



GLOBAL ACTION
ON GUN VIOLENCE

**Testimony of Jonathan Lowy, President, Global Action on Gun Violence
Inter-American Commission on Human Rights Hearing
November 18, 2025 in Miami, Florida**

I. Executive Summary

Honorable Commissioners and Member States, good afternoon, and thank you for convening this important hearing. My name is Jonathan Lowy, and I am the Founder and President of Global Action on Gun Violence, or GAGV. I bring to this hearing almost 30 years of experience addressing the problem of straw purchasing and gun trafficking in the United States, including how guns are trafficked from the U.S. to other countries in the region, such as Haiti.

I have three primary points to make:

One, the crisis in Haiti is largely a consequence of a flood of guns illegally trafficked from the United States.

Two, that flood of guns is not an inevitable consequence of U.S. gun policy or the Second Amendment; rather, it is largely the result of business decisions by certain gun dealers and manufacturers to profit off the crime gun pipeline, and it can be stopped by encouraging or forcing different, safer decisions.

Three, the crisis in Haiti is not just a public safety crisis; it is a human rights crisis.

II. Introduction and Background

By way of background, I am an attorney who has been working in the non-profit sector to stop gun trafficking and gun violence in the United States for over 28 years. After twenty-five years of working in United States courts to stop bad actors in the gun industry from supplying the criminal gun market, mostly leading legal work of Brady, a major national gun violence prevention group, I founded Global Action on Gun Violence (GAGV) three years ago to work with countries and the international community to stop gun trafficking and violence, especially from the U.S.

GAGV works to reform and stop the reckless practices of bad actors in the U.S. gun industry that supplies criminals and gangs in Mexico, Canada, the Caribbean, Latin America including, most importantly today, Haiti. We believe that the most effective way to attack the gun trafficking problem is at its gun industry source; indeed, so long as irresponsible gun dealers continue to sell guns to traffickers, gun trafficking will not stop. Simply focusing on prosecuting

individual straw buyers and gun traffickers is a game of “whack a mole;” the profits to be made from selling guns in the criminal market will lead to a continuing supply of more gun traffickers. But if those gun dealers who choose to supply the criminal market are reformed or shut down, the crime gun pipeline can be significantly reduced. GAGV engages in litigation that incentivizes or forces safer sales practices to stop the crime gun pipeline at its source. GAGV brought the first-ever cases in the U.S. against gun dealers and manufacturers by a sovereign nation, in our cases *Estados Unidos Mexicanos v. Smith & Wesson* and *Estados Unidos Mexicanos v. Diamondback*. We serve as foreign legal counsel on the first ever lawsuit against the U.S. gun industry brought outside the U.S., in *Price v. Smith & Wesson* in Canada.

GAGV also works to force the United States to use due diligence to stop gun trafficking. Human rights law imposes a responsibility on the U.S. both to protect its own residents from gun violence, and to prevent the flow of guns that causes deaths and injuries to its neighbors. One cannot dump toxins on your neighbor’s property, nor can you enable others to do so. Nations may not cause extraterritorial harm. We brought *Oliver v. U.S.*, an international human rights action that is pending before this body, the Inter-American Commission on Human Rights, on behalf of Manny and Patricia Oliver and their son Joaquin, who was killed in the Parkland School Shooting. In *Oliver v. U.S.*, we allege that the U.S. failed to uphold Joaquin’s human right to life, and we ask the IACHR to urge the U.S. to strengthen its gun laws. We will be filing merits briefs early next year.

Bold action by other countries and international bodies is warranted and needed to stop U.S. guns from harming nations and people. And given the failure of U.S. policymakers to reasonably regulate the firearms trade, these actions may also be the most effective solution to the U.S.’s gun violence epidemic, and the pandemic it causes.

In the past three years, other representatives of GAGV and I have also testified before the IACHR and OAS on several occasions. In October 2022, I [testified](#) at a public hearing on human rights and arms production and trade companies in the Americas at the IACHR as a part of its 185th session. In May 2023, I [testified](#) at a special meeting of the Permanent Council of the OAS on human rights and the role of arms companies. In November 2023, my colleague Arturo Carillo [testified](#) at the Inter-American Court for Human Rights in Costa Rica on the impact of arms transfers on behalf of GAGV and the Civil and Human Rights Clinic at George Washington University Law School. In November 2024, Professor Carillo, Manny and Patricia Oliver and I testified before the IACHR in a hearing on the impact of gun violence on human rights in the U.S.

III. Gun trafficking from the U.S. enables Haiti’s suffering and human rights violations.

a. Gun trafficking generally.

Much of the suffering of Haitians is a direct consequence of the heavily-armed gangs. Those gangs would not be able to cause such harm without their guns – most of which come from the United States. The Haitian gangs’ supply of guns is a result of the lax gun laws and regulations of the United States, and the reckless and unlawful business practices of the certain

gun dealers and manufacturers who exploit those weak laws to supply and profit from the criminal gun market.¹ Haiti does not manufacture firearms, and it has been under an arms embargo for years. But that does not stop the flood of trafficked guns from the U.S. Similar patterns of gun trafficking from the U.S. supply criminal organizations and individuals in Mexico, Jamaica, the Bahamas, Canada, and throughout the region. For all of these countries and more, the vast majority of their crime guns come from the U.S.

Importantly, if the crime gun pipeline from the U.S. to Haiti were stopped, it would be difficult for another country to fully replace the U.S. as a source. That is because, in several important respects, the U.S. is unique. The U.S. is the only country in the world that combines massive production of firearms with some of the weakest gun laws in the world. The U.S. is both the world's largest arms producer, and one of the only countries in the world (and the only high-income, populous country) that does not regulate gun sales per the global norm.¹ Put simply, if Haiti were located in a part of the world that was not in such close proximity to the U.S. and its largely unregulated gun market, it is unlikely it would suffer from such a flood of crime guns. And Haiti would be a very different, much safer nation today.

Here are a few examples of the U.S.'s weak gun laws that enable gun trafficking. While most other countries require that individuals be vetted and licensed to ensure that they can be trusted to use guns for a legitimate and lawful purpose before they are allowed to buy firearms, the U.S. allows virtually anyone over 18 who does not have a felony record (or a few other prohibitors) to buy a gun. Legal buyers generally can buy all the guns they desire, as in most states there is no limit on how many guns one can buy.² Buyers do not need to have any training on how to use guns, or any knowledge about how they operate. Guns can be transferred to a purchaser once he clears a background check, which usually takes mere minutes.

