

# **National Human Rights Defense Network (RNDDH)**



**Preparation for the Reintegration of Inmates: Diagnosis and Recommendations**

**October 27, 2020**

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## Summary

1. During the year 2020, the National Human Rights Defense Network (RNDDH) and its regional structures visited the 19 functional prisons of the country as well as the 3 police stations converted into prisons. In addition to monitoring activities on the general conditions of detention, a study was carried out during the month of October 2020 on the existence or not in prison, of activities promoting the social reintegration of ex-prisoners, after their release.
2. These monitoring activities revealed that the general conditions of detention remain and remain a concern. They do not respect the fundamental rights or the dignity of those who are incarcerated.
3. The near total dysfunction of the Haitian judiciary has exponentially impacted the rate of pre-trial detention. Indeed, on October 20, 2020, the Haitian prison population is estimated at 11,131 detainees, including 8,809 awaiting trial and only 2,322 sentenced. Thus, 79.14% of the prison population are awaiting trial and 20.86% are sentenced. And, not surprisingly, the court of first instance of Port-au-Prince has, with 38.75%, the highest rate of people in situations of illegal and arbitrary preventive detention.
4. Among incarcerated men, 82.37% are awaiting trial versus 17.63% sentenced. However, 89.15% of incarcerated women are awaiting trial against only 10.85% convicted. These statistics prove that being a woman is a key factor in increasing the time for unlawful and arbitrary preventive detention.
5. From January to October 2020, at least 101 male inmates lost their lives in prison, an average of 10 inmates per month.
6. Moreover, the state authorities had to stay their decision to grant presidential pardon to 415 detainees, because the list had been improperly created and the selection criteria that had to take into account the detainees-Conditions that could increase their vulnerability to COVID-19 have not been met.
7. In only five prisons in the country, there are training programs for prisoners, in order to prepare them for a return to society. 4 of these prisons are located in the Department of the West, and the other in the Department of the Northeast. Because of the high rate of prisoners in remand, these programs are not personalized. They mainly concern academic and vocational training. Moreover, the lack and/or absence of social workers in prison, as well as the lack of recreational activities for prisoners, makes detention even more difficult, especially for those who are awaiting trial.

8. Based on these findings, the RNDDH and its regional structures recommend that the relevant authorities:

- Establish an ongoing reintegration program in prisons across the country;
- Strengthen existing programs by providing prison officials with the human and material resources needed to teach inmates: teachers, computers, sewing machines, agricultural tools, etc.;
- Pay teachers back wages and regularize the situation;
- Have all minors undergo academic training for the duration of their incarceration;
- Establish inmate libraries in all civilian prisons across the country;
- Allow all inmates, especially those from CERMICOL and those from the Cabaret civilian prison, to continue their academic studies even after the ninth fundamental year;
- Make recreational activities such as basketball, volleyball, football available in prison;
- Inaugurate the civil prison of Petit-Goâve.

## **I. INTRODUCTION**

1. From January to October 2020, the National Human Rights Defense Network (RNDDH) and its regional structures monitored the general functioning of detention centers throughout the country. And, during the month of October 2020, a specific study was carried out on the activities implemented in prison to help the social reintegration of ex-prisoners.

2. Today, the RNDDH and its regional structures make it their duty to share with those who are interested, their comments, observations and the conclusions of their study.

## **II. METHODOLOGY**

3. Throughout the period covered by this report, the RNDDH and its regional structures visited the nineteen (19) functional prisons of the country as well as the three (3) police stations converted into prisons. During these visits, they met with prison officials, registry officials and inmates. Meetings were also held with officials of the Directorate of the Penitentiary Administration (DAP) and, some of the findings made in prison by the RNDDH and its regional structures were shared with them.

4. As part of the study on the social reintegration of former inmates, the RNDDH and its regional structures have specifically visited the nineteen (19) functional prisons of the country and one (1) of the commissariats converted into prison. Once again, the Instructors of the RNDDH and its regional structures met with the officials of these institutions. The data collected were subsequently processed.

5. In addition, the Internal Regulations of the Penal Institutions as well as the Minimum Rules for the Treatment of Prisoners have been analyzed, in particular with regard to their provisions relating to the social reintegration of prisoners.

### **III. SOCIAL REINTEGRATION OF INMATES-ES: DEFINITION AND LEGAL PROVISIONS**

6. The social reintegration of an inmate consists in reintroducing him into a social environment, after he has spent some time outside this usual environment. Social reintegration is also seen as a success of the former inmate's rehabilitation in his social circle, after having been excluded temporarily or even for a long time.

#### **a) Social Reintegration through Internal Regulations of Penal Institutions**

7. The Internal Regulations of Penal Institutions (RIEP) were adopted on June 30, 2000. The document has six (6) titles divided into one hundred and fifty-two (152) articles that deal with the admission of prisoners, the organization of their life in prison, their rights, restrictions and their preparation for a smooth return to society.

8. A whole title, entitled Social Reintegration, deals with the issue at hand, emphasizing the importance of the return to society of ex-prisoners-es, in the very conception of prison. Title III is divided into four (4) chapters on education, vocational training, cultural activities, the library and work.

9. Thus, according to Articles 61 to 66 of the Internal Regulations of Penal Institutions, prisoners are entitled to education. They are encouraged to take part in the various educational activities carried out in prison and to respect their constraints at the risk of being excluded from them. At their expense, the prisoners are also allowed to continue their training at a distance, insofar as these activities do not affect the security of the prison in question. For their part, teachers must be approved by the Directorate of the Penitentiary Administration (DAP).

