

National Human Rights Defense Network (RNDDH)

2021



General operating conditions of the Courts of Peace in Haiti

Advocacy for a healthy and equitable distribution of Haitian justice

October 4, 2021

1

Summary

Pages

Summary of Report

I.	<i>GENERAL INTRODUCTION</i>	1
A.	<i>Background</i>	1
B.	<i>Recall some of the results of the preliminary study conducted by the RNDDH in 2019</i>	4

PART ONE: Presentation of the study and the country's Peace Tribunals

II.	PRESENTATION OF THE STUDY – ITS INTENT AND LIMITATIONS	7
III.	PRESENTATION OF THE PEACE COURTS AND THE LEGAL OPERATING FRAMEWORK	8
A.	Geographic representation of the number of Peace Tribunals in Haiti	8
B.	Presentation of Peace Court Staff	9
C.	Legal Provisions for the Establishment and Operation of Peace Tribunals	10

PART TWO: Results of the Peace Court Study from February to July 2021

IV.	TERMS AND CONDITIONS OF PEACE COURTS	13
A.	Peace Courts Visited and Legal Actors Met	13
B.	Peace Court Staff Visited	14
C.	Hours of Operation and Services Available in Peace Tribunals	20
D.	Peace Courts Buildings and Infrastructure Visited	21
E.	Office space for staff and availability of office equipment	26
F.	Electrical Power Supply and Moving Vehicles	29
V.	COMMENTS AND RECOMMENDATIONS	32

Summary of Report

1. From February to July 2021, the National Human Rights Defense Network (RNDDH) and its regional structures conducted a study in 77.40% of the country's functional Peace Courts. According to the RNDDH, this is a high percentage to establish a true and representative picture of the situation.
2. This study was conducted with the objective of focusing on the overall functioning of the Peace Tribunals. The expected results are to make available to state authority's reliable data for specific and targeted management; and to make available to litigants, an advocacy tool to put pressure on state authorities, to improve the working conditions of the country's Peace Tribunals.
3. The issues addressed in this study include Peace Courts staff, infrastructure, day-to-day work organization, availability of office equipment, availability of energy sources, vehicle availability and building safety. The RNDDH instructors went to the various targeted spaces and spoke, randomly, with those encountered on the site.
4. The staff of the Courts of Peace composed mainly of men proves that the judicial authorities do not practice any policy of inclusion of women within the Haitian judicial system. Moreover, with 77% of buildings in poor condition, 22.3% of buildings located on vacant lots without fences, 77.7% of buildings located close to markets, garbage dumps and/or not far from territories controlled by armed bandits and with 34% of the Peace Courts having neither a latrine nor a modern toilet, Haitian judicial authorities do not provide an adequate operating framework for Peace Courts staff.
5. In addition, since 24% of Peace Tribunals do not have a typewriter or computer, 74% do not have a printer and 76% do not have a photocopier, Peace Tribunals staff travel with litigants' files to type them, print them and multiply copies outside the courts, which in no way guarantees the confidentiality of litigants' files.
6. 48.6% of the Courts are not supplied with city power nor do they have a generator or inverter. And, 74% have neither a company car, nor a service car, nor a company motorcycle, nor a service motorcycle.
7. The results of this study corroborate the initial remarks and the fears of the RNDDH that the Peace Tribunals in general operate under conditions that do not guarantee the labor rights of the staff assigned to them, nor the rights to judicial guarantees of individuals.

8. Under these conditions, the quality of service provided by Peace Tribunals can only be very low. It is therefore necessary that the State authorities intervene rapidly for a substantial improvement in the situation because, as stated and demonstrated at the beginning of the report, the Peace Tribunals can be a source of harmonization of community life, but they can also be transformed into gigantic tools of human rights violations.

9. With these considerations in mind and in line with the proposals made by the respondents, the RNDDH recommends that State authorities:

- Adopt a policy of inclusion of women in the Haitian judicial system, including in the positions of full and alternate justices of the peace;
- Revising the staff of the Peace Tribunals, where it seems that appointments taking no account of the needs of these Tribunals, have been granted, with the consequences, more operative bailiffs, more clerks for example than judges;
- Regularize the presence of security officers in all Peace Tribunals;
- Conduct a comprehensive assessment of the Peace Courts buildings;
- Ensure that all Peace Tribunals are surrounded by a fence wall;
- Clean up the immediate environments of Peace Tribunals;
- Ensure that all Peace Tribunals have functional washrooms;
- Provide Peace Courts staff, workspaces and appropriate operating equipment;
- Computerize the Public Justice Service, evaluate computer equipment and renew those that deserve it;
- Review the salaries of Haitian judicial staff while ensuring that they receive it on time and regularly;
- Provide equal benefits to all judges or on the basis of clearly established criteria;
- Ensure that Peace Tribunals have an energy source and at least one service vehicle.