These gaps make the U.S. an attractive origin country for trafficking, and as a result the U.S. is an outsized source of trafficked guns. Traffickers can recruit virtually anyone with a clean record to go to a gun store and buy guns for them. This loose legal regime also enables gun dealers to sell multiple guns to individual purchasers in the same transaction, and then sell more guns to the same purchaser the next day or week – even when it is obvious that they are not buying guns for themselves, but are actually involved in gun trafficking. As examples, I have litigated cases in which a gun dealer sold 85 handguns to one purchaser in one transaction, all in cash. In another case, a gun dealer sold guns to a purchaser almost every week for months. Both purchasers were traffickers whose guns were used to shoot innocent people.

¹ Ethan Walton and Jeff Abramson, *U.S. Is Largest Arms Exporter in a Changing Market*, Arms Control Association (Apr. 2023) <https://www.armscontrol.org/act/2023-04/news/us-largest-arms-exporter-changing-market>; Erin Grinshteyn and David Hemenway, *Violent Death Rates: The US Compared with Other High-income OECD Countries*, 2010, *The American Journal of Medicine*, Vol. 129, Issue 3, 266-273 (2016) <https://www.amjmed.com/action/showPdf?pii=S0002-9343%2815%2901030-X>.

² Alpers Philip, Miles Lovell, Irene Pavesi and Alex Dillon. 2025. *United States — Gun Facts, Figures and the Law*. Global Action on Gun Violence (GAGV), www.actiononguns.org, 14 October. Accessed 12 November 2025. at: <https://gunpolicy.org/component/gpo/region/united-states>.

Further, AR-15 and other semi-automatic assault rifles are legal for civilian purchase in most states without any special licensing or vetting required, as are .50 caliber sniper rifles that have a mile range, can shoot down helicopters, and can shoot through the reinforced concrete.³ These guns are regulated the same as conventional hunting rifles, and can be purchased by most 18 year olds who do not have a felony conviction or other prohibiting record. These weapons are often sought after by criminal organizations, often in bulk.

While most gun dealers are law-abiding and refuse to sell to obvious traffickers or straw buyers, a minority of gun dealers are willing to ignore these red flags in order to profit off the criminal gun market. In 2000, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reported that while about 90 percent of dealers sold no crime guns, about 5 percent of U.S. gun dealers sold about 90 percent of recovered and traced crime guns.⁴ These reckless and unlawful actors in the gun industry exploit the gaps in U.S. law to supply and profit from the criminal gun market.

The small percentage of bad actors can get away with dangerous conduct because gun dealers in the U.S. are also under-regulated; I have litigated against dealers who supplied large number of crime guns for many years without losing their license to sell guns. Dealers are rarely inspected, and even when inspectors find that they have violated the law they are often allowed to keep their licenses.⁵ In significant ways the U.S. regulates driving automobiles more than it regulates gun usage, requiring licensing, registration, insurance, and safety mechanisms for the former but not the latter.⁶

Just as a small percentage of irresponsible gun dealers supply virtually all crime guns in the U.S., a small percentage of dealers also fuel international gun trafficking, in which guns are brought across borders, often from the United States to other countries with far stronger laws.

³ Sitting Ducks – Section One: The Capability of the 50 Caliber Sniper Rifle, Violence Policy Center (Aug. 2002) <https://vpc.org/publications/sitting-ducks/sitting-ducks-section-one-the-capability-of-the-50-caliber-sniper-rifle/>.

⁴ Bureau of Alcohol, Tobacco, Firearms, and Explosives, Commerce in Firearms in the United States 23 (Feb. 2000) <https://www.nycourts.gov/reporter/webdocs/020400report.pdf>. No such data has been released by the ATF since 2000, which is why this report relies on a report from 2000.

⁵ Review of ATF's Federal Firearms Licensee Inspection Program, U.S. Department of Justice Office of the Inspector General Evaluation and Inspections Division (Apr. 2013) <https://www.govinfo.gov/content/pkg/GOVPUB-J37-PURL-gpo133766/pdf/GOVPUB-J37-PURL-gpo133766.pdf>; Ali Watkins, *When Guns Are Sold Illegally, A.T.F. Is Lenient on Punishment*, New York Times (June 3, 2018) [https://www.nytimes.com/2018/06/03/us/atf-gun-store-violations.html?st_source=ai_mode#:~:text=The%20A.T.F.%20has%20historically%20struggled,Wolfe%20said;Gregory Korte, ATF falls behind on inspecting licensed gun dealers, USA Today \(Apr. 23, 2013\) https://www.usatoday.com/story/news/politics/2013/04/23/gun-store-inspections-lacking/2106267/#:~:text=According%20to%20a%20report%20from%20the%20Justice,least%20once%20every%20three%20to%20five%20years.](https://www.nytimes.com/2018/06/03/us/atf-gun-store-violations.html?st_source=ai_mode#:~:text=The%20A.T.F.%20has%20historically%20struggled,Wolfe%20said;Gregory Korte, ATF falls behind on inspecting licensed gun dealers, USA Today (Apr. 23, 2013) https://www.usatoday.com/story/news/politics/2013/04/23/gun-store-inspections-lacking/2106267/#:~:text=According%20to%20a%20report%20from%20the%20Justice,least%20once%20every%20three%20to%20five%20years.)

⁶ Jamie Lincoln Kitman, *Guns and Their Users Should be Regulated Like Cars and Drivers Are*, New York Times (Apr. 29, 2016) <https://www.nytimes.com/roomfordebate/2016/01/10/making-gun-use-safer/guns-and-their-users-should-be-regulated-like-cars-and-drivers-are#:~:text=of%20the%20N.R.A.,And%20yet%20cars%20and%20their%20fuel%20have%20been%20regulated.,Why%20not%20gun%20owners?>.

Throughout the Caribbean, the U.S. is the source of 73 percent of crime guns – mostly from gun sellers in Florida, followed by Georgia and Texas.⁷

If dealers used well-known, safe business practices, they would cut off supply of most trafficked guns. A large number of crime guns are purchased through identifiable buying patterns. About 40 percent of trafficked firearms traced by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and about 50 percent of traced firearms abroad, originate from a “straw purchase.”⁸ A straw purchase is the illegal purchase of a gun by a non-restricted individual, a “straw buyer,” on behalf of someone else. This phenomenon allows restricted individuals to access guns by having others straw buy for them, as well as allowing the true recipients of straw purchased guns to evade record-keeping. A straw purchase is illegal under U.S. law, and it is also illegal for a gun dealer to knowingly sell a gun to someone who is a straw buyer. But lack of regulation and oversight enables the minority of bad-acting gun dealers to get away with repeatedly selling guns to straw buyers and traffickers.

ATF and the gun industry have recognized indicators of straw buying, including:

- Two or more people going to the gun store together, where one is buying a gun for the other person;
- Multiple sales (that is, sales of multiple guns to the same person in one transaction or within five business days;
- Repeat sales (that is, sales to the same persons in several transactions over weeks or months);
- Cash sales;
- Certain types of guns that are common for certain criminal markets.

