



## AMNESTY INTERNATIONAL – PUBLIC STATEMENT

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# HAITI: SEVERE CRISIS CALLS FOR LASTING SOLUTIONS, NOT IMPUNITY

Haiti has been mired in political, economic, humanitarian, security and human rights crises for decades. These crises, which are rooted in the country's legacy of colonialism and slavery, deepened following the assassination of president Jovenel Moïse in 2021. Political instability has exacerbated the weakening of state institutions and aggravated shortcomings in basic services, such as water and sanitation and access to food and medicine. At the same time, a number of armed gangs have strengthened and now control significant parts of the territory and strategic infrastructure such as ports and airports, plunging the population into violence and chaos.

In early March, an armed gang orchestrated the escape of more than 3,600 prison inmates and unleashed a wave of terror in several areas of the country that led to the resignation of prime minister Ariel Henry. The recent escalation of violence has reached alarming levels, with reports of extrajudicial killings, kidnappings, torture and gender-based violence, forced recruitment of children and the forced internal displacement of more than 95,000 people since the beginning of 2024.

Increasing violence by criminal gangs, limited access to basic goods such as food and medicine, and the lack of an electoral timetable led to popular protests in February demanding the resignation of prime minister Ariel Henry. Meanwhile, the armed gangs, which had previously fought among themselves for power, organized to attack state institutions, becoming the de facto authorities in the areas under their control. These armed gangs are said to control up to 80% of the capital's territory. This has severely disrupted the operation of key infrastructures such as the Toussaint Louverture airport, the country's largest.

Meanwhile, prime minister Ariel Henry resigned on 11 March to make way for the creation of a Presidential Council, a process led by the international community, in particular the Caribbean Community and Common Market (CARICOM) and countries such as the United States, Canada, France and Mexico. The aim of this Council, made up of various political forces and Haitian civil society organizations, is to take the necessary steps to propose a solution that will bring political instability to an end, as well as measures that will allow the deployment of the Multinational Security Support Mission agreed by the UN Security Council in October 2023, which implies a new military intervention.

It should be noted that the Presidential Council is made up of nine members, seven being regular members and two observers. Regular members are representatives of the country's main political parties and movements and have the right to vote, while observers are representatives of civil society. This body has all the powers of a president, as provided for in the Constitution. The Presidential Council was sworn in on Thursday 25 April, when Ariel Henry's resignation was formalized. Since then, it has failed to reach agreement on the selection of its leadership and the appointment of a new prime minister.

The situation of political instability in the country has made the Haitian population even more vulnerable to violence, human rights violations and abuses, including sexual violence, forced displacement, extrajudicial executions, forced recruitment of children, and lack of access to health care and food. The latest figures on food security show that 4.97 million people, almost half of the population, are in need of food aid. The UN World Food Programme has warned that 1.4 million people are on the brink of starvation. Armed violence has particularly affected access to medicines and medical care, with attacks on hospitals and pharmacies, difficulties for the operation of emergency medical services, and reports of an increase in cholera cases in the capital and other cities across the country.

### UNITED NATIONS SECURITY COUNCIL RESOLUTION 2699 OF 2023

The severity of the situation in Haiti led the UN Security Council to adopt Resolution 2699 (2023) authorizing the deployment of a Multinational Security Support Mission, to be led by Kenyan military forces. However, legal disputes arose in Kenya over the constitutionality of the deployment of such forces, as a bilateral agreement between Haiti and Kenya was required. Prime minister Ariel Henry travelled to Kenya in early March to

formalize such an agreement. On his return, however, he was unable to land in Haiti due to the chaos caused by the activities of armed gangs and demands for his resignation. The government of the Dominican Republic also refused to allow him to land in the country in order to enter Haiti, and he was eventually forced to travel to Puerto Rico, from where he announced his resignation a few days later.

Subsequent deployment of the mission has not yet been possible, although the establishment of the Presidential Council and the future appointment of a prime minister are elements that could speed up such deployment.

There is a deeply troubling history of abuses and impunity associated with similar previous interventions in Haiti. Past military solutions or external interventions have failed to address the root causes of the crisis and, far from leading to sustainable stability, have left a lasting legacy of human rights violations and impunity that continues to this day. This includes the cholera epidemic, as well as exploitation, sexual abuse and excessive use of force, all of which have gone unpunished. These issues must be taken into account in all decisions made by donor countries and countries deploying forces in Haiti.

According to Resolution 2699 of 2023, the deployment of foreign security forces must be subject to clear, binding and enforceable criteria to prevent the unlawful use of force, negligence causing harm to the local population, and any other abuses by individuals deployed as part of this multinational effort. At the end of its first paragraph, the Security Council resolution specifies that such forces must operate “in strict compliance with international law, including international human rights law”.

This must also include measures to protect the population from sexual exploitation and abuse, with mechanisms to safeguard the rights of local people and provide accessible and effective remedies for victims. The resolution includes the need for safe and accessible complaints mechanisms, as well as timely investigations into allegations of misconduct to hold perpetrators accountable for their actions.

## **REFUGEE AND INTERNATIONAL PROTECTION**

Haitians on the move have faced discriminatory, racist, aporophobic and other human rights violations. Amnesty International has documented the obstacles imposed by several countries in the region on Haitian asylum-seekers and refugees fleeing violence and the dramatic situation in their country. States must suspend returns to Haiti, as conditions in the country are already endangering the lives and safety of Haitians and they are therefore entitled to international protection. States should apply the extended definition of a refugee consistent with the standards set by the Inter-American Court of Human Rights and the 1984 Cartagena Declaration on Refugees.

In particular, the authorities in the Dominican Republic must refrain from carrying out border rejections and suspend forced deportations of Haitian nationals, whether individual or collective. They must ensure that people have access to a fair, effective and non-discriminatory asylum process.

In the face of a possible wave of migration by sea, the United States must refrain from resorting to solutions such as the use of the Guantanamo naval base as a migrant processing centre. The United States must ensure that asylum seekers have access to its territory without discrimination and that it does not use a site with a dire legacy of human rights violations.

## **RESPONSIBILITY OF NON-STATE ARMED ACTORS**

Amnesty International recalls that non-state armed actors acting as de facto authorities or controlling territory and populations and having organizational capacity also have human rights obligations under international law. The organization urges the international community to closely monitor and document possible serious human rights violations being committed by such actors in the country, in order to ensure compliance with international law and, where appropriate, to prosecute all those suspected of criminal responsibility.

## **CONCLUSIONS AND RECOMMENDATIONS**

- Amnesty International calls on the international community to prioritize the situation in Haiti and, together with civil society and the relevant political and social actors in the country, to design a pathway for change towards a lasting solution based on guarantee and respect for human rights, an ethno-racial, antiracist and gender-sensitive approach, and the prevention of any actions that could further harm the population.
- Amnesty International condemns the violence unleashed by armed gangs and urges respect for international law, exploring possible mechanisms for access to justice so that all those suspected of criminal responsibility may be prosecuted.
- Amnesty International again urges all states in the Americas, and in particular the governments of the United States and the Dominican Republic, to end racist policies and practices and ensure that Haitian nationals are not returned or turned back at the border and have

access to a fair and effective asylum process. In particular, it urges states to take measures to guarantee and extend the application of the definition of a refugee contained in the 1984 Cartagena Declaration, through *prima facie* or collective recognition.

- Amnesty International calls on international and regional human rights mechanisms to continue to speak out on the situation in the country and to assist the Haitian state and civil society in advising and contributing to a pathway for change in the country.