

Haiti: The situation of political parties and the treatment of political opponents, including by criminal groups (2021–January 2023)

[HTI201333.FE]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview of the Political Situation in Haiti

In correspondence with the Research Directorate, a representative of the National Human Rights Defense Network (Réseau national de défense des droits humains, RNDDH), a Haitian NGO involved in human rights education and the monitoring of human rights violations (RNDDH n.d.), stated that the current political situation [translation] "is really chaotic" and that "all of the democratic institutions are completely dysfunctional" (RNDDH 2023-01-26). Sources report that following the assassination of President Jovenel Moïse, the US and other international actors supported Ariel Henry as prime minister (nominated by Moïse before his death), though he had not been validated as such by Haiti's legislative institutions (US 2022-08-02, 1; Full Professor 2023-01-31). According to the US Congressional Research Service (CRS), Prime Minister Henry proposed that he remain in office until elections were called and he accordingly named a provisional electoral council to convene elections (US 2022-08-02, 1). The same source indicates that, as an alternative to Ariel Henry's proposal, the Citizen Conference for a Haitian Solution to the Crisis (known as the Montana Group), comprised of numerous civil society organizations and political parties, sought to form an interim two-year government; after months of consultations, the Montana Group came to an agreement in August 2021 (known as the "Montana Accord"), proposing an interim government led by a president and prime minister, with oversight committees, to restore order and administer elections (US 2022-08-02, 1). According to sources, on 30 January 2022, elections were held in accordance with the Montana Accord, with Fritz Alphonse Jean and Steven Benoit being elected president and prime minister, respectively (VBI 2022-01-30; *Le Nouvelliste* 2022-01-31; *HaïtiLibre* 2022-01-31), by 42 [translation] "delegates" (VBI 2022-01-30) or by 42 members of the National Transition Council (Conseil national de transition) (*HaïtiLibre* 2022-01-31). However, according to Insecurity Insight, an organization headquartered in Switzerland that generates data on insecurity and its impact on people's lives (UN n.d.), Ariel Henry rejected the Montana Accord, stating that there is no legal or constitutional precedent in that regard (2022-02). In January 2023, Steven Benoit resigned as the elected prime minister under the Montana Accord (Haiti24 2023-01-30; VBI 2023-01-30).

In correspondence with the Research Directorate, a full professor in international development and globalization at the University of Ottawa with 17 years of experience in conducting research on Haiti stated that [translation] "there are currently no elected officials serving at the national level in Haiti, in either the executive or the legislative branches of the country," since Ariel Henry, the "*de facto*" prime minister, "was not elected," and the terms of the other elected officials have expired, with no elections held to replace them, thereby "null[ifying]" the Senate and the Chamber of Deputies (Full Professor 2023-01-31). According to Al Jazeera and the Associated Press (AP), up until January 2023, "[t]he Senate was Haiti's last democratically elected institution, though its ranks had been reduced to just 10 after the country failed to hold legislative elections in 2019 to fill vacant seats" (Al Jazeera & AP 2023-01-10). Sources report that the terms of the 10 remaining senators expired in January 2023 (Al Jazeera & AP 2023-01-10; NPR 2023-01-18). The same sources indicate that after the last terms expired, Haiti was left "without a single legislator in its House or Senate" (Al Jazeera & AP 2023-01-10) or any elected officials (NPR 2023-01-18).

According to AyiboPost, an online media outlet that does [translation] "explanatory journalism" for Haiti (AyiboPost n.d.), 166 political parties were approved by the Provisional Electoral Council (Conseil électoral provisoire, CEP) to take part in the 2016 elections and several other parties were subsequently created (2020-10-20). In an article published in May 2019, the same source reports that of the sample of 83 political parties studied for the article, only 2 had an [translation] "updated" website and 11 had an "active" Facebook page (AyiboPost 2019-05-09). In an online article dated March 2022, *Le National*, a Haitian daily newspaper, reports that [translation] "over" 165 parties are registered with the Ministry of Justice, including "several ... describing themselves as centre-left" (2022-03-16). In a March 2022 article published by *Le Scientifique*, a magazine that [translation] "promotes scientific and socio-professional research in Haiti and the Caribbean" (*Le Scientifique* n.d.), it also states that there are 108 Haitian political parties [translation] "accredited" by the CEP and that each party "intends" to put forth a presidential candidate (2022-03-18). According to the same source,

[translation]

[t]hose political parties, for the most part, have no normative framework, no participatory guidelines, no political program. It is therefore extremely difficult to identify the ideologies of Haitian political parties. (*Le Scientifique* 2022-03-18)