10. Sections 67 to 71 deal with vocational training. The occupations will be chosen taking into account the physical and technical possibilities of the prison in question and the needs identified among the prison population that operates there.

11. Similarly, the rights of inmates to take part in cultural activities and access to the library are provided for in sections 72 to 77. For this purpose, in each prison, a library will be provided and diversified. And, only security reasons can lead those responsible to prohibit the circulation of books, magazines and newspapers inside prisons

Title III of the Internal Regulations of Penal Institutions deals with the activities to be carried out in the prison environment with the aim of promoting a good social reintegration of prisoners.

12. Academic and professional training must, in order to be introduced in prison for prisoners, be the subject of a partnership between the DAP and the institution that provides them.

13. Furthermore, Articles 78 to 83 deal with the right to work of prisoners in production workshops installed in prisons by the private and/or public sectors, on the basis of a partnership agreement between the firm and the DAP.

14. However, the remuneration shall not be given directly to the inmate employee. For this purpose, an account will be opened at the institution in the inmate's name and the money will be deposited there. Access to a work station is given priority to convicts who display behavior that respects the principles of detention.

#### **b) Social Reintegration through the Set of Minimum Rules for the Treatment of Prisoners**

15. The Set of Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, as a reminder of its contribution to their elaboration, were adopted at the first congress of the United Nations (UN) for the prevention of crime and the treatment of offenders, held in Geneva, Switzerland, in 1955.

16. Subsequently, the Economic and Social Council (ECOSOC) in its resolutions dated July 31, 1957 and May 13, 1977 respectively, transcribed these rules, which, even if not binding on the Member States of the United Nations, are regularly cited by organizations promoting and defending the rights of detainees as well as by any institution working in the criminal justice system.

17. Following their adoption, the minimum rules were revised and increased. Thus, on the recommendation of the report of the third committee having worked on the subject, these rules were increased from ninety-five (95) to one hundred and twenty-two (122) at the General Assembly of the United Nations held on December 17, 2015.

18. The Minimum Rules deal with the social reintegration of ex-prisoners-es and advocate the adoption of the necessary measures to ensure the gradual return of the inmate-e to social life. In this sense, a pre-release regime must be established within the prison or in any other suitable institution.

19. According to Rule 88, the treatment of inmates must in no way promote their permanent exclusion from society. For this, in prisons, it is necessary the presence of social workers in charge of promoting and improving the relations of the inmate with the outside, especially with his family. This rule is reinforced by Rule 107, which specifies that, upon the execution of the sentence, the future of the inmates and their release must be taken into account in order to encourage them to maintain links with the outside world. Social relations and post-prison assistance are therefore of great importance.

The Minimum Rules for the Treatment of Prisoners-es also advocate the social reintegration of prisoners through activities in prison as well as specialized accompaniment to prisoners-es.

20. Rule 96.1 requires that inmates have the opportunity to work and participate in their rehabilitation, taking into account their physical and mental abilities. Penitentiary work must not be punitive or recall slavery or servitude. Instead, it must help inmates earn an honest living in prison and when they are released.

21. In addition to working in prison, education, training and leisure are likely to allow a good social reintegration of former inmates. In this sense, Rule 104.1 states that the education of inmates is paramount. Similarly, recreational and cultural activities must be organized in all prisons, with the aim of ensuring the physical and mental well-being of inmates.

#### IV. SOCIAL REINTEGRATION OF INMATES: DIAGNOSIS OF THE SITUATION IN HAITIAN PRISONS

22. As mentioned above, in the context of the specific study on activities to help inmates reintegrate after serving their prison sentence, the RNDDH and its regional structures visited twenty (20) penitentiary spaces or the nineteen (19) functional prisons and one (1) police station converted into a prison.

##### a) Courses Available and Course Organization

23. The following table presents the situation of monitored penitentiary spaces in relation to the training programs available for inmates:

Functional civilian prisons	Staff	Training program		Number of courses
		YES	NO	
<b>Eastern Region</b>				
1. Arcahaie	8		X	-
2. Croix-des-Bouquets	1443	X		2

3.	CERMICOL	54	X		5
4.	Cabaret	238	X		5
<b>Western Region</b>					
5.	Carrefour	61	X		3
6.	Port-au-Prince	3538		X	-
<b>Northern Region</b>					
7.	Cap-Haïtien	905		X	-
8.	Fort-Liberté I	370		X	-
9.	Fort-Liberté II	265	X		5
10.	Grande Rivière du Nord	82		X	-
11.	Port-de-Paix	289		X	-
<b>Region Artibonite Centre</b>					
12.	Gonaïves	122		X	-
13.	Hinche	562		X	-
14.	Mirebalais	406		X	-
15.	Saint Marc	572		X	-
<b>Southern Region</b>					
16.	Anse-à-Veau	271		X	-
17.	Cayes	786		X	-
18.	Jacmel	563		X	-
19.	Jérémie	368		X	-
<b>Other spaces</b>					
20.	Commissariat de Petit-Goâve	159		X	-

**Table 1**

24. Only five (5) of the twenty (20) penitentiary spaces visited as part of this study have or had in the not too distant past, a training program for inmates. These are the CERMICOL and the civilian prisons of Croix-des-Bouquets, Cabaret, Carrefour and Fort Liberté II.