The U.S. gun industry has long known that it can and should sell guns safely to prevent the supply of crime guns. Decades ago officials and key members of major gun industry manufacturer and dealer associations recognized that some gun dealers irresponsibly supply the criminal gun market, and they should not be supplied.⁹

⁷ United States Government Accountability Office, CARIBBEAN FIREARMS: Agencies Have Anti-Trafficking Efforts in Place, But State Could Better Assess Activities, highlights, 10 (Oct. 2024) <https://www.gao.gov/assets/gao-25-107007.pdf> [hereinafter: CARIBBEAN FIREARMS].

⁸ Bureau of Alcohol, Tobacco Firearms, and Explosives, National Firearms Commerce and Trafficking Assessment (NFCTA): Firearms Trafficking Investigations - Volume Three, Part III – Firearm Trafficking Channels and Methods Used 2 (Apr. 4, 2024), <https://www.atf.gov/firearms/docs/report/nfcta-volume-iii-part-iii/download>; *Id.* PART IV: Source-to-Market Type 5 <https://www.atf.gov/firearms/docs/report/nfcta-volume-iii-part-iv/download>.

⁹ Declaration of Robert A. Ricker filed in Judicial Council Coordination Proceeding No. 4095 (Cal. Super. Ct.) (*California Firearm Case*); Allen K. Rostron, *Smoking Guns: Exposing the Gun Industry’s Complicity in the Illegal Gun Market* 21, Declaration of Carole Bridgewater filed in the *California Firearm Case*; Affidavit of Robert Hass filed in *Hamilton v. Accu-Tek*, No. 95 CV0049 (E.D.N.Y.) ¶ 20.; 60 Minutes Interview with Robert Ricker, Former NRA Executive (May 9, 2003) <https://www.cbsnews.com/news/firing-back/>; Deposition of Robert Lockett taken in the *California Firearm Case* on Aug. 9, 2002 (“Lockett deposition”), at 16:19-17:5; Bob Lockett, *The Implications of New York City*, SHOOTING SPORTS RETAILER, July/Aug. 1999, at 18.

In 2001, the Department of Justice called on the gun industry to ensure that their guns are safely sold, writing in a public report that:

The firearms industry can make a significant contribution to public safety by adopting measures to police its own distribution chain. In many industries, such as the fertilizer and explosives industries, manufacturers impose extensive controls on their dealers and distributors. Gun manufacturers and importers could substantially reduce the illegal supply of guns by taking similar steps to control the chain of distribution for firearms. To properly control the distribution of firearms, gun manufacturers and importers should: identify and refuse to supply dealers and distributors that have a pattern of selling guns to criminals and straw purchasers; develop a continual training program for dealers and distributors covering compliance with firearms laws, identifying straw purchase scenarios and securing inventory; and develop a code of conduct for dealers and distributors, requiring them to implement inventory, store security, policy and record keeping measures to keep guns out of the wrong hands, including policies to postpone all gun transfers until NICS checks are completed.¹⁰

In 2000, Smith & Wesson, then the leading gun manufacturer in the U.S., agreed in a settlement with the U.S. government and several cities to reform its business practices and to stop supplying high crime-gun-selling dealers.¹¹ However, after being subjected to a boycott and backlash from some in the gun rights community, Smith & Wesson reneged on the agreement.¹²

No manufacturer has since agreed to follow the safe sales practices recommended by law enforcement. Instead, the general policy of major gun manufacturers is to supply any licensed gun dealer with all the guns they request, without any standards, conditions, or oversight, even if the dealer has a record of violating the law, selling large amounts of crime guns, or other irresponsible or illegal conduct. As a result, bad actors in the gun industry facilitate illegal sales and trafficking overseas, including to Haiti.

b. Gun trafficking to Haiti.

The UN estimates that anywhere between 270,000-500,000 guns are currently in circulation in Haiti, largely in the hands of gangs and other armed groups.¹³ This, despite the fact

¹⁰ Department of Justice, GUN VIOLENCE REDUCTION: NATIONAL INTEGRATED FIREARMS VIOLENCE REDUCTION STRATEGY (2001) <https://www.justice.gov/archive/opd/Strategy.htm#Industry%20Self-Policing>.

¹¹ Press Release, CLINTON ADMINISTRATION REACHES HISTORIC AGREEMENT WITH SMITH AND WESSON, The White House Office of the Press Secretary (Mar. 17, 2000) https://clintonwhitehouse4.archives.gov/WH/New/html/20000317_2.html.

¹² *The Smith & Wesson Agreement*, The Smoking Gun (July 27, 2023) <https://smokinggun.org/report/the-smith-wesson-agreement/>.

¹³ David C. Adams & Frances Robles, *Haiti Doesn't Make Guns. So How Are Gangs Awash in Them?*, New York Times (Mar. 31, 2025) https://www.nytimes.com/2025/03/30/us/haiti-gangs-guns-smuggling.html?st_source=ai_mode#:~:text=Experts%20estimate%20that%20there%20are,1%2C000%20from%20the%20year%20before.

that the country has been under a UN arms embargo since 2022.¹⁴ UN News reported that Haitian gangs have far more guns than the Haitian police.¹⁵

The vast majority of these guns come from the U.S.: in 2024, the Government Accountability Office reported that approximately 89 percent of all traced crime guns from Haiti were sourced from the U.S., largely from Florida, Georgia, and Texas.¹⁶ An August 2025 report by the Global Initiative Against Transnational Organized Crime found that “nearly all” illegal firearms in Haiti were of U.S. origin.¹⁷ As with most gun trafficking from the U.S., straw buyers are the original purchasers of guns destined for Haiti.¹⁸ To reach Haiti, the guns are then generally concealed in household items packed in shipping containers.¹⁹

What gun traces show, logic also dictates; a UN report concluded that: “The capacity of gangs to engage simultaneously on multiple battle fronts indicates that they have established steady supply chains for weapons and ammunition and that the arms embargo has little impact on their ability to acquire materiel.”²⁰ The same report noted that: “In Port-au-Prince, an AR 15-type rifle can be sold for between \$4,000 and \$9,000, and an AK-type rifle for up to \$12,000. A round of 5.56 x 45mm-calibre ammunition costs between \$3 and \$5, and a 7.62 x 39mm-calibre round between \$5 and \$8.” Experts tie this unfettered gun access directly to gangs’ control over Haiti and the violence and instability that the country has endured over the past several years.²¹

Over the past decade, firearms have completely transformed the ecosystem of violence. Ten years ago, according to interviews, it was rare to find semi-automatic weapons in the hands of street soldiers, who in some cases were forced to share handguns between several members . . . This has changed, as a variety of weapons trafficking networks . . . have emerged to drive a robust black market in trafficked firearms . . . The increasing availability of weapons has spurred recruitment, in the shape of gangs reportedly promising prospective recruits a personal weapon.²²

In 2024, following the 2022 arms embargo, the Security Council reiterated that arms continue to flow into Haiti and the “strong correlation between illicit trafficking and the expansion of territorial control by gangs...lead[ing] to the deteriorating security situation and

¹⁴ *Id.*

¹⁵ UN News, *Haiti: Gangs have ‘more firepower than the police’* (Apr. 4, 2024) <https://news.un.org/en/story/2024/04/1148231>.