The RNDDH representative stated that [translation] "no" "transparent" political agreement was reached (RNDDH 2023-01-26). Sources report the signing of an agreement on 11 September 2021 by Ariel Henry and several political groups (RNDDH 2023-01-26; *HaïtiLibre* 2021-09-12; *Le National* 2022-09-13). According to sources, the agreement was signed by [representatives of civil society (*HaïtiLibre* 2021-09-12) and] political parties, including the Fusion of Haitian Social Democrats (Fusion des sociaux-démocrates haïtiens, Fusion), the Democratic and Popular Sector (Secteur démocratique et populaire, SDP) and Inite Patriotik (Inite) [or Unity (Unité)] (*HaïtiLibre* 2021-09-12; *Le National* 2022-09-13). *HaïtiLibre*, a Haitian news source (*HaïtiLibre* n.d.), explains that under the agreement, [translation] "the opposition had agreed that, during the transition period, there would be no provisional president and that the country would be run" by the Council of Ministers under the leadership of Ariel Henry (2021-09-12). However, according to an article published in January 2022 by *Le Nouvelliste*, a Haitian daily newspaper, some parties to the agreement had observed [translation] "violations" of its terms (2022-01-14). An article by *Le National* published in September 2022 reports that some signatories withdrew in protest of the agreement not being [translation] "rigorous[ly]" applied (2022-09-13).

According to sources, Ariel Henry signed a new political agreement on 21 December 2022 (RNDDH 2023-01-26; *Le National* 2023-01-06; *Haiti24* 2022-12-22). Media sources note that the document extends Ariel Henry's mandate to February 2024 (*Le National* 2023-01-06; *Haiti24* 2022-12-22) and calls for elections to be held in 2023 (*Haiti24* 2022-12-22). According to the RNDDH representative, [translation] "many" civil society organizations consider the agreement to be "demagoguery aimed at strengthening Ariel Henry's power" (RNDDH 2023-01-26). According to an article published by *AlterPresse*, an [translation] "alternative Haitian information network" (*AlterPresse* n.d.), the Montana Group called the document [translation] "demagogic and partisan" (2022-12-23).

1.1 Political Parties with the Most Power or Influence

Information on political parties with the most power or influence in Haiti was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The RNDDH representative indicated that the Parti Haïtien Tèt Kale (PHTK), Inite and Fusion were among the most powerful and influential parties (RNDDH 2023-01-26). The Full Professor stated that Ariel Henry [translation] "is from the Inite opposition party, but most of his ministers and officials are from the ... PHTK, the party founded by former president Michel Martelly. Together, they lead a coalition of parties" (2023-01-31). According to the same source, the Inite party is [translation] "mostly opposed to the *de facto* government" (Full Professor 2023-01-31).

The source added that other actors joined the coalition in 2021 and 2022, including from the Rally of Progressive National Democrats (Rassemblement des démocrates nationaux progressistes, RDNP) (Full Professor 2023-01-31).

1.1.1 Evolution of the PHTK

The information in the following paragraph was provided by the Full Professor:

[translation] "The situation within the PHTK has become very unclear since the assassination" of Jovenel Moïse, who was a member of the party. The PHTK's reputation is "tainted" by accusations of complicity with criminal groups. The governments of Canada and the US have imposed sanctions against Michel Martelly, the party's founder, who still heads one wing, because of his "collusion with gangs during and since his presidency." The Montana Group has accused Ariel Henry of "being in league with other criminal gangs" (Full Professor 2023-01-31).

The information in the following paragraph was provided by a project officer working on Haiti at the Centre for International Studies and Cooperation (Centre d'étude et de coopération internationale, CECI), a Canadian international co-operation agency that carries out [CECI English version] "sustainable development projects in Africa, Asia and the Americas" (CECI n.d.), in correspondence with the Research Directorate:

The PHTK was [translation] "fragmented" following the death of Jovenel Moïse. The party is split into various factions, with the largest two currently being the movement of former president Michel Martelly, with whom Ariel Henry, the current prime minister, has become close, and the movement of Jovenel Moïse, now led by Claude Joseph, a former minister of Foreign Affairs and former interim prime minister. The movement is leading the country as part of a coalition government with former opposition parties, notably Fusion and the SDP, recently joined by the RDNP after Mirlande Manigat was appointed member of the High Transition Council (Haut Conseil de transition, HCT) under the 21 December 2022 agreement [1]. "Besides political parties, the government also retains power through strategic alliances with gang leaders" (Project Officer 2023-01-22).

The RNDDH representative similarly indicated that the PHTK is [translation] "the most powerful political party at the moment" because some people close to Jovenel Moïse allied themselves with his former opponents after he was assassinated "to control power with Ariel Henry" (RNDDH 2023-01-26).