25. Four (4) of these prisons are located in the East and West regions of the West Department. The other is located in the Department of Northeast. The information collected on these programs is presented as follows:

26. CERMICOL incarcerates fifty-four (54) minor inmates, seven (7) of whom are sentenced. This prison center offers, in addition to a classical continuing education, five (5) courses to minors in detention: computer, plumbing, shoemaking, sewing and English. The courses last twelve (12) months and last two (2) hours per session. Laptops as well as sewing machines for computer



and sewing classes are available within the prison. However, if the traditional training works as usual, until the 9th fundamental year, since the appearance of Covid-19, the courses of plumbing, sewing and shoemaking are suspended.

27. These are the same spaces that are used for both academic and professional classes, which are held in the afternoon. For almost two (2) years, CERMICOL teachers have not been paid.

28. The Civil Prison of the Croix-des-Bouquets – which accommodates one thousand four hundred and forty-three (1,443) prisoners, including four hundred and eighty-seven (487) convicts – once provided a sewing course and had several sewing machines to ensure good learning for inmates. In March 2020, it was decided to end this course with the discovery in Haiti of two (2) people infected with COVID-19.

Only 5 detention centers offer an academic and/or vocational training program to inmates. The other prisons as well as the commissariats converted into prisons are content to keep the prisoners-era.

29. For the past few months, a South Korean evangelical ministry has been giving an audiovisual biblical course at the Croix-des-Bouquets civil prison. This training lasts two (2) years. Twenty (20) inmates are admitted per session and each session lasts two (2) months. The condemned are given priority. A Bible is offered to the participants. The perspective in relation to this biblical formation is the establishment of a permanent program of theological formation within this prison.

30. At the Cabaret Civil Prison, the two hundred and thirty-eight (238) women and girls incarcerated there have access to academic and vocational training. Five (5) courses are taught: cooking, computer, English, macramé and sewing. For cooking classes, ovens and utensils are made available to learners. For computing, more than twenty (20) laptops were offered at the institution. Also, for sewing, sewing machines, metric ribbons and other necessary materials are available. In the past, the Cabaret Civil Prison offered courses in tiled flooring, cosmetology and the preparation of cleaning chemicals. Since the 2019-2020 academic year, these courses are no longer offered, as the project that funded it has ended and/or has not been renewed.

31. In some cases, after being released, ex-prisoners benefit from follow-ups relating to their specific needs such as the payment of rent, assistance in the creation of small businesses, the search for families or relatives of the prisoners, etc. These follow-ups are carried out by organizations that also pay for the schooling of certain liberated persons, thus giving themselves the mission to fill as much as possible, the void left by the Haitian State.

32. At Carrefour’s civilian prison, three (3) training programs in sewing, computer and plumbing had to be suspended, due to Covid-19. The religious organization, which very recently provided computer and plumbing courses within the prison, used to provide inmates with the necessary materials for their learning. In addition, chicken management training was provided to inmates prior to Covid-19. It did, however, make it possible to set up a henhouse within the prison itself.

After training in chicken management, a chicken coop was set up at the Carrefour prison.

33. At the Fort Liberté II Civilian Prison, three (3) rooms are provided to offer five (5) courses to inmates. These are literacy, crafts, painting, agriculture and sewing. Available since 2018, these trainings allow inmates to prepare for their return to society. Notebooks, paintings, books, chalk, sewing threads, animal skins, leather, scissors, paintings, brushes, cardboard, sewing machines, wheelbarrows, picks, machetes, hoes, fabrics, centimeters, are available for a good learning of the inmates, according to the chosen stream. The literacy program sponsored by the Secretariat of State for Literacy, is aimed at all inmates who do not know how to read and write. Some of the courses have been suspended due to Covid-19.

34. Steps are currently being taken to provide training in fish farming at the Fort Liberté II civilian prison. This project will last six (6) months. All inmates interested will be trained. They will receive a certificate of authorization that will give them access to the National Bank of Credit (NBC), an account opened for the benefit of former inmates.

35. In the sixteen (16) other penitentiary spaces covered by this study, there has been no training available for inmates for several years.

36. The Civil Prison of Port-au-Prince accommodates three thousand five hundred and thirty-seven (3,537) prisoners, of whom three hundred and seventy-seven (377) are convicted. Several years ago, courses in tiling, sewing and computer science were given in prison, with the support of Calvary CHAPEL who took charge of coming with the training materials. For three (3) years, the sewing course has been discontinued. However, sewing machines are still available.

For several years, the largest prison center in the country has not offered any training to inmates.

37. The Civil Prison of Saint Mark has five hundred and seventy-two (572) prisoners, of whom one hundred and fifty-three (153) are condemned. No courses are available. According to the perspectives, Terre des Hommes Italy intends to set up a course in sociology and psychology for the benefit of the inmates of this prison. However, this project is still in its infancy.

38. The civilian prison in Arcahaie was emptied of its inmates following the outbreak of COVID-19 in Haiti. The majority of the detainees were transferred to the civil prison of Croix-des-Bouquets. The rumors were that this prison was going to be transformed into a reception center for people with Covid-19, which had sparked an uprising in the community. Local

authorities whose mayor had to participate in radio broadcasts to calm the population who threatened to set fire to the prison. No training activities are available at the Civil Prison of Archaie.