¹⁶ CARIBBEAN FIREARMS, *supra* footnote 8, at 10, 13.

¹⁷ Paddy Ginn et al., *Combatting Illicit Firearms Trafficking in Latin America and the Caribbean Towards a regional roadmap* 7, Global Initiative Against Transnational Organized Crime (Aug. 2025) <https://globalinitiative.net/wp-content/uploads/2025/08/48beddab-c6ee-4a56-8689-fad062428172.pdf>.

¹⁸ Final report of the Panel of Experts on Haiti submitted pursuant to resolution 2752 (2024) 22, UN Sec. Counsel, S/2025/597, (Sept. 25, 2025) [hereinafter UN Report on Haiti].

¹⁹ *Id.*

²⁰ *Id.* at 3.

²¹ Romain Le Cour Grandmaison et al., *A Critical Moment Haiti’s Gang Crisis and International Responses* 12, Global Initiative Against Transnational Organized Crime (Feb. 2024) <https://globalinitiative.net/wp-content/uploads/2024/02/Romain-Le-Cour-Grandmaison-Ana-Paula-Oliveira-and-Matt-Herbert-A-critical-moment-Haitis-gang-crisis-and-international-responses-GI-TOC-February-2024.pdf>.

²² *Id.*

therefore reiterating the urgent need to prohibit the transfer of arms.”²³ In October 2024, the Security Council reaffirmed the arms embargo for another year, calling on Member States to “take the necessary measures” to prevent trafficking from their territories or by their nationals.²⁴

The UN report also provided a table of weapon seizures conducted at Haiti’s ports of entry or on their way to Haiti between the adoption of the arms embargo to Haiti on October 22, 2022 and August 1, 2025²⁵:

²³ UN Sec. Counsel, S/RES/2743 (July 12, 2024) [https://docs.un.org/en/S/RES/2743\(2024\)](https://docs.un.org/en/S/RES/2743(2024)).

²⁴ UN Sec. Counsel, S/RES/2752 (Oct. 18, 2024) [https://docs.un.org/en/S/RES/2752\(2024\)](https://docs.un.org/en/S/RES/2752(2024)).

²⁵ UN Report on Haiti, *supra* footnote 18, at 93-94; UN Sec. Counsel, S/2025/597, (Sept. 25, 2025).

Date	Location/authorities	Firearms	Ammunition	Other materiel	Information
25 October 2022	Miami Airport USA	9mm handgun		1 magazine	The pistol was discovered in a parcel being shipped to Haiti
8 November 2022	Elias Pina, Dominican Republic		12,000 rounds of 7.62x39mm 10,160 rounds of 5.56x45mm		Two Haitian women were arrested while attempting to cross the border into Haiti in a private vehicle.
31 December 2022	Cap Haitien Haiti		989 rounds of 9x19mm		Seizure from a container coming from the US. One individual was arrested in Haiti.
11 January 2023	Miami port USA	One revolver	41 rounds		The revolver was concealed in a sofa
24 April 2023	Cap Haïtien Haiti	One 9mm handgun	Eight 9mm rounds 4 boxes of 12-gauge rounds (100 rounds)	2 knives	Found in a container transported by the Sara Express coming from the Miami River (Antillean Marine Shipping).
7 June 2023	CPS container park– Port au Prince Haiti	PA-15 5.56mm rifle	340 rounds of 5.56x45mm 115 rounds of 9mm	5 magazines 1 helmet	Container coming from Miami. Some materiel concealed in a popcorn machine. The rifle was purchased for the first time in the US in 2017. Two individuals arrested in Haiti.
2023 (unknown date)	Miami USA	2 pistols		1 magazine	
2023 (unknown date)	Miami USA			23 vests	
18 October 2023	Dajabon Dominican Republic		1,850 rounds of 9mm		A minor was intercepted while trying to exit the DR
1 November 2023	Miami USA	1 revolver 357 Magnum	5 rounds of S&W .40 cal 36 rounds of 9x19mm		Commercial Vessel
30 November 2023	Miami USA			‘35 cannon L-1 37mm’ [the Panel was not able to identify what exact item it is]	Commercial aircraft
2 December 2023	International Airport Haiti		50 rounds of .45 40 rounds of 5.56x45mm 150 rounds of 9x19mm 25 of 12 gauge cartridges	19,390 USD in cash Six radios One video surveillance system One flak jacket	Passenger arriving from NY on commercial aircraft
22 December 2023	Cap Haitien Haiti	9mm handgun 5.56x45mm rifle	92 rounds of 9mm 9 rounds of .45 78 rounds of 5.56x45mm	3 flak jackets 1 helmet 7 magazines	Seizure from container from Florida Serial number of the handgun was erased

05 April 2024	Cap Haitien Haiti	Nine 5.56x45mm rifles Three 7.62x39mm rifles 14 handguns	999 rounds of ammunition (7.62x39mm, 5.56x45mm, .40 S&W, 9mm, .25 ACP)		Container coming from Florida
29 April 2024	Cap Haitien Haiti	One .40 handgun One 9x19mm handgun	13 rounds of 9x19mm	2 magazines	Container from Port Everglades, Florida
11 June 2024	Cap Haitien Haiti		150 rounds of ammunition	Conversion kit (handgun to rifle)	
31 October 2024	Miami USA	One 5.56x45mm rifle One 22LR		2 magazines	Commercial vessel
16 January 2025	Miami USA	Seven 9mm handgun One .380 pistol One .45 handgun	900 rounds of .223 100 rounds of 5.56x45mm 640 rounds of 7.62 646 rounds of 9mm 2286	18 magazines Barrel extension for a handgun	Commercial vessel Container heading to Cap-Haitian
January 2025	Haina Port, Dominican Republic	Seven 9mm handguns Thirty rifles (mostly 7.62x39mm)		37 magazines	Commercial vessel Container from Brooklyn
25 February 2025	Haina Port, Dominican Republic	16 7.62x39mm rifles One 50. Rifle One 9mm sub- machine gun Five 9mm handguns	20 000 rounds of 7.62x39mm 16 000 rounds of 5.56x45mm 36,000	18 magazines for rifles 13 magazines for 9mm handguns 1 magazine for 50. Rifle 1 silencer	Commercial vessel Container in transit from Miami Heading to Belladère, Haiti
TOTAL		55 handguns 61 semi- automatic rifle One 50. Caliber Rifle	62,674 rounds of various calibers		

c. Examples of Gun Trafficking.

i. Summary of how bad actors in the gun industry supply traffickers

The traffickers who arm the gangs are able to obtain their ample supply of guns from willing gun dealers who at best turn a blind eye to obvious indicators of illegality. Below I examine a few trafficking cases in some detail, but first I will note some of the gun buying patterns that made it would have made it obvious to a careful, law-abiding gun dealer that these were not ordinary, law-abiding gun owners seeking to buy a gun for sport or self-defense.