1.2 Opposition Parties and Movements in Haiti

1.2.1 Traditional Opposition Parties

The CECI Project Officer indicated that the opposition is [translation] "diverse" and its "influence is weak" for many reasons, including poverty, "gagging," repression, corruption, and a lack of or ineffective mobilization (Project Officer 2023-01-22). Sources noted that the main political opposition parties include Fanmi Lavalas, the Struggling People's Organization (Organisation du peuple en lutte, OPL) and the Platfòm Pitit Desalin (Project Officer 2023-01-22) or Ayiti an aksyon (AAA) (RNDDH 2023-01-26).

1.2.2 Montana Group

The Full Professor described the Montana Group as a [translation] "large" coalition of opposition parties and civil society organizations (2023-01-31). According to the Project Officer, the Montana Accord is [translation] "the main challenger to those currently in power" because it is "widely" accepted by Haiti's middle and working classes and enjoys "some recognition" at the international level (2023-01-22). The same source also indicated that the accord brings together social movements and various parties with different political leanings (Project Officer 2023-01-22).

1.2.3 Civil Society Organizations

According to the CECI Project Officer, there have been [translation] "sociopolitical movements" that have been "very active at times," at which point they were "the leaders of the real opposition" (Project Officer 2023-01-22). Among those civil society movements, the same source mentioned various organizations that were behind the Petro Karibe movement, including the Nou pap d'òmi, as well as the case of the Konbit, which brings together a variety of social-purpose organizations and political parties on the left of the political spectrum (Project Officer 2023-01-22). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Treatment of Political Opponents

2.1 Treatment by Ariel Henry's Government

The CECI Project Officer stated that Ariel Henry's government is not [translation] "strong enough" to "directly" target party leaders who are free to express their opposition to the government in the media (Project Officer 2023-01-22). According to the RNDDH representative, political opponents in Haiti [translation] "have never been treated well" and that continues to be the case under Ariel Henry's government; the current government "continues to use law enforcement to suppress [them]" (RNDDH 2023-01-26). According to the Project Officer, individuals [translation] "most targeted" by government repression are political party and social movement "grassroots activists," who are "most often" arrested and imprisoned at anti-government demonstrations (2023-01-22). The same source added that [grassroots] leaders are [translation] "systematically pursued" by the police and government commissioners "to incite them to flee their areas of influence" (Project Officer 2023-01-22).

The Project Officer also explained that the government continues to use [translation] "traditional" practices when it comes to political opponents; first, "co-optation by trying to silence them," either by offering them a position in the administration or through corruption, or should they refuse, by trying to suppress them by using various means, "from intimidation, to imprisonment, to murder" (2023-01-22). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The RNDDH representative gave the example of five founding members of the Bwa kale [translation] "anti-government" movement, who were found dead in October 2022 a few days after they were arrested (RNDDH 2023-01-26). The Secretary-General of the UN, through the UN Integrated Office in Haiti, reports that, during a protest, five activists who were members of the opposition were apprehended by [UN English version] "individuals wearing police uniforms" and that their bodies were found a few days later (UN 2023-01-17, para. 41).

The *Washington Post* also reports that after the assassination of President Moïse in 2021, "many Haitians" began to believe that the authorities were using the investigation to crack down on political opponents, after a prosecutor for Port-au-Prince issued a series of arrest warrants against some of them (2021-08-08). The same article reports that some of the judges and clerks involved in investigating the matter claim to have faced pressure to tamper with their reports; two clerks stated that they received anonymous telephone calls asking them to add the names of "prominent Moïse critics," which they refused to do (*The Washington Post* 2021-08-08). According to Reuters, the two clerks received anonymous calls asking them to "alter records or remove certain names" (2022-01-20).

However, in correspondence with the Research Directorate, the Executive Director of the Haiti Democracy Project, a not-for-profit organization based in the US [whose major role is "to protect elections against assaults by anti-democratic elements" (Haiti Democracy Project n.d.) and which has received funding from the US Agency for International Development (USAID) (CBC 2016-11-22)], stated that Ariel Henry "is not a member of the political mafia" (Haiti Democracy Project 2023-01-26). The same source nevertheless noted that the Haitian government is "ill-coordinated"

and that the degree of control that the prime minister exerts over its branches is unclear (Haiti Democracy Project 2023-01-26).

2.2 Treatment by Criminal Groups

The CECI Project Officer stated that [translation] "[i]n some areas, political leaders and activists who are hostile to gang practices and who try to educate" the population [about this issue] are targeted by those criminal groups and "many" community leaders have been "murdered" (Project Officer 2023-01-22).