39. The civilian prisons of Mirebalais and Hinche do not provide courses for prisoners.

### **b) Presence of social workers**

40. In some detention centers across the country, social workers accompany detainees. Such is the case with the civilian prisons of Fort-Liberté II, Port-au-Prince, Carrefour, CERMICOL. However, many of these coaches do not work regularly, although their contribution to social reintegration could have been crucial.

41. Apart from these few examples, the country's prisons do not have social workers.

### **c) Recreation and Recreational Activities in Prisons**

42. Some prisons offer inmates recreational activities. Examples include:

- The inmates incarcerated in Carrefour's civilian prison play football daily. They also have two (2) televisions, located in two (2) of the six (6) cells in the prison in question;
- The Fort Liberté II Civil Prison has a recreational area and inmates often play football;
- At the civilian prison of Cabaret, televisions are placed in the different cell blocks. The inmates also have the cable to compensate for the absence of a signal in the area where the prison is located;
- At the Croix-des-Bouquets civil prison, inmates have television sets offered by their loved ones;
- At CERMICOL, minors play football regularly. They also play mind games. They play games every day. However, due to the lack of balls, they no longer play basketball;
- At the civil prison of Port-au-Prince, tournaments are sometimes organized by the officials. For example, during the month of October 2020, a football tournament is organized by officials.

Some televisions in some prisons, football in others and rarely access to the open air, these are the only recreational activities to which prisoners are entitled.

43. Generally speaking, recreation and recreational activities in prisons do not exist. The few scattered examples cited above are the only activities implemented by prison officials. They do not stem from a national recreation and recreation program in prisons. In the majority of prisons in the country, prisoners are subjected to a strict cell regime:

The majority of prisons in the country have a cellular regime, due to limitations in terms of human and material resources. The detainees leave their cells only for their ablutions and for judicial extractions.

- At the civil prison of Arcahaie, there is no recreational activity. However, due to the reduced number of detainees, they are allowed to spend more time on the court;
- At the police station of Petit-Goâve converted into prison, there is no leisure activity. The one hundred and seventy-two (172) inmates who are incarcerated there leave their cells only during judicial extractions.
- The civil prisons of Mirebalais and Hinche do not offer any leisure to the prisoners. These last eras only come out of their cells for their bath.

## V. LEGAL STATUS OF INMATES-ES<sup>1</sup>

44. The legal situation of inmates remains of great concern. As of October 20, 2020, eleven thousand one hundred and thirty-one (11,131) people are incarcerated. Of these, eight thousand eight hundred and nine (8,809), representing 79.14%, are awaiting trial and two thousand three hundred and twenty-two (2,322), representing 20.86%, are condemned.

79.14% of the prison population are awaiting trial and only 20.86% are sentenced.

The following table presents the situation in the details:

Functional civilian prisons	Pre-trial detention	Sentenced	Total	Percentage of people awaiting trial
<b>Eastern Region</b>	<b>1209</b>	<b>534</b>	<b>1743</b>	
1. Arcahaie	0	8	8	
2. Croix-des-Bouquets	956	487	1443	<b>13.72 %</b>
3. CERMICOL	47	7	54	
4. Cabaret	206	32	238	
<b>Western Region</b>	<b>3353</b>	<b>418</b>	<b>3771</b>	
5. Carrefour	40	21	61	
6. Petit-Goâve	152	20	172	<b>38.06 %</b>
7. Port-au-Prince	3161	377	3538	

<b>Northern Region</b>		<b>1208</b>	<b>703</b>	<b>1911</b>	
8.	Cap-Haïtien	623	282	905	
9.	Fort-Liberté I	241	24	370	<b>13.71 %</b>
10.	Fort-Liberté II	0	370	265	
11.	Grande Rivière du Nord	81	1	82	
12.	Port-de-Paix	263	26	289	
<b>Region Artibonite Centre</b>		<b>1232</b>	<b>430</b>	<b>1662</b>	
13.	Gonaïves	119	3	122	
14.	Hinche	381	181	562	<b>13.99 %</b>
15.	Mirebalais	313	93	406	
16.	Saint Marc	419	153	572	
<b>Southern Region</b>		<b>1807</b>	<b>237</b>	<b>2044</b>	
17.	Anse-à-Veau	224	47	271	
18.	Cayes	700	86	786	<b>20.52 %</b>
19.	Jacmel	501	62	563	
20.	Jérémie	326	42	368	
21.	Miragoâne	56	0	56	
<b>Total</b>		<b>8809</b>	<b>2322</b>	<b>11131</b>	<b>100 %</b>

**Table 2**

45. The CERMICOL and the civil prisons of Cabaret and Port-au-Prince welcome three thousand four hundred and fourteen (3,414) people awaiting trial. As a result, the Port au Prince trial court has the highest rate of people in illegal pre-trial detention at 38.75%.

**a) Focus on the legal situation of women in detention**

46. Three hundred and fifty-three (353) women are awaiting trial against forty-three (43) convicted. Now, eight thousand two hundred and forty-five (8,245) men are awaiting judgment and one thousand seven hundred and sixty-four (1,764) other condemned.

47. In comparison, 89.15% of incarcerated women are awaiting trial against only 10.85% of women who are convicted. And, 82.37% of incarcerated men are awaiting trial against 17.63% who have already been tried and are sentenced.

48. For example, the sex of an incarcerated person is a determining factor in the length of pre-

trial detention because incarcerated women spend more time in prison, awaiting trial than men.