I. GENERAL INTRODUCTION

1. From February to July 2021, the National Human Rights Defense Network (RNDDH) and its ten (10) regional structures conducted a specific investigation on the functioning of Peace Tribunals across the country.
2. The objective of this study is to put the spotlight on the Courts of Peace which in fact constitute a very important gateway of cases at the level of the Haitian judiciary and consequently, a tool to harmonize life in society but also a likely source of violations of the rights to judicial guarantees, several denunciations concerning the behavior of Peace Courts staff members, have been brought to the attention of the RNDDH and its structures.
3. The expected results of this study, which has been carried out, are to provide state authorities with data that can enable them to intervene effectively and to improve the processes for providing an effective and quality public service of justice to all--The European Union and the Member States of the European Union, the European Union and the Member States of the European Union.

A. Background Information

4. For several years, the operating conditions of the Peace Tribunals have been a concern for the RNDDH and its regional structures. On several occasions, alerts have been launched on some of these courts, but no study has yet been conducted by the human rights body to present in a global manner the general conditions of operation of these courts.
5. The warnings issued by the RNDDH have never sufficiently attracted the attention of the state authorities to bring them to consider the issue, despite the fact that the challenges and shortcomings that have been denounced even violations of the most basic workplace guarantees of judicial personnel assigned to the Peace Courts and provide an environment conducive to the violation of the rights to the judicial guarantees of the Haitian people.
6. However, better than the various reports of denunciation of the RNDDH, the work stoppages observed by several members of the Haitian judiciary have had an impact that deserves to be reported here, because of the fact that they have enlightened, if only partially, the conditions under which judicial personnel are required to work in Peace Tribunals.
7. Indeed, before 2017, rare work stoppages are recorded at the level of the Haitian judiciary to protest against an administrative decision or unacceptable behavior that would be victims of members of judicial staff in general: arbitrary revocation, beatings, insulting remarks,

appointment to a court, of a person previously involved in acts of corruption, cases of violation of human rights, transfer to a court without the opinion of the magistrate, etc.

8. However, in 2017, for the first time, members of the Haitian judiciary decide to observe work stoppages for other reasons. In January 2017, the court clerks of the courts and tribunals located in the departments of Sud, Nippes and Grand 'Anse observed a strike to denounce the fact that only the magistrates-These jurisdictions had to benefit from support from the Haitian judicial system, following the passage of Hurricane Matthew on October 3 and 4, 2016. In this sense, they feel that they should receive debit cards, telephone units and all other social benefits in the same way as judges. Despite promises made by state officials at the time, no follow-up is recorded.

9. This first work stoppage has the advantage of drawing attention to the differential treatment that employees of the Haitian judicial system receive from the state authorities. It also makes it possible to better coordinate a protest movement, with clearly expressed demands.

10. This better organization was manifested from July 3 to August 2, 2017, when the clerks of the eighteen (18) Courts of First Instance of the country began a strike, to demand better working conditions and to demand benefits similar to those received by judges. In this sense, they require, among other things:

- Adequate equipment to perform their work;
- The payment of salary arrears, which for many of them date back to 2012;
- A wage adjustment, taking into account the increase in the cost of living;
- Purchase vouchers
- A debit card;
- An insurance card;
- Continuing education and training;
- Taking charge of the clerks, clerks and bailiffs of the Far South, victims of Hurricane Matthew in 2016.

11. This second work stoppage has serious consequences for access to the public service of justice. All activities are paralyzed at the level of the Courts of First Instance of the country for several months. Only a few rare services such as applications for the correction of acts of civil status, applications for criminal records, applications for disclosure of documents are available. The judicial extractions for the investigation offices as well as the criminal foundations of the planned summer, are sent sine die.

12. On November 3, 2017, the Haitian State then represented by the Ministry of Justice and Public Security signed a bilateral agreement with the union of clerks-era. The latter undertake to

lift the strike and the Haitian State, for its part, commits to increase the wages of clerks-era, to grant them a debit card, to organize training sessions and to follow up on their claims of special status.