In one trafficking case, associates of the Haitian gang 400 Mawozo obtained numerous guns from straw purchasers who purchased guns from licensed gun dealers in Florida. According to sworn testimony, the girlfriend of an imprisoned gang member accompanied straw buyers to gun stores to buy guns. Two people buying guns together is a textbook red flag indicator of a straw purchase. Indeed, an education program distributed by ATF and NSSF, the leading gun industry trade association, instructs dealers to ask questions when they see such indicators of straw sales.

One of the straw buyers assisted in filling out the legal gun purchase forms by the gang member's girlfriend. This is another well-known red flag indicator of straw sales.

The transactions were all in cash. That is another well-known indicator.

Several of the transactions were multiple sales – that is, more than one gun sold to the same purchaser within five business days. Another well-known indicator.

Some were multiple purchases of the same type of gun. Some were assault rifles. Those are also indicators of potential trafficking.

Several were repeat sales – that is, the buyers returned to the store to buy still more guns. This is yet another known indicator.

Take one gun dealer who sold guns to these traffickers: Lucky Pawn, located in Miami, Florida. According to prosecution testimony, Lucky Pawn sold guns four times to one trafficker. The dealer was presented with several well-known indicators of straw buying:

Two of the straw buyer/traffickers together went to Lucky Pawn on March 13, 2021;

They wanted to buy multiple guns;

They wanted to buy assault rifles.

Lucky Pawn sold one of them two assault rifles, and sold another one assault rifle and one semiautomatic pistol.

A month later, around April 17, Lucky Pawn sold one of those straw buyers another assault rifle. In September, Lucky Pawn sold that same straw buyer a shotgun.

Another Florida dealer, Shooters World, sold one straw buyer an assault rifle on October 1, 2021. Then, 5 days later, the dealer sold the same straw buyer two more guns. One of those guns was a Barrett .50 caliber sniper rifle that is a true military weapon: it has a mile range, can shoot down helicopters, and can pierce reinforced concrete, and costs around \$10,000. Again: this is not the purchasing pattern of an ordinary law-abiding gun owner buying a gun for lawful reasons.

Another Florida dealer, A to Z Guns and Pawn, sold one straw buyer two semiautomatic pistols on March 23, 2021. On October 4, A to Z sold the same straw buyer another pistol. Ten days later it sold the same straw buyer another pistol.

In another trafficking case, another dealer sold a different trafficker 87 guns over 30 transactions, sometimes in purchases of 9 guns in one transaction.

In another case, one dealer sold another trafficker 13 handguns in one purchase, and all of them were Glock 9mms. Again, that is not a normal buying pattern of law-abiding gun owners. It is a pattern for gun traffickers.

Any one of these indicators would lead a careful, law-abiding gun dealer to ask questions and ultimately alert law enforcement and not make the sale. Gun dealers have discretion to deny

sales when they want to, and they have an obligation to deny sales when they have reason to think that the buyer is unlawful, such as a straw buyer or trafficker. That’s how 90% of gun dealers operate. But these sales went forward.

It is conduct like this from gun dealers – mostly in Florida – that floods Haiti with crime guns from the U.S.

Gun manufacturers for their part deliberately choose to distribute guns in ways that they have been told supplies the criminal gun trade. They choose to defy the recommendations of the U.S. Department of Justice from 2000. They supply these bad acting gun dealers, despite how many crime guns they sell. They choose not to require that their dealers are trained or screen and stop straw buyers. And they profit off the crime gun pipeline to Haiti.

Some of these trafficking cases are discussed in greater detail below. The following information is derived from U.S. federal prosecution filings.

ii. Joly “Yonyon” Germiné and associates

According to prosecution documents, from at least March of 2021 to November 2021, four associates of the Haitian gang 400 Mawozo conducted a gun smuggling operation from the United States to Haiti to facilitate the gang’s access to high-powered weaponry.²⁶ The operation was directed by Joly “Yonyon” Germiné, a founding member of the gang who was in Haitian prison at the time, via his girlfriend Eliande Tunis, who lived in Florida and whose “role was to receive money in the United States, to send money back and forth, to supervise straw purchasers, straw purchasers chosen by the defendant in purchasing guns, and to smuggle those guns to Haiti.”²⁷ She recruited two straw purchasers, Walder St. Louis and Jocelyn Dor, both of whom held concealed carry licenses which made their purchases quicker and easier than Tunis’s.²⁸ The gang (via Germiné) funneled money to Tunis, who used it for straw purchases.²⁹

This smuggling operation consisted of two sets of straw purchases and (attempted) shipments. These purchases were conducted at federal firearm licensed gun dealers (“FFLs”) across the state of Florida, as outlined in the chart below. The first set of purchases occurred between March and April 2021, with a shipment leaving Florida in May 2021, arriving in Haiti in June or July 2021.³⁰ After this, the firearms went to 400 Mawozo; evidence from Germiné’s trial indicates that they were in the hands of the gang by September 2021 at the latest.³¹ The

²⁶ Second Superseding Indictment at 7, *United States v. Germiné*, No. 1:21-cr-00699 (D.D.C. Nov. 7, 2023), Document 73.

²⁷ Trial Transcript at 7-9, *United States v. Germiné*, No. 1:21-cr-00699 (D.D.C. Jan. 18, 2024), Document 180 [hereinafter *Germiné* Doc. 180].

²⁸ *Id.*; see also Trial Transcript at 229-32, *United States v. Germiné*, 1:21-cr-00699 (D.D.C. Jan. 18, 2024), Document 181.

²⁹ *Germiné* Doc. 180, *supra* footnote 27, at 25-27.

³⁰ Trial Transcript at 554-583, *United States v. Germiné*, 1:21-cr-00699 (D.D.C. Jan. 23, 2024), Document 184.

³¹ Sentencing of Eliande Tunis at 70, *United States v. Germiné*, 1:21-cr-00699 (D.D.C. June 5, 2024), Document 221.

second set of purchases occurred between late-September and mid-October 2021.³² The key players in the operation were arrested before the guns were sent to Haiti.