#### **b) Situation of detainees in Hinche from Gonaïves**

49. Following the attempted escape followed by the collective rape of the women and girls then imprisoned in the civilian prison of Gonaïves<sup>2</sup> on 7 November 2019, the prison authorities transferred sixty-eight (68) detainees to the civilian prison of Mirebalais, one hundred and eighteen (118) Detained at Hinche Civil Prison. The women and girls were transferred to the civilian prison in Cabaret.

50. Thus, the records of one hundred and eighteen (118) detainees from Gonaïves were transferred to Hinche. However, eight (8) inmates never arrived at the said prison. They are:

- Evenson CINA
- Clerson CLERMÉ
- Mackendy DIEUDONNÉ
- Medet DIEUJUSTE
- CAnielson DUPRÉ
- Mendy JEAN
- Ricardo JOSEPH
- Robenson PIERRE

51. Nineteen (19) inmates were transferred without records. These were:

- Bladjimir DORMEVIL
- Verisson GUERSON
- Batilus DARISMA
- James Vallon ROMAIN
- Bedens VILLE
- Silvera DÉsir
- Sepondy RÉNÉ
- JEANTY Hat
- Robert PÉTIT JEAN
- Ronald PIERRE
- Fritzson JEAN MARY
- WILLY exams
- Wervely DOCTEUR
- Rosemond JEAN
- Kenson ROMEUS
- Emmanuel CHARLES

- Rochenel PROPHET
- Johnny PIERRE
- Wesner MARC JEAN

52. In addition, fourteen (14) detainees provided information that they should have already been released. The following table presents the information concerning them:

#	First Name	Last Name	Judgment Date	Release Date
1.	Cherelus	Cinobet	August 3, 2017	March 3, 2020
2.	Wevely	Docteur	March 8, 2019	April 14, 2020
3.	Joseph	Gethsonn	July 17, 2019	April 27, 2020
4.	Emmanuel	Charles	August 3, 2018	March 9, 2020
5.	Bladimir	Dormevis	April 18, 2018	April 18, 2020
6.	Sylvera	Désir	July 19, 2018	March 19, 2020
7.	Wislet	Présumé	November 6, 2018	May 6, 2019
8.	Tibonet	Jean	February 21, 2018	October 3, 2020
9.	Rosemond	Jean	January 30, 2019	August 26, 2020
10.	Jean-Mary	Fritzsonne	June 13, 2018	June 13, 2020
11.	Monchery	Dieussaint	January 4, 2019	January 4, 2020
12.	Eud	Ernès	December 14, 2014	August 5, 2020
13.	Tibien	Pierre	October 30, 2018	April 30, 2019
14.	Kenson	Désir	May 8, 2019	October 8, 2020

**Table 3**

### c) Presidential Thanks to Inmates Due to COVID-19

53. In order to prevent the spread of COVID-19 in prison, state authorities decided to grant a presidential pardon to four hundred and fifteen (415) inmates, in order to decongest the country's prisons. In this sense, a presidential decree was adopted and published on June 19, 2020, in Monitor # 105. The breakdown of the inmates who were to benefit from this measure is as follows:

	Places of confinement	Number of inmates involved
1.	Anse-à-Veau	15
2.	Aquin	20
3.	Cap-Haïtien	5
4.	Cayes	30

5.	Côteaux	5
6.	Croix-des-Bouquets	9
7.	Fort-Liberté	27
8.	Gonaïves	5
9.	Grande Rivière du Nord	26
10.	Hinche	4
11.	Jacmel	29
12.	Jérémie	90
13.	Mirebalais	51
14.	Petit-Goâve	5
15.	Port-au-Prince	31
16.	Port-de-Paix	25
17.	Saint-Marc	38
	<b>Total</b>	<b>415</b>

**Table 4**

54. Following the publication of the order of June 19, 2020, the RNDDH and its regional structures went to the various prisons where the inmates listed were incarcerated and were able to discover that:

- The choice of fifteen (15) prisoners incarcerated in the civil prison of Anse-à-Veau had been made to benefit from the presidential pardon. Six (6) of them were not found in the prison registry records. Two (2) had already been released since January 2020. They did not meet the selection criteria adopted to manage the spread of Covid-19. However, fifteen (15) other inmates who were very sick, were not taken into account in the preparation of the list of beneficiaries of this measure, despite the recommendations of the prison.
- In the list of twenty (20) detainees supposedly imprisoned at the police station of Aquin converted into prison but imprisoned in the civil prison of Les Cayes, there were six (6) individuals convicted for assassinations and murders, two (2) for sexual assaults, five (5) for robberies. Seven (7) were not found in the prison transcripts. It should be noted that since the events of February 12, 2019,<sup>3</sup> during which the seventy-seven (77) detainees then incarcerated at the Aquin police station converted into a prison had all escaped, those arrested against whom a deposit order is issued by the judicial authorities, are automatically transferred to the civil prison of Les Cayes.
- The five (5) detainees from the civilian prison of Cap-Haitien who were to benefit from the presidential pardon were released immediately after the adoption of this decision.