13. Not surprisingly, promises are not kept. As a result, work stoppages became more frequent in the following years and other judicial staff, assigned to levels other than the first instance, incorporated the movement deemed just.

14. In 2018, 2019 and 2020, no less than eleven (11) work stoppages are observed within the Haitian judicial system on the instigation of the associations of magistrates, the union of clerks and bailiffs-The European Commission is also working to improve working conditions for employees.

15. To date, the results of these movements still do not seem conclusive. However, they draw attention to the unequal treatment of Haitian judicial personnel in general including that of the Courts of Peace. They also help to understand that Haitian judicial personnel know what they need to work in maximum conditions and be productive.

➤ *On the improvement of «working conditions within the Haitian judiciary»*

16. Generally speaking, working conditions are the environment in which employees work in their workplace. These conditions take into account the operating schedule, the physical working environment, the exposure of employees to toxic substances and assess psychological factors, including the working environment and the relationships developed between staff members, with the aim of providing employees with a healthy environment, promoting quality work and/or maximum production.

17. When called upon to provide a public service, judicial personnel must operate in an environment that allows them to meet their needs and those of their families. In this sense, he must receive an adequate salary, revised annually according to the cost of living. It must also have access to basic benefits such as health insurance, sick leave, paid leave, etc.

18. In addition, the operating equipment of courts and tribunals must be available, maintained in a good state of service, evaluated regularly and replaced when necessary. The means of travel, the funds required for current expenses, must be made available to courts and tribunals. The personnel assigned to it must also feel safe in their workplace and have the necessary and sufficient energy to carry out the tasks assigned to them.

19. Finally, courts and tribunals must be adequately staffed and based on the size of the population to be served. And, it is precisely in order to have accurate information on the

working conditions of the components of the criminal chain that a preliminary study was carried out by the RNDH from January to March 2019, in collaboration with Global Affairs Canada and Lawyers Without Borders Canada.

B. Recap of some of the results of the preliminary study conducted by the RNDDH in 2019

20. The study was conducted with two hundred (200) respondents from the various institutions composing the Haitian penal chain namely, the Police, the Justice and the Prison. It focused on the working conditions of members of the Haitian criminal chain.

21. The methodology used at the time is similar to today. It consisted in the documentary research, the establishment of the legal framework of operation, the components of the criminal chain, the inventory of writings on the criminal chain and its importance. Individual interviews were subsequently conducted with members of the criminal justice system, on the basis of a questionnaire that had been prepared in advance.

22. The replies and general remarks to this study lead us to consider that working conditions are very different from one category to another. Moreover, the parity rate: 80% men and 20% women highlighted in this preliminary study in the various institutions composing the criminal chain, is representative of reality, according to what was then reported by the respondents. In addition, of the 20% of women interviewed, a high rate is assigned to secretarial, clerical, typing and household services.

23. This preliminary study also allowed the RNDDH to collect information, some of which will be partially reported here, based on data that could help a better understanding of the new study, the subject of this report. Therefore, the percentage of 100 % is not always reached in the information given here.

- On the work schedule: 78.5% of respondents provide an average of eight (8) hours of time per day compared to 11% who work on a rotating schedule. 10.5% of respondents did not provide a specific answer.
- On salary: 86% of respondents receive a salary that does not allow them to meet their needs. 71% said they received their salary regularly, compared to 23% who said otherwise.
- And for the Peace Tribunals that concern us today, here is the information that was provided during the investigation, concerning the salaries received at the time:

i

Salaries received by different Peace Courts actors

Positions held	Minimum in gourds	Maximum in gourds
Clerks	20.600	
Hoquetons	9.000	
Archivists	11.000	
Court Patrollers	19.000	27.000
Officers of the PNH	13.000	
Agents of the PNH	22.792	35.000
Maintenance	6.780	9.000
Secretary	10.000	17.000
Justices of the peace	48.480	54.580

Table 1

- On operating equipment: 88% of respondents felt that the equipment available to them was neither sufficient nor adequate. A list of materials essential to improving their effectiveness that can be classified, for the Peace Tribunals, into four (4) main categories, was then provided to the monitors of the RNDDH.
 - Means of Travel
 - Cleaning equipment
 - Office equipment
 - Energy source
- On social security: 77% of respondents indicated that they were entitled to annual leave; 45% of respondents said that they were entitled to parental or maternity leave, compared to 16% who said they were not.
- 67% of respondents said they were entitled to sick leave compared to 9% who felt they were not.
- 58.5% of respondents claimed to be entitled to injury-on-duty leave compared to 8% who thought they were not.
- 58% of respondents indicated that they are covered by life insurance, compared to 27% who are not. 6.5% did not know if they were covered or not. 8.5% did not provide information.

