Ministry of the Interior and Territorial Communities, and the Ministry of Planning and External Cooperation that you have already requested. Additionally, the National Old-Age Insurance Office (ONA), the National Airport Authority (AAN), and the National Civil Aviation Office (OFNAC) must also be subjected to the same process.

5. Upcoming Elections Must Be Inclusive and Democratic, Conducted After the Restoration of Peace and Security, and After Your Government Commits to Fighting Corruption

An effective fight to restore lasting peace in Haiti primarily involves repressing common law crimes, human rights violations, and financial crimes. Before holding elections, it is essential that the funds obtained from kidnapping, illicit arms, ammunition, and drug trafficking are no longer in circulation in the country. This money could, as you understand, be used by criminals who are only waiting to renew themselves in elective and appointive positions, thus tainting the entire electoral process.

Therefore, the organizations signing this letter recommend that, well before the elections, you work on restoring security, issue clear and precise instructions for the perpetrators of common law crimes, human rights violations, and financial crimes to be tracked down, arrested, prosecuted, judged, and condemned with the utmost severity so they lose all capacity to harm.

Mr Prime Minister,

The organizations signing this communication understand the magnitude and complexity of the task before you. Restoring order and security in the country, combating corruption within the public administration, and organizing elections in this context of multidimensional crisis require great serenity and political will to succeed.

While reminding you of your obligation to achieve results, the organizations signing this letter send you, **Mr Prime Minister**, their patriotic greetings.

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Jocelyne Colas Noël, National Episcopal Commission Justice and Peace (CE JILAP)
Pascale Solages, NÈGÈS MAWON
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For authentication:

Pierre ESPERANCE
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C.c.: Members of the Presidential Transition Council