- Only sixteen (16) of the thirty (30) detainees depending on the jurisdiction of Les Cayes and who were to benefit from this presidential pardon decision were traced in prison. Of these, at least seven (7) were convicted of murder and three (3) were convicted of illicit drug trafficking.
- As the Côteaux civil prison has been decommissioned since the earthquake of 12 January 2010, the five (5) detainees who were to benefit from this presidential pardon decision were in fact imprisoned in the Les Cayes civil prison. They were all convicted and were all due to be released in 2020. Two (2) of them were found guilty of murder and attempted murder.
- Of the nine (9) detainees from the Croix-des-Bouquets civil prison who had been chosen to benefit from the presidential pardon, two (2) were not found in the prison registers, three (3) had been released on the order of the Government Commissioner, as of the adoption of the order of 19 June 2020, two (2) others had already been released long before the adoption and publication of the order in question, their sentence having been fully served. Finally, two (2) other inmates were previously released at a special correctional hearing on March 25, 2020.
- Twenty (20) of the twenty-seven (27) detained at the Fort Liberté civilian prison had been released long before the presidential pardon. Only six (6) sentenced, of which three (3) are imprisoned in the civilian prison of Fort Liberté I and three (3) others, in the civilian prison of Fort Liberté II, have been traced.
- The detainees whose names appeared on the list of Gonaïves had in fact been transferred to different prisons of the country including: one (1) to the civil prison of Hinche, two (2) to the civil prison of Cabaret. No information was found for two (2) others. In addition, a detainee from the Anse à Veau list was in fact imprisoned in Gonaïves before being transferred to the Cabaret civilian prison in 2019. She is sentenced to seven (7) years imprisonment for complicity in murder.
- All twenty-six (26) sentenced to the Grande Rivière du Nord civil prison had, without distinction, benefited from the presidential pardon. They were all immediately released upon adoption of the measure. Among them were at least one (1) detainee who had been convicted of rape and had been sentenced to twelve (12) years in prison.
- The four (4) detainees whose names were on the presidential pardon list were not found in the records of the Hinche Civilian Prison.
- In the civil prison of Jacmel, six (6) of the detainees on the list were convicted for murder. Four (4) others had been transferred to the Port au-Prince civilian prison, since

December 22, 2012, for security reasons and two (2) others were not found at all in the prison registry records. These inmates were in good health and therefore did not meet the criteria developed in the context of the spread of Covid-19 in prison. However, other very sick detainees, some of whom were suffering from severe malnutrition, had not been put on the list.

- Among the ninety (90) prisoners of the civil prison of Jeremiah who were to benefit from the presidential pardon, there is one sentenced to life, whose name appeared two (2) times. In 2015, she received a commutation of sentence, which was reduced to ten (10) years in prison. In addition, one of the detainees had been released since 2015. Other detainees had been transferred to the civilian prison in Port-au-Prince.
- Of the fifty-one (51) detainees allegedly incarcerated in the Mirebalais civilian prison, many were not found. In addition, at least one (1) had been convicted of murdering his son with machetes.
- All five (5) inmates who were on the list as being incarcerated at the Petit-Goâve police station converted into a prison had in fact been transferred to the Civil Prison of Port-au-Prince for some time.
- Of the thirty-one (31) inmates of the civil prison of Port-au-Prince registered on the official list of pardon, eighteen (18) were not found in the registers of the registry of the prison. Among the eleven (11) traced, two (2) detainees were transferred to Jacmel and Arcahaie. Three (3) were convicted of rape: One of them had not yet served a quarter of his sentence and the other two (2) had, for eight (8) years, been in illegal and arbitrary preventive detention.
- Ten (10) prisoners incarcerated in the civilian prison of Port-de-Paix were to benefit from the presidential pardon. Among them, one (1) was involved in a murder case.
- In the list of thirty-eight (38) prisoners incarcerated in the Saint-Marc Civil Prison, seventeen (17) names were entered two (2) times. Thus, twenty-one (21) detainees in fact were to benefit from this presidential pardon decision. Of these, fourteen (14) were scheduled to be released in 2020, four (4) in 2021 and one (1) in 2022. Two (2) had already been released long before the adoption of the order in question because they had served their entire sentence.

55. Because of all these irregularities and especially the outcry caused by the profile of the beneficiaries, the state authorities had to postpone this decision to release the detainees.

## **VI. INMATES WHO DIED IN 2020**

56. From January to October 2020, at least one hundred and one (101) inmates, all male, died in custody. The following table presents the information concerning them:

#	Deceased Inmates	Prisons	Date of Death
1.	Archelien Julien	Civil Prison of Port au Prince	January 3 2020
2.	Claudin André	Civil Prison of Cap-Haïtien	January 20 2020
3.	Frantzin Pierre	Civil Prison of Cap-Haïtien	January 26 2020
4.	Jean Joseph Sabma	Civil Prison of Port-au-Prince	January 27 2020
5.	Bastia Ronald	Civil Prison of Croix-des-Bouquets	February 1 2020
6.	Jovenel Jules	Civil Prison of Cap-Haïtien	February 14 2020
7.	St Juste Fritzner	Civil Prison of Port-au-Prince	February 15 2020
8.	Verry Diquini	Civil Prison of Cap-Haïtien	February 23 2020
9.	Lisma Maurice	Civil Prison of Cap-Haïtien	February 25 2020
10.	François Yves	Civil Prison of Port-au-Prince	February 27 2020
11.	Léonard Dédé	Civil Prison of Hinche	February 28 2020
12.	Claude Louis Harry	Civil Prison of Port-au-Prince	March 4 2020
13.	Jeff Bernadin	Civil Prison of Hinche	March 17 2020
14.	Guerrier Gérald	Civil Prison of Port-au-Prince	March 22 2020
15.	Edouard Benosse	Civil Prison of Port-au-Prince	April 1 2020
16.	Bertin Roméus	Civil Prison of Cayes	April 3 2020
17.	Wesner Brutus	Civil Prison of Port-au-Prince	April 5 2020
18.	Vital Kelton Junior	Civil Prison of la Croix-des-Bouquets	April 13 2020
19.	Belony Ambroise	Civil Prison of Mirebalais	April 23 2020
20.	Irano Exinor	Civil Prison of Port-au-Prince	April 26 2020
21.	Célémy Jean Noël	Civil Prison of Cap-Haïtien	April 27 2020
22.	Joseph Dervil	Civil Prison of la Croix-des-Bouquets	April 28 2020
23.	Sony Lucien	Civil Prison of Port-au-Prince	April 29 2020
24.	Merlin Zandor	Commissariat de Petit-Goâve	May 2 2020
25.	Mackendy Yacinth	Civil Prison of Cap-Haïtien	May 3 2020
26.	Kénold Donaville	Civil Prison of Port-au-Prince	May 4 2020
27.	Daniel Belamy	Commissariat de Petit-Goâve	May 6 2020
28.	Charlonet Elmius	Civil Prison of Port-au-Prince	May 6 2020
29.	Marcus Glémaud	Civil Prison of de Port-au-Prince	May 9 2020
30.	Emitor Samedi	Civil Prison of Port-au-Prince	May 11 2020
31.	Alexan Jn Charles	Civil Prison of Hinche	May 13 2020
32.	Saint Luc Sinéus	Civil Prison of Port-au-Prince	May 14 2020
33.	Emmanuel Sanon	Civil Prison of Port-au-Prince	May 17 2020
34.	Dorcéli Ferdinand	Civil Prison of Port-au-Prince	May 18 2020
35.	Unsel Sibrun	Civil Prison of l'Anse-à-Veau	May 19 2020
36.	Jean Dieusibon	Commissariat de Petit-Goâve	May 24 2020

37.	Judeson Philistin	Civil Prison of Hinche	Mai 26 2020
38.	Marcé Kendès	Civil Prison of Port-de-Paix	May 26 2020
39.	Beaudelaire Jacques	Civil Prison of Port-au-Prince	May 28 2020
40.	Julien Hérard	Civil Prison of Port-au-Prince	May 31 2020
41.	Jean Marcène alias Maxène	Civil Prison of Jacmel	3 June 2020
42.	Saintegis Santo	Civil Prison of Jacmel	4 June 2020
43.	Arnold Joseph	Civil Prison of Port-au-Prince	5 June 2020
44.	Paul Prével	Civil Prison of Cayes	9 June 2020
45.	Pierre Fritz	Civil Prison of Cayes	9 June 2020
46.	Dieuçois Mozart, alias Jo	Civil Prison of l'Anse-à-veau	9 June 2020
47.	Fleurzil Junior	Civil Prison of Croix-des-Bouquets	10 June 2020
48.	Mikenson Luc	Civil Prison of Port-au-Prince	10 June 2020
49.	Brutus Jasmin	Civil Prison of Cap-Haïtien	14 June 2020
50.	Jean Marie Michel	Civil Prison of Port-au-Prince	15 June 2020
51.	Jean Presnord Cadet	Civil Prison of Port-au-Prince	15 June 2020
52.	Iliano Siméus	Civil Prison of Mirebalais	19 June 2020
53.	Charles Oxide St-vil	Civil Prison of Port-au-Prince	23 June 2020
54.	Mérové Jean Renaud	Civil Prison of la Croix-des-Bouquets	25 June 2020
55.	Wilgens Duvelsaint	Civil Prison of Port-au-Prince	26 June 2020
56.	Jean Claude Benoit	Civil Prison of Port-au-Prince	28 June 2020
57.	Hector Raphael	Civil Prison of Jacmel	27 June 2020
58.	Keversaint Genet	Civil Prison of Port-au-Prince	30 June 2020
59.	Kendy Jean	Civil Prison of Hinche	1 <sup>er</sup> July 2020
60.	Noel Levoius	Civil Prison of Jacmel	5 July 2020
61.	Joachin Balthazar	Civil Prison of Port-au-Prince	8 July 2020
62.	John Payoute Edwald	Civil Prison of Cap-Haïtien	13 July 2020
63.	Myrthil Jean, prévenu	Civil Prison of Port-au-Prince	14 July 2020
64.	Jean Estelhome	Civil Prison of Cayes	18 July 2020
65.	Dominique Jean-Robert	Civil Prison of Cayes	18 July 2020
66.	Odane Metellus	Civil Prison of Hinche	19 July 2020
67.	Chrisnel Pierre	Civil Prison of Hinche	22 July 2020
68.	Wichmy Point du Jour	Civil Prison of Port-au-Prince	25 July 2020
69.	Jean Louis Emmanuel alias Fatima	Civil Prison of Jacmel	28 July 2020
70.	Mathurin Saint-Christène	Civil Prison of Jacmel	29 July 2020
71.	Pierre Etnel Theodore	Civil Prison of Port-au-Prince	29 July 2020
72.	Berthony Castor	Civil Prison of Port-au-Prince	30 July 2020
73.	Alexandre Jerry alias Johnny	Civil Prison of Jacmel	30 July 2020
74.	Odma Orélus, prévenu	Civil Prison of Port-au-Prince	1 <sup>er</sup> August 2020
75.	Joseph Fito Virgilus	Civil Prison of Port-au-Prince	3 August 2020
76.	Belzor John Peter	Civil Prison of Cayes	6 August 2020
77.	Neptune Bientilhomme	Civil Prison of Cayes	7 August 2020