- On job security: 47.5% of respondents felt their job was sufficiently protected against the risks of dismissal compared to 26.5% who felt they were exposed. Of these, 14.5% said they had already been threatened with dismissal by their supervisor.
- On the organizational environment: 22% of respondents felt that they are required to do excessive work.
- 50.5% of respondents thought they were at great risk in carrying out their duties compared to 25.5% who felt safe.
- 53.5% of respondents felt they were part of a team and working well together compared to 11% who did not.
- 45.5% of respondents indicated that they receive recognition and respect in the performance of their work, compared to 15% who did not.
- Only 20.5% of respondents felt they had good career prospects.
- 34% of respondents felt that they were treated fairly at work compared to 20.5% who felt the opposite.
- On occupational health and safety: 32.5% of respondents, of which five (5) women or 2.5% had already been physically and verbally assaulted. One case of sexual harassment was raised by a male. However, he did not have to provide details of his file.
- 30.5% of respondents said their physical or psychological health was at risk. Similarly, 57.5% of respondents had never experienced a moment of tension with litigants, compared to 29.5% who had.
- 22% said they often felt unsafe and 24% said they felt unsafe a few times. For 4% of the population interviewed, assaults were perpetrated against relatives.

24. At the end of the study, all respondents were invited to make recommendations. They requested:

- Improving the working conditions of chain workers, taking into account their demands
- Establishing an effective inspectorate
- Availability of adequate and sufficient materials

- Fair wage revision taking into account the cost of living
- The establishment of permanent corridors of discussions between employees and state authorities.

25. In addition to these recommendations, the respondents also expressed the wish that the RNDDH carry out a specific study by component of the criminal chain, with the aim of focusing specifically on the problems faced by each of them, This is why this new study was conducted only with the country's Peace Tribunals.

Part One

Presentation of the study and the country's Peace Tribunals

- *Presentation of the study its intent and limitations*
- *Presentation of the country's Peace Courts and legal framework*

II. PRESENTATION OF THE STUDY – ITS INTENT AND LIMITATIONS

26. From February to July 2021, the RNDDH and its regionalized structures conducted a study in one hundred and forty-four (144) of the country's Peace Tribunals with a view to involving decision-makers in their agenda some of the specific needs identified by those concerned-First and foremost, the quality of the public service of justice offered to litigants. For this study, a worksheet has been prepared. It is divided into eight (8) questions. Seven (7) of them are addressed to the judicial staff met. They concern:

- Staff assigned to the court;
- Infrastructure
- The organization of the court's daily work;
- Availability of office equipment;
- Availability of energy sources;
- Availability of vehicles;
- Building security

27. A final open-ended question allows the Instructor to develop his or her own observations.

28. Nineteen (19) RNDDH Instructors have been engaged. They went to one hundred and forty-four (144) Peace Courts mentioned above where they met with one hundred and forty-four (144) members of the Haitian judicial staff.

➤ *Study Intent and Limitations*

29. This study is not intended to return to the aspects that have already been the subject of the preliminary study conducted by the RNDDH in 2019 and which focused on the operating conditions of the components of the Haitian criminal chain. On the contrary, it intends to rely on this information which has already been collected to supplement it with the physical and material aspects relating to the working conditions of the staff of the Peace Tribunals. The present study therefore seeks to highlight the conditions under which justice is administered in the Courts of Peace exclusively.

77.40% of the country's functional Peace Tribunals were affected by this study. This is a sufficiently high percentage to obtain a representative picture of the situation in Haiti

30. Of the one hundred and eighty-six (186) Functional Peace Courts identified by the RNDDH and its regional structures, one hundred and forty-four (144) or 77.40% were affected by this

study, which leads the RNDDH to consider that this percentage sufficiently high, provides a representative picture of the situation of the country's Peace Tribunals.