The information in the following paragraph was provided by the RNDDH representative:

[translation] "Criminal groups [are] often directed and used by the government in power." When it is not possible to use the police "to attack or destroy an opponent," leaders resort to "criminals." In "some areas," "criminals prevent public gatherings." The RNDDH documented a total of 18 massacres [committed by criminal groups] under the governments of Ariel Henry and Jovenel Moïse, in which 969 people were killed and "over" 167 injured and which resulted in "more than" 102 rapes and "more than" 392 homes that were burned or destroyed. The massacres are a tool used to "suppress" "citizens in disadvantaged neighbourhoods, which are areas of resistance to those in power" (RNDDH 2023-01-26).

Sources indicate that Eric Jean Baptiste, killed in October 2022, is among the political opponents who have been victims of criminal group violence; he was a former presidential candidate (UN 2023-01-17, para. 13; Full Professor 2023-01-31) or leader of the RDN party (CNN 2022-10-29; Reuters 2022-10-29). According to CNN, Eric Jean Baptiste had survived an earlier attempt on his life, escaping with a bullet wound (2022-10-29). Reuters reports that the politician was killed in the Laboule 12 area, which is under the control of a gang called "Ti Makak," and that his death followed the assassination of former senator Yvon Buissereth in the same area, which one state official attributed to the same criminal group (2022-10-29). In addition, HaïtiLibre notes that Yvon Buissereth's death in the Laboule 12 area is attributed to the Ti Makak gang (2022-08-07). Information on specific ties between Ti Makak and Ariel Henry's government could not be found among the sources consulted by the Research Directorate.

3. Legal Recourse Available to Political Opponents

The information in the following paragraph was provided by the Full Professor:

Political opponents can [translation] "in principle" file complaints with the Haitian National Police (Police nationale d'Haïti, PNH) or with the competent court of first instance in their region when they have been "threatened or [have been] the victims of serious crimes committed against them (or people close to them)," in which case, the investigations "should" be conducted before "the accused are arrested, tried and sentenced, if applicable." However, given the failure of the judiciary, the system is "unable" to provide political opponents or members of human rights organizations (like the RNDDH) with justice; "even the assassination of former president Moïse (of the ruling PHTK party) did not lead to legal sanctions" (Full Professor 2023-01-31).

According to the CECI Project Officer, there are [translation] "different recourse mechanisms" "in theory;" complaints can be heard by ordinary courts and ad hoc tribunals, whereas cases of abuse of authority by police officers can be brought before the PNH's Office of the Inspector General (Project Officer 2023-01-22). However, the same source also indicated that, in practice, the mechanisms do not work [translation] "because of the judiciary's lack of independence" from the executive branch and because of corruption (Project Officer 2023-01-22). According to the source, there is therefore [translation] "actually" no legal recourse, in that the more money or power one has, "the less likely one is liable to be prosecuted and/or pursued by the police" (Project Officer 2023-01-22). Sources reported that there are [translation] "no" political or legal remedies for

political opponents in Haiti (RNDDH 2023-01-26; Haiti Democracy Project 2023-01-26). However, the RNDDH representative noted that civil society can [translation] "pressure the authorities on behalf opponents who are victims of the government in office" (RNDDH 26 Jan. 2023).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] According to HaïtiLibre, the 21 December 2022 agreement provides for the establishment of the High Transition Council (Haut Conseil de transition, HCT), but the names of the three members unveiled on 21 December (Mirlande Manigat to represent political parties; Calixte Fleuridor, civil society; and Laurent Saint Cyr, the private sector) are not listed in the text of the agreement (2023-01-12). The online newspaper Gazette Haiti reports the February 2023 opening of the offices of the HCT, whose role is [translation] "to select the committee of experts in charge of revising the Constitution ... ; co-operate with the Prime Minister and the Council of Ministers to define a roadmap outlining specific steps and deadlines; and implement a strategic action plan for the transition period" (2023-02-06).

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Internet sites, including: Amnesty International; Austrian Red Cross – ecoi.net; BBC; Bertelsmann Stiftung; Center for Strategic and International Studies; Doctors of the World; Factiva; France – Office français de protection des réfugiés et apatrides; France24; Freedom House; *The Guardian*; Haiti – Conseil supérieur du pouvoir judiciaire, ministère de la Justice et de la Sécurité publique, Police nationale d'Haïti; The Haitian Times; *Haïti en Marche*; Haïti Inter; *Haïti Progrès*; Haïti standard; Hebdo 24; Human Rights Watch; Institut culturel Karl Lévêque; International Crisis Group; International Peace Bureau; Interuniversity Institute for Research and Development; *Journal de Montréal*; Juno7; Loop News; Minority Rights Group International; *Le Monde*; The New Humanitarian; *The New Yorker*; La Presse; Radio-Canada; Radio France internationale; Reporters sans frontières; Transparency International; TV5Monde; UN – Refworld; US – Department of State, Library of Congress; Voice of America.