78.	Floridor Floréus	Civil Prison of Cap-Haïtien	10 August 2020
79.	Mackenson Claude	Civil Prison of Hinche	18 August 2020
80.	Doubison Philippe	Civil Prison of Port-au-Prince	21 August 2020
81.	Dervilier Kélé	Commissariat de Petit-Goâve	26 August 2020
82.	Thély Canold, alias Papit	Civil Prison of Croix-des-Bouquets	28 August 2020
83.	Staniot Dominique	Civil Prison of Hinche	31 August 2020
84.	Ronald Rosema	Civil Prison of la Croix-des-Bouquets	6 september 2020
85.	Toussaint Osner	Civil Prison of Jacmel	10 september 2020
86.	Toussaint Osner	Prison civile de Jacmel	10 september 2020
87.	Fred Saint Jean	Commissariat de Petit-Goâve	19 september 2020
88.	Gactor Gilbert	Civil Prison of	12 september 2020
89.	Pierre Gesner	Civil Prison of Croix-des-Bouquets	23 september 2020
90.	Philémond Roussand	Civil Prison of Croix-des-Bouquets	24 september 2020
91.	Calixte Jean Bernard	Civil Prison of Croix-des-Bouquets	27 september 2020
92.	Jameson Toussaint	Civil Prison of Hinche	4 october 2020
93.	Jean Frantz Elie	Civil Prison of Croix-des-Bouquets	7 october 2020
94.	Carenant Wilson alias Minis	Civil Prison of l'Anse-à-Veau	6 october 2020
95.	Macener Dédé	Civil Prison of Hinche	17 october 2020
	6 détenus décédés	Civil Prison of Saint-Marc	January – october 2020

**Table 5**

## VII. COMMENTS AND RECOMMENDATIONS

57. The monitoring of the operation of the prison in Haiti during the period covered by this report allows the RNDDH and its regional structures to affirm that the living conditions of persons deprived of liberty have remained very worrying and totally unchanged.

58. Despite the many promises that have been made, the situation of those awaiting judgment is worsening on a day-to-day basis. More than 79.14% of the prison population are in pre-trial detention while only 20.86% of inmates are sentenced. This information proves that indeed, the Haitian judicial apparatus systematically violates the rights to judicial guarantees of persons deprived of liberty and does not want in any way, to correct the course. And, not surprisingly, 38.75% of the prison population awaiting trial, depend on the court of first instance of Port-au-Prince.

59. Prisons generally do not provide inmates with recreational activities. In addition, except a few of them allow inmates to train and prepare for their return to society. Indeed, the study carried out in October 2020 by the RNDDH and its regional structures, reveals that only five (5) of the nineteen (19) functional prisons to date, allow inmates to access academic training and/or vocational training. However, the fact that the majority of them are awaiting judgment

directly affects the results of these training programs. This is a catastrophic situation because, it reveals that detainees in Haiti languish in prison, without any preparation for their future.

60. The vast majority of inmates are also not accompanied by social workers such as psychologists and sociologists.

61. Once again, the RNDDH and its regional structures condemn the fact that inmates are subject to a cellular regime. They are not even entitled to one (1) hour per day in the open air while the Internal Regulations of Penal Institutions and the Set of Minimum Rules for the Treatment of Prisoners are formal on this: Minimum access to the outdoors is essential for the physical and mental health of inmates.

62. Various prison officials met in the context of this study as well as during the regular monitoring activities of the RNDDH and its regional structures shared their concerns about the way they keep prisoners. They believe that at the highest level, State authorities must work to rapidly improve the general conditions of detention in Haiti and to install ongoing training programs in prison as well as recreational activities because according to them, the busier the inmates are, the less they think of revolting.

63. The RNDDH and its regional structures therefore recommend that the relevant authorities:

- Establish an ongoing reintegration program in prisons across the country;
- Strengthen existing vocational training programs by providing prison officials with the human and material resources needed to teach inmates, such as teachers, computers, sewing machines, agricultural tools, etc.;
- Allow all inmates, especially those from CERMICOL and those from the Cabaret civilian prison, to continue their academic studies even after the ninth fundamental year;
- Pay teachers back wages and regularize the situation;
- Make it mandatory for all minors to follow the academic training for the entire duration of their incarceration;
- Establish inmate libraries in all civilian prisons across the country;
- Make recreational activities such as basketball, volleyball, football available in prison;

- Finalize the work for the inauguration of the civil prison of Petit-Goâve.

### **Work Cited**

<sup>1</sup> **Source :** *Police Nationale d'Haïti (PNH), Direction de l'Administration Pénitentiaire (DAP), Movement of the prison population, October 20, 2020*

<sup>2</sup> *For more information, see the report entitled "RNDDH and SOFA present their report on the mutiny followed by the collective rape of detainees at the Civil Prison of Gonaïves", November 21, 2020, 10 pages*

<sup>3</sup> *Impacts of the current socio-political crisis on general conditions of detention, RNDDH Report/2019/No5, 16 pages...*