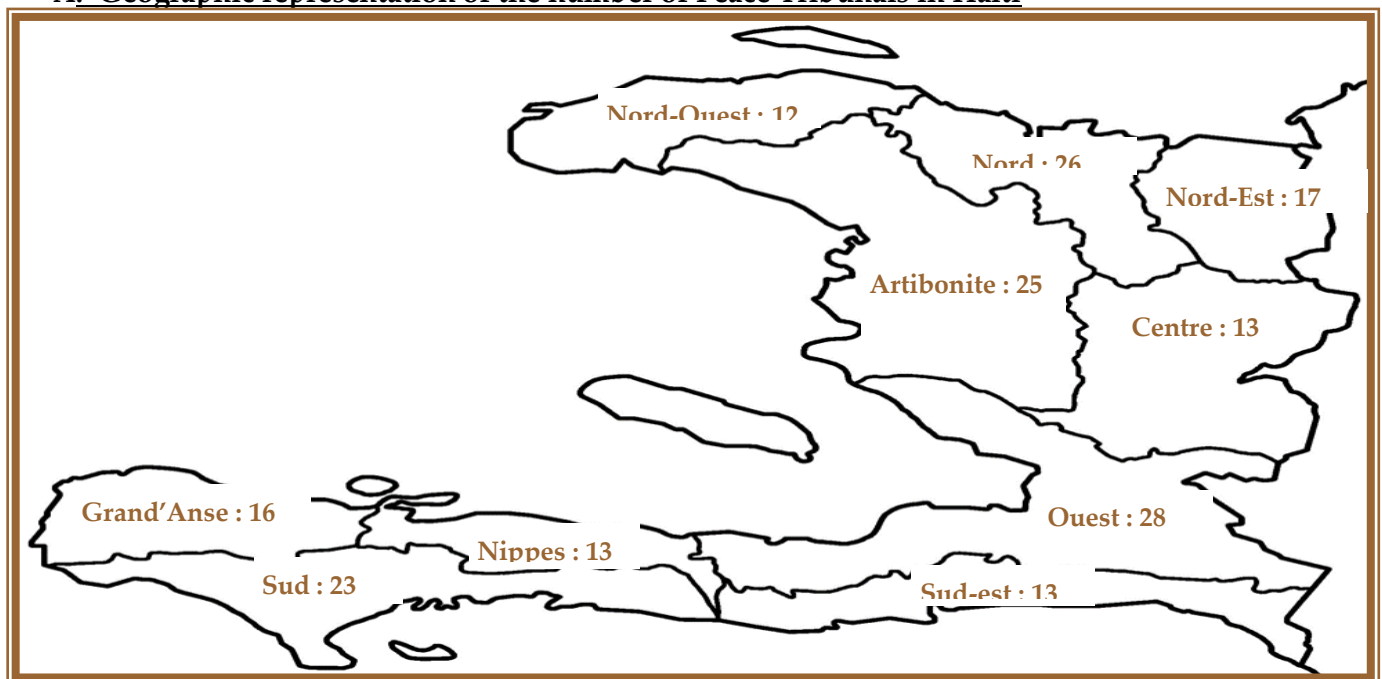
31. The respondents interviewed for this survey were randomly selected from the Peace Courts because the visits to conduct the interviews were not planned, as planned by the RNDDH and its structures. This approach strategy was prioritized to avoid the courts being prepared for our arrival specifically.

32. However, since the questionnaire was filled out randomly with the various members of the judicial staff who met on the premises, some felt that they were not entitled to provide precise information, Other times, they chose to remain vague in their answers. In addition, the RNDDH instructors were not able to proceed with the study at the same time because of the strike recorded at the beginning of 2021 by the judicial staff as well as because of the many news that marked the community life during this same period. As a result, changes could be made in some of the Peace Tribunals that had previously been visited.

III. PEACE COURTS PRESENTATION AND LEGAL OPERATING FRAMEWORK

33. The Peace Tribunals are a community body. One hundred and eighty-five (186) Functional Peace Courts were identified, including the various annexes that were installed during the 2010-2011 judicial year, in order, according to the authorities of the time, to bring justice closer to the population.

A. Geographic representation of the number of Peace Tribunals in Haiti



B. Introduction to Peace Courts Staff

34. The Courts of Peace visited as part of this study have on their staff: full justices of the peace, deputy justices, clerks, bailiffs, secretaries, hoquetons and security officers.

