



NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT

Bay tèt yo jistis

**Taking justice into one's own hands
or the reign of impunity in Haiti**

— **Executive Summary** —

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Summary

1. The report, prepared by the Human Rights Section of MINUSTAH / United Nations High Commissioner for Human Rights (HRS), presents and analyses the key elements relating to ‘popular justice’¹ in Haiti, also known as ‘vigilantism’ or ‘lynching’. This is the first report on this subject.
2. The phenomenon of lynching is of continuing concern to HRS in Haiti. Based on statistics and cases followed by HRS in recent years, it has been observed that lynching acts have rarely been subject to judicial investigation and even more rarely convicted. Indeed, 483 incidents of lynching or lynching attempts reported by MINUSTAH between 2012 and 2015 resulted in 59 arrests only. HRS is aware of only one conviction in a case of lynching. This passivity, even this tolerance, by State agents in front of serious crimes violates the right to life as guaranteed by international treaties to which Haiti is a party and as protected by national legislation.
3. The main reason given by the population to explain the use of lynching would be a lack of confidence in police and justice, and the fear that perpetrators of crimes enjoy impunity. This feeling is linked to the frequent failures of police and judicial authorities to investigate, prosecute and punish crimes. Some people then replace these authorities in order to exercise what they consider to be a form of justice. Authorities’ lack of resources to prevent and punish lynching reinforces the phenomenon and suggests that lynching is implicitly an accepted practice.
4. However, the analysis of available data shows that the vast majority of cases of lynching occurs in urban areas with the highest number of police officers per population. Meanwhile, the analysis of the prison population shows that a large proportion of prisoners is accused of theft, a crime that is the first reason given for committing lynching.
5. In a country where crime is generally low, the fact that lynching represents 15% of homicides should worry the authorities. Even if the State can’t be held responsible for each and every crime perpetrated on its territory, it nevertheless has the obligation to take appropriate measures and exercise required diligence to prevent crimes, investigate and punish perpetrators and compensate victims. Haiti having not taken any reasonable measures in this regard, HRS finds it violates its obligation to protect.
6. A better study of the phenomenon is necessary to better understand and develop appropriate intervention strategies.

¹ HRS uses this expression because it is widely used in the literature on the subject, although “popular justice” is an oxymoron that should be avoided.