According to St. Louis's testimony, Tunis accompanied him when he purchased firearms.³³ Germine directed her on which guns to purchase, and St. Louis filled out the relevant forms.³⁴ Additionally, St. Louis speaks limited English, so Tunis helped him fill out the forms, explaining what to write.³⁵ Other parts of the record show that Germine asked for pictures of guns while Tunis shopped for them, and that all of the recorded purchases for which receipts could be found were made in cash.³⁶ At least one gun store owner found this activity suspicious and questioned Dor about an attempted purchase.³⁷

Court records from Germine's prosecution refer to four different kidnapping incidents in 2021 carried out by 400 Mawozo gang members equipped with firearms. Each incident involved the kidnapping of a United States citizen, among others (mostly Haitians). Kidnapping for ransom is reportedly a core money-making activity of 400 Mawozo.³⁸ Indeed, these four kidnappings are a fraction of the "thousands" carried out by 400 Mawozo since 2020.³⁹ During Germine's trial, the prosecution presented the kidnappings and firearm trafficking as part of the same general "cycle"—guns are used to kidnap individuals and acquire ransom, the ransom money is used to buy and traffic more guns to the gang for kidnappings, and the cycle continues.⁴⁰ It is uncertain whether any of the four incidents involved the firearms trafficked in the May 2021 shipment.

In August 2021, 400 Mawozo gang members kidnapped U.S. citizen Katiana Joseph, who was operating a business in Haiti.⁴¹ While she was driving, two individuals on a motorcycle drove up next to her, armed with handguns.⁴² Joseph testified that these individuals forced her to stop her car, robbed her, and then brought her to San Jou.⁴³ Ransom was paid and Joseph was released, escorted by a gang member equipped with a rifle.⁴⁴ Joseph testified that since her release, she has spent some \$20,000 repaying her loved ones for the ransom they secured.⁴⁵

³² Trial Transcript at 675-699, *United States v. Germine*, 1:21-cr-00699 (D.D.C. Jan. 23, 2024), Document 185 [hereinafter *Germine* Doc. 185].

³³ Trial Transcript at 1070-71, *United States v. Germine*, 1:21-cr-00699 (D.D.C. Jan. 25, 2024), Document 189.

³⁴ *Id.* at 1079-80.

³⁵ *Id.*

³⁶ Trial Transcript at 309-10, *United States v. Germine*, 1:21-cr-00699 (D.D.C. Jan. 22, 2024), Document 182 [hereinafter *Germine* Doc. 182]; *Germine* Doc. 185, *supra* footnote 32, at 718.

³⁷ *Germine* Doc. 182, *supra* footnote 36, at 362.

³⁸ Insight Crime, 400 Mawozo (Mar. 23, 2022), <https://insightcrime.org/haiti-organized-crime-news/400-mawozo/>.

³⁹ *Id.*

⁴⁰ *Germine* Doc. 180, *supra* footnote 27, at 7.

⁴¹ Trial Transcript at 749, *United States v. Germine*, 1:21-cr-00699 (D.D.C. Jan. 24, 2024), Document 186.

⁴² *Id.* at 749-50.

⁴³ *Id.* at 751.

⁴⁴ *Id.* at 755-57.

⁴⁵ *Id.* at 758-59.

On August 27th, 2021, 400 Mawozo gang members kidnapped U.S. citizen and former U.S. marine Jeanty Louis.⁴⁶ He was held in a compound with six other hostages.⁴⁷ Per Louis's testimony, the gang members holding him hostage were equipped with assault rifles, specifically AR-15-style rifles, among others.⁴⁸ However, once San Jou found out Louis was a U.S. military veteran, he released him without any ransom being paid and claimed that the kidnapping was a misunderstanding.⁴⁹

In mid-October 2021, seventeen Christian missionaries—including sixteen U.S. citizens and five children—were kidnapped by 400 Mawozo affiliates near Port-au-Prince, Haiti.⁵⁰ The missionaries had their van hijacked by armed gang members on the way back from an orphanage outside of Port-au-Prince and were held by 400 Mawozo for over a month.⁵¹ Two hostages were released on November 20th, 2021, and three more were released on December 5th, 2021.⁵² In mid-December 2021, the rest of the hostages escaped.⁵³

Of the guns purchased by the trafficking ring, at least six likely ended up in the hands of the 400 Mawozo in Haiti.⁵⁴

Chart of Guns Purchased By Germiné's Trafficking Ring

Dealer	Original Date Purchased	Buyer	Gun Type	Gun Model (as stated in the record)	Serial Number	Reached Haiti?
Lucky Pawn	3/13/21	Eliande Tunis	Assault rifle	IWI Galil	G2044291	Likely in May 2021 shipment
			Assault rifle	Palmetto Arms AK-47	AKB039462	Likely in May 2021 shipment
	3/13/21	Walder St. Louis	Pistol	Jimenez Arms JA9	455893	Likely in May 2021 shipment

⁴⁶ Trial Transcript at 950, *United States v. Germiné*, 1:21-cr-00699 (D.D.C. Jan. 24, 2024), Document 187.

⁴⁷ *Id.* at 954.

⁴⁸ *Id.* at 952, 965.

⁴⁹ *Id.* at 959-960.

⁵⁰ Indictment at 1, *United States v. Germiné*, No. 1:22-cr-00161 (D.D.C. May 10, 2022), Document 1.

⁵¹ *Id.* at 1-2.

⁵² *Id.* at 2.

⁵³ *Id.*

⁵⁴ See Appendix A.

			Assault rifle	Colt M4 Carbine	LE356171	Likely in May 2021 shipment
			Pistol	SAR-9	T11221BV57826	No; introduced as evidence by Government
A to Z Guns and Pawn	3/23/21	Eliande Tunis	Pistol	Taurus PT92 FS	TXC59493	No; introduced as evidence by Government
Unknown	4/17/21	Eliande Tunis	Assault rifle	Century Arms Paratrooper	DT00066620	Likely in May 2021 shipment
	4/17/21 OR 4/18/21	Walder St. Louis	Assault rifle	Pioneer Arms Radom Hellpup	PAC1149751	Likely in May 2021 shipment
Lucky Pawn	9/21/21	Walder St. Louis	Shotgun	Century Arms BP-12	20US02544	Seized before shipment; introduced as evidence by Government
Rieg's Gun Shop	9/28/21	Jocelyn Dor	Assault rifle	Century Arms VSKA	SV7078924	Seized before shipment; introduced as evidence by Government
Unknown	9/29/21	Jocelyn Dor	Assault rifle	Century Arms VSKA	SV7063271	Seized before shipment; introduced as evidence by Government
			Assault rifle	Century Arms VSKA	SV7061803	Seized before shipment; introduced as evidence by Government
Shooters World	10/1/21	Jocelyn Dor	Assault rifle	Century Arms VSKA	SV7062023	Seized before shipment; introduced as evidence by Government