35. In accordance with Article 12 of the Decree on judicial organization, To be a judge or substitute judge of a first or second class justice of peace, one must be licensed in law and have passed a test of evaluation of the Ministry of Justice or be a graduate of the School of the Judiciary; to be a third-class judge or substitute justice of the peace, one must have at least a law degree and have been active before a justice of the peace; to be a judge or substitute fourth-class judge, one must have been employed for at least three years, the office of clerk of a peace tribunal. In these cases, the applicant will have to pass the Department of Justice assessment test.”

36. The Justice of the Peace is, as pointed out by the Superior Council of the Judiciary (CSPJ)² the hierarchical authority of the court. When he is the titular, he administers the court and has substitutes to assist him. The titular and deputy justices of the peace shall have the same jurisdiction over judicial decisions.

37. In civil matters, the justice of the peace knows civil and commercial matters, presides over family councils, draws up acts of public notoriety, gives the entry of the places during executions of judgment, affixes and lifts seals, draws up minutes of statement. In criminal matters, the justice of the peace knows simple police tickets and becomes a judicial police officer on behalf of the higher degree.³

38. The Justice of the Peace shall be assisted by a Clerk who shall be responsible for drafting the judgments and minutes to be signed by the Judge.

39. The clerks are responsible, according to Article 37 of the decree on the judicial organization, for the governance – that is to say, the management – of the clerks and are personally responsible for the values they perceive and the documents they are depositaries of.

40. According to section 38 of the above-mentioned Order in Council, “The Clerks shall collect the Registry Fees, the Costs of Shipments, Decisions, Fines, Taxes and Other Charges under the Judicial Tariff and the Act.” “There shall be attached to each Court of Peace operative bailiffs who shall act within the jurisdiction of the Court of Peace at whose registry they are registered”

40. According to section 38 of the above-mentioned Order in Council, “The Clerks shall collect the Registry Fees, the Costs of Shipments, Decisions, Fines, Taxes and Other Charges under the

Judicial Tariff and the Act." "There shall be attached to each Court of Peace operative bailiffs who shall act within the jurisdiction of the Court of Peace at whose registry they are registered"

41. At the Peace Tribunal, there are only operative bailiffs who are responsible for serving the Tribunal's acts. According to article 51 of the decree on the organization of justice, "The number of operating bailiffs registered at the registry of courts and tribunals is determined by the Ministry of Justice, according to the requirements of the service." In addition, the Department of Justice and Public Safety appoints the bailiffs to the Courts of the Peace on the recommendation of the titular justice of the peace.

42. Secretaries are responsible for correspondence, the typing of deeds and records, the filing of records and the keeping of books.

43. The hoqueton are responsible for the cleanliness of the court. Unlike the menageries themselves, they enjoy the confidence of titular and substitute justices of the peace.

44. At the level of the Peace Courts, the security agents can be two (2) types: they are agents of the National Police of Haiti (PNH) or agents of the Ministry of Justice and Public Safety. They are responsible for participating in the safety and security of buildings that house Peace Tribunals. They are also called upon to ensure the protection of persons and property in the said buildings. To do this, they must control access to the Peace Tribunals and intervene in all cases where problems are reported.

45. The guard is an officer who works closely with Peace Courts security officers. He is called upon to monitor and defend the spaces in question, especially at night.

46. A maintenance crew is a person who is responsible for the regular cleaning and maintenance of Peace Tribunals.

C. Legal Provisions for the Establishment and Operation of Peace Tribunals

47. The operation of the Courts of Peace is provided for by the decree of 22 August 1995 on the Haitian judicial organization. Section III of that order, referred to as "the Courts of the Peace", deals with sections 81 to 91, the establishment of the courts and the jurisdiction of the justice of the peace.

48. Article 81, of particular interest to us, states that "There shall be at least one Peace Tribunal in each of the communes of the Republic. It can be established in certain neighborhoods." The establishment of these courts, divided into four (4) classes, must take into account the development of the municipality or neighborhood in question.

49. Section 82 of the Order states that the composition of the Peace Tribunal is as follows: a titular judge, a deputy judge and a clerk. However, in first- and second-class courts, there may be several deputy judges, several clerks.

