



NATIONAL NETWORK FOR THE DEFENSE OF HUMAN RIGHTS (RNDDH)
RESEAU NATIONAL DE DÉFENSE DES DROITS HUMAINS (RNDDH)
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NEWS RELEASES

PRESS RELEASE

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Covid-19 and Release of Detainees:

The RNDDH warns the judicial authorities of the Croix-des-Bouquets

1. Since the discovery in Haiti of two (2) persons infected in Covid-19, the judicial authorities, faced with their responsibilities towards the prison population, have adopted measures to relieve the country's detention centers.
2. This is for the National Network for the Defense of Human Rights (RNDDH) a positive approach for the respect of the rights of detainees who, for the vast majority, have been subjected for several years to a cellular regime of detention, similar to acts of torture and cruel inhuman and degrading treatment.
3. Added to this, the poor diet of inmates and the fact that many of them suffer from respiratory and/or immunodeficiency diseases, place them, according to virologists and infectious disease specialists, in the category of persons at risk, compared to Covid-19.
4. In this sense, eleven (11) criteria to allow prisoners to benefit from special measures were selected by the judicial authorities. These include the advanced age of inmates, their state of health, their involvement in minor offences, the good conduct of inmates who have served 80% of their sentence, the fact that inmates are kept in prison after serving their sentence, lack of a

Covid-19 and Release of Detainees: RNDDH warns the judicial authorities of the Croix-des-Bouquets RNDDH - Com.P /A20/No1

judicial process, etc. Lifers and any inmates involved in serious criminality are unable to benefit from these special measures.

5. In addition, special correctional hearings are conducted for the benefit of inmates in some trial courts across the country.

6. From March 20 to April 1, 2020, and according to information gathered by the RNDDH, at least sixty-nine (69) detainees detained at the Croix-des-Bouquets Civil Prison were released. However, some of them seem to have been favored by the magistrates because, the facts to which they are accused do not allow them - if we consider the criteria of the Ministry of Justice and Public Security - to be released. A further analysis is underway. However, the RNDDH can already say that at least three (3) of them have attracted its attention:

- a) On March 6, 2020, at about two (2) o'clock in the morning, in Latremblay, a locality of Croix-des-Bouquets, Maxony GERMINAL was arrested for murder, attempted murder, kidnapping and forcible confinement for ransom, illegal possession of firearms, rape, armed robbery, and conspiracy to commit crimes. These events were perpetrated to the detriment of Rita CELESTIN, François LEANDRE and Samuel SAINT-JUSTE.

On March 9, 2020, his file was transferred to the Central Directorate of the Judicial Police (DCPJ). On March 24, 2020, the file was forwarded to the Cabinet of Inquiry of the magistrate Ivelt PETIT-BLANC who ordered the judicial extraction of Maxony GERMINAL by March 27, 2020. On that day, he was effectively removed from the prison and taken to the criminal investigation chamber of the aforementioned magistrate who, after hearing him, released him. The magistrate Ivelt PETIT-BLANC subsequently sent a letter to the Civil Prison of the Croix-des-Bouquets, informing him of the release of Maxony GERMINAL.

Maxony GERMINAL, identified as part of a gang led by Sonson and Javel at the time, was previously arrested in September 2015 for attempted murder and conspiracy to harm Jerry MOURRA. The latter, attacked by MAXONY GERMINAL, was shot. In September 2015, the case was transferred to the Public Prosecutor's Office of the Croix-des-Bouquets and Maxony GERMINAL was detained in the prison of this jurisdiction. He was released in May 2016.

- b.) Arrested respectively on February 18 and March 3, 2020, John REMY alias Yvener or Mafia and Don NARCISSE, were imprisoned at the Croix-des-Bouquets Civil Prison for attempted murder, illegal port and illegal possession of firearms, vehicle theft and criminal association.

On March 11, 2020, their files were transferred to the Public Prosecutor's Office at the Court of First Instance of this jurisdiction, and then forwarded on 16 March 2020 to the Cabinet of Inquiry. On March 20, 2020, they were extracted from the prison at the orders

of the magistrate instructor Litherson GEROME. On the same day, Don NARCISSE was released. And, on April 1, 2020, John REMY received a hand-up from the nut mandate.

7. Considering the timeliness with which the files of these three (3) persons were processed, the RNDDH recalls that:

- On March 24, 2020, officials of the civil prison of the Croix-des-Bouquets had themselves told the RNDDH that they had received the verbal order from the Directorate of the Penitentiary Administration (DAP) not to follow up on any order of judicial extraction, to avoid the entry into prison of Covid-19. But Maxony GERMINAL was able to benefit from it;
- As of March 31, 2020, the Croix-des-Bouquets Civil Prison had a prison population of one thousand three hundred and sixty-three (1,363) inmates, eight hundred and eighty-eight (888) of whom were in preventive detention. Most of them have been incarcerated for several years. However, Maxony GERMINAL, John REMY as Yvener or Mafia and Don NARCISSE were incarcerated between February and March 2020.
- The facts alleged against Maxony GERMINAL, John REMY alias Yvener or Mafia and Don NARCISSE are likely to require an in-depth analysis of their files and constitute, according to the criteria communicated by the Ministry of Justice and Public Safety, factors making them unable to benefit from the special measures adopted in the context of Covid-19.

8. The RNDDH regretted that from the outset, some members of the judicial system seem determined to favor certain people in a serious context where the lives of inmates vulnerable because of their state of health, are in danger.

9. For this reason, the RNDDH recommends the Ministry of Justice and Public Safety and the Superior Council of the Judiciary (CSPJ) to:

- To examine the work of parquets and magistrates' instructors of the eighteen (18) courts of first instance of the country;
- Require that special release decisions are made in accordance with the rules;
- Mobilize parquets and judges to work in coordination and transparency.

10. Finally, the RNDDH believes that the observation of the process of release of detainees by human rights organizations involved in monitoring the criminal chain is more than ever necessary.

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