A to Z Guns and Pawn	10/4/21	Eliande Tunis	Pistol	SAR-9	T110221BV 65250	Seized before shipment; introduced as evidence by Government
			Assault rifle	Riley Defense RAK-47 PSF	B21018	Seized before shipment; introduced as evidence by Government
Shoot Straight	10/5/21	Jocelyn Dor	Assault rifle	Century Arms VSKA	SV7078918	Seized before shipment; introduced as evidence by Government
			Anti- materiel rifle (or sniper rifle)	Barrett M82A1	AA012733	Seized before shipment; introduced as evidence by Government
Shooters World	10/6/21	Jocelyn Dor	Rifle	Springfield Armory M1A	464977	Seized before shipment; introduced as evidence by Government
			Assault rifle	Century Arms VSKA	SV7034765	Seized before shipment; introduced as evidence by Government
			Assault rifle	Century Arms WASR 10	19222511R0	Seized before shipment; introduced as evidence by Government
Unknown	10/6/21	Walder St. Louis	Assault rifle	Palmetto Arms PA15	SCD617477	Seized before shipment; introduced as

						evidence by Government
A to Z Guns and Pawn	10/14/21	Eliande Tunis	Pistol	Ruger Model 57	64332404	Gun does not appear to have been transferred
			Assault rifle	Century Arms VSKA	SV7085520	Seized before shipment; introduced as evidence by Government
Unknown	10/17/21	Jocelyn Dor	Assault rifle	Century Arms VSKA	SV7085042	Seized before shipment; introduced as evidence by Government

iii. Jean Robert Casimir

Jean Robert Casimir is a former Haitian police officer who allegedly smuggled dozens of guns from Florida to Haiti, which ended up in the hands of gangs.⁵⁵ According to prosecution documents, Casimir bought 87 guns from one dealer over the course of 30 transactions, sometimes in purchases as large as 9 at a time.⁵⁶ He purchased 6 more AR-15s from an online dealer in 2 transactions. Casimir admitted that he intended to smuggle the purchased firearms to Haiti.⁵⁷ Casimir's arrest was based in part on trace results from guns recovered from Haitian gangs.⁵⁸

iv. Ricardo Fermin Sune Giron

Ricardo Fermin Sune Giron, a Guatemalan national, pled guilty to gun trafficking offenses for his involvement in a trafficking ring that trafficked over 1,000 firearms abroad.⁵⁹ Sune Giron repeatedly attempted to purchase as many as 60 guns at a time.⁶⁰ One straw purchaser buying on behalf of Sune Giron bought 153 Glock pistols from 14 FFLs, including at least 8 later recovered at crime scenes in the Dominican Republic.⁶¹

* * * * *

⁵⁵ *U.S.A. v. Casimir*, 1:24-mj-00382, (D.D.C.), Criminal Complaint, filed Dec. 16 2024.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ UN Report on Haiti, *supra* footnote 18, at 22.

⁵⁹ *Id.*

⁶⁰ *U.S.A. v. Sune-Giron*, 8:24-mj-1606-NHA (M.D. Fla.) Criminal Complaint ¶ 18, filed Apr. 18, 2024.

⁶¹ *U.S.A. v. Sune-Giron*, 8:24-mj-1606-NHA (M.D. Fla.) Plea Agreement at 20-21, filed Dec. 12, 2024.

The trafficking cases above are just a few examples of the gun sales that repeatedly occur at gun stores in the United States that supply the trafficking pipeline that arms gangs in Haiti.

IV. Gun violence in Haiti violates many human rights assured to all of us under international law.

The people of Haiti are suffering the results of an overabundance of firearms in the hands of criminal groups. Gangs in Haiti “deliberately use indiscriminate violence and forced displacement to expand their territory, create buffer zones from security forces and erode State presence.”⁶² Haiti now has the world’s highest homicide rate.⁶³ Throughout 2024, over 7,300 people were killed as a result of armed violence in Haiti.⁶⁴

The situation in Haiti is not just a crisis of public safety, political instability, and public health; it is a human rights crisis. The Universal Declaration of Human Rights sets out a list of human rights to which all of us are entitled. The gun violence endemic to Haiti impacts numerous of those rights, including the right to life⁶⁵; the freedom from being compelled to belong to an association⁶⁶; the freedom from subjugation to cruel, inhumane, or degrading treatment⁶⁷; the right to a standard of living adequate for health including access to medical care⁶⁸; and the right to education⁶⁹.

a. Gun violence in Haiti undermines the right to life.

Article I of the American Declaration of the Rights and Duties of Man (American Declaration) provides that “[e]very human being has the right to life, liberty and [personal] security.”⁷⁰ Similarly, the Universal Declaration states that “Everyone has the right to life, liberty and security of person.”⁷¹ The widespread killing of Haitians by gangs and armed groups clearly violates this right.

b. Gun violence in Haiti undermines the freedom from subjugation to cruel, inhumane, or degrading treatment.

⁶² UN Report on Haiti, *supra* footnote 18, at 2.

⁶³ Robert Muggah & Katherine Aguirre, *Latin America’s Deadliest Threat is Made in the U.S.*, Americas Quarterly Apr. 21, 2025), <https://www.americasquarterly.org/article/latin-americas-deadliest-threat-is-made-in-the-u-s/>.

⁶⁴ The Institute for Justice and Democracy in Haiti, *Human Rights and the Rule of Law in Haiti: Key Recent Developments December 2024 through June 2025* 3 (July 2025) [hereinafter *Human Rights and the Rule of Law in Haiti*].

⁶⁵ Universal Declaration of Human Rights Art. 3 (Dec. 1948) <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [hereinafter Universal Declaration].

⁶⁶ *Id.* at Art. 20.

⁶⁷ *Id.* at Art. 4.

⁶⁸ *Id.* at Art. 25.

⁶⁹ *Id.* at Art. 26.

⁷⁰ Inter-American Commission on Human Rights (IACHR), *American Declaration of the Rights and Duties of Man*, (2 May 1948) Art. I [hereinafter *American Declaration*].

⁷¹ Universal Declaration, *supra* footnote 65, at Art. 3.

Article 5 of the Universal Declaration states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”⁷² The widespread sexual violence throughout Haiti as described above violates the prohibition on cruel, inhumane, and degrading treatment.

c. Gun violence in Haiti undermines the right to a standard of living adequate for health including access to medical care.

The Universal Declaration of Human Rights states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”⁷³ The American Declaration further confirms that “Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources.”⁷⁴

The people of Haiti are often unable to enjoy this right. The country has been classified by the World Health Organization as a Grade 3 emergency, the highest level, since 2023.⁷⁵ As of March 2025, only 41 percent of medical facilities with beds in Port-au-Prince, and 13 percent of such healthcare facilities throughout the country, were fully operational.⁷⁶ Multiple healthcare facilities have been attacked by gangs.⁷⁷ Even when hospitals are open, the security situation has exacerbated underfunding and lack of human resources as well as obstructed humanitarian access, transport of supplies like vaccines and medical goods.⁷⁸ There are severe shortages of medicine, blood, oxygen, and other medical supplies.⁷⁹ The country is highly vulnerable to disease and lack the capacity to respond to medical needs.⁸⁰ The majority of hospitals that are still functioning are private, meaning that average citizens impacted by economic woes cannot afford to access medical care.⁸¹

Mass constant exposure to violence and lack of access to psychological care also causes mental health issues in Haiti.⁸²

d. Gun violence in Haiti undermines the right to education.

⁷² *Id.* at Art. 5.

⁷³ *Id.* at Art. 25.

⁷⁴ *American Declaration*, *supra* footnote 70, at Art. XI.

⁷⁵ UN Report on Haiti, *supra* footnote 18, at 65.

⁷⁶ *Id.*; *Human Rights and the Rule of Law in Haiti*, *supra* footnote 64, at 10.

⁷⁷ *Human Rights and the Rule of Law in Haiti*, *supra* footnote 64, at 10.

⁷⁸ UN Report on Haiti, *supra* footnote 18, at 65.

⁷⁹ *Human Rights and the Rule of Law in Haiti*, *supra* footnote 64, at 11.

⁸⁰ UN Report on Haiti, *supra* footnote 18, at 65.

⁸¹ *Human Rights and the Rule of Law in Haiti*, *supra* footnote 64, at 11.

⁸² *Id.*

Article XII of the American Declaration provides the right to education for every person. It states that this is a “right to an education that will prepare [every person] to attain a decent life, to raise his standard of living, and to be a useful member of society.”⁸³ Furthermore, the right to education “includes the right to equality of opportunity in every case, in accordance with natural talents, merit and the desire to utilize the resources that the state or the community is in a position to provide.”⁸⁴ This Commission has interpreted the right to education to guarantee all children and adolescents “the right to grow and develop on an equal basis with others” and access to education “in the conditions necessary to ensure their full intellectual development.”⁸⁵ The people of Haiti are generally deprived of this right as well.

In July 2025, Haiti’s education minister stated that “[t]he school system is in ruins.”⁸⁶ Over 1,600 schools and at least 69 universities have been closed throughout Haiti, impacting at least 250,000 students and 7,500 teachers.⁸⁷ Beyond schools that are closed, armed groups have fully destroyed more than 300 schools since early 2024.⁸⁸

The Institute for Justice and Democracy in Haiti noted that “Even where schools remain operational, attending is not necessarily safe. Armed group violence prevents physical access to some schools; in other cases, parents prefer to keep their children at home rather than risk the dangerous journey to school.”⁸⁹

For at least 250,000 students in Haiti, and likely more, the right to education is being infringed upon on a daily basis, with untold consequences for the children’s education and careers.

V. A Path Forward

Importantly, the flood of trafficked guns from the U.S. to Haiti is preventable. If the small minority of bad acting gun dealers employed the safe sales practices that 90% or more gun dealers already use, obvious straw buyers and gun traffickers would be detected, and would not be sold guns. The crime gun pipeline from the U.S. would be significantly reduced if gun manufacturers chose to do what the U.S. Department of Justice asked them to do over 25 years ago – that is, only sell guns through dealers who are well-trained and follow best practices, and do not supply gun dealers who use unsafe sales practices and repeatedly sold crime guns. Unfortunately, manufacturers have refused to do what they were told they needed to do. They are more than happy to turn a blind eye to their bad-acting downstream sellers in order to profit off the criminal gun market.

⁸³ *American Declaration of the Rights and Duties of Man*, *supra* note **Error! Bookmark not defined.**, Art. XII.

⁸⁴ *American Declaration of the Rights and Duties of Man*, *supra* note **Error! Bookmark not defined.**, Art. XII.

⁸⁵ *Yean and Bosico Girls v. The Dominican Republic*, Preliminary Objections, Merits, Reparations and Costs, InterAm. Ct. H.R. (ser. C) No. 130, para. 185 (Sept. 8, 2005).

⁸⁶ UN Report on Haiti, *supra* footnote 18, at 65.

⁸⁷ *Id.*; *Human Rights and the Rule of Law in Haiti*, *supra* footnote 64, at 11.

⁸⁸ *Human Rights and the Rule of Law in Haiti*, *supra* footnote 64, at 11.

⁸⁹ *Id.*

These dangerous business practices can be stopped in several ways. Stronger, sensible laws and regulations that require safer sales practices can be enacted at the state or federal levels in the U.S. For example, dealers should be required to train employees in how to detect and stop straw sales; dealers who engage in irresponsible practices or repeatedly provide crime guns should be monitored, punished, and ultimately have their licenses revoked if they fail to sell guns safely. Manufacturers should be required to only sell guns through responsible, law-abiding dealers – which as I have said, is most gun dealers. Law enforcement – either ATF or state authorities – should rigorously monitor and punish bad-acting dealers.

But reforms can also be achieved voluntarily by gun dealers and gun manufacturers, who can choose to sell guns with safer practices. Litigation against irresponsible gun dealers and manufacturers can help reform dangerous gun industry business practices by incentivizing safer practices. If irresponsible businesses have to pay for some of the harm they cause, supplying the criminal gun market becomes less profitable.

Unfortunately, the United States Congress has made it more difficult to hold irresponsible gun companies accountable for the harm they cause by enacting the Protection of Lawful Commerce in Arms Act (PLCAA).⁹⁰ PLCAA provides special protections from liability for the gun industry that no other industry in the U.S. enjoys. The U.S. Supreme Court recently held that PLCAA prohibited the Government of Mexico's lawsuit against U.S. gun manufacturers who facilitate the illegal trafficking of guns to Mexico.⁹¹

However, there are exceptions to PLCAA that do allow for some liability, and for that reason Mexico's lawsuit against gun dealers is continuing. But Florida makes holding gun dealers and manufacturers liable doubly difficult, as a Florida state law also specially protects the gun industry.⁹² This law has not been tested in court yet, so its reach is uncertain. Litigation is still possible, but it is needlessly difficult.

Another approach is bilateral, multilateral, and international pressure on the U.S., states such as Florida where many high crime gun-selling dealers are located, and on the gun dealers and manufacturers themselves.

VI. Conclusion

U.S. gun trafficking, and the gun industry's complicity, have enabled the harms suffered by Haiti today. I encourage the IAHR, OAS, and UN representatives here today to urge the United States to strengthen its gun laws and stop the scourge of trafficking that leads to human rights violations in Haiti and across the world.

⁹⁰ 15 U.S.C. §§ 7902-03 (2005).

⁹¹ *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280, 284 (2025)

⁹² Fla. Stat. § 790.331 (2001).