50. According to section 84 of the August 22, 1995 Order in Council, the Courts of the Peace are informed, among other things:

- Displacement of bollards and other possible actions based on facts also committed during the year;
- Rental holidays;
- Requests for the cancellation of leases for failure to pay rents and rents, for insufficient furniture in the house or livestock and utensils necessary for the exploitation or for destruction of the leased thing;
- Evictions from the premises;
- Requests for validity and invalidity; requests for release from seizure;
- In any way assigned to them by special laws.

51. It is also the jurisdiction of the judge of the Peace Court to proceed with the affixing of seals, the deliberations of the family councils, to draw up minutes of declaration of loss, damage of goods or any other facts resulting from force majeure.

52. Under section 85, justices of the peace or their deputies shall judge alone.

53. In criminal matters, the Criminal Code of Inquiry often refers to a justice of the peace. According to Article 11 of the said Code, "The justices of the peace or their deputies, throughout their communes, will search for crimes, offences and tickets, they will receive the reports, denunciations and complaints relating thereto."

54. "They shall record the nature and circumstances of the contraventions, offences and crimes, the time and place of their commission, and the evidence and evidence of those alleged to have committed them, in the minutes that they prepare for this purpose."

55. In accordance with Article 12 of the Criminal Investigation Code, "in the case of a matter that is to be brought before a court, either correctional or criminal, the justices of the peace or their deputies shall dispatch to the officer by whom the duties of the Public Prosecutor shall be performed at the court, all the parts and all the information, within three days at the latest, including the one where they acknowledged the fact on which they proceeded."

56. Also in the context of a judicial inquiry, section 69 of the Criminal Investigation Code states

that “When it is ascertained, by the certificate of a physician, surgeon or health officer, that witnesses are unable to appear on the summons given to them, ... And if the witness’s dwell outside the common, the judge of instruction may commit the justice of the peace of their dwelling, to receive their testimony, and shall send to the justice of the peace notes and instructions, who will make known the facts on which witnesses must testify”.

57. Below, at the wish of Article 84, it is stipulated that the warrants to bring, appearance, filing and judgment will be enforceable throughout the Republic. If the accused is found to be outside the jurisdiction of the officer who issued the warrant of committal or arrest, he or she shall be brought before the justice of the peace or his or her deputy, who shall apply for the warrant, without being able to prevent its execution.”

58. And according to section 87, “if the accused against whom a warrant has been issued cannot be found, the warrant shall be displayed to the justice of the peace of the accused’s residence, who shall affix his visa to the original of the notice.”

59. In addition, in the case of single police courts, section 125 of the Criminal Code of Inquiry specifies that knowledge of police tickets is assigned to the justice of the peace alone as a police court. In this sense and according to articles 383, 384 and following of the Haitian Penal Code, the police sentences are among others:

- Imprisonment in a police room;
- The fine;
- Forfeiture of certain seized items.

60. The facts described as contraventions are provided for in Article 390 to Article 405 of the Haitian Penal Code.

61. Finally, it should be recalled that the Courts of Peace also constitute Courts of Conciliation, a principle set out in Article 91 of the Decree on the Judicial Organization and which enshrines the gracious mission of the magistrate of the peace while stressing that “The Courts of Peace are also Courts of Conciliation whose Judges, conciliators, must strive to accommodate the parties present.”

Part Two :

Results of the Peace Courts Study from February to July 2021

- *Conditions of operation of Peace Tribunals*
- *Comments and Recommendations*

IV. CONDITIONS FOR THE OPERATION OF PEACE TRIBUNALS

A. Peace Courts Visited and Legal Actors Met

62. As noted above, the study was conducted in the ten (10) geographic departments of the country. A total of one hundred and forty-four (144) Peace Courts were visited, or 77.40% of the one hundred and eighty-six (186) Functional Courts identified.

Geographic Distribution of Courts Visited in this Study

Department	Courts visited
Artibonite	25
Centre	13
Grand 'Anse	17
Nippes	10
Nord	5
Nord-est	16
Nord-Ouest	12
Ouest	19
Sud	15
Sud-est	12
10 departments	144

Table 2

63. One hundred and forty-four (144) criminal justice actors were interviewed as part of this study. Of these, one hundred and thirty-six (136) or 94.5% are men and eight (8) or only 5.5% are women. However, three (3) of the men interviewed did not want the information on their position to be disclosed by the RNDDH.

Judicial staff met in connection with this study

Staff met	Number	%
Registrars	54	37.5 %
Hoquetons	2	1.4 %
Deputy judges	34	23.6 %
Titular judges	47	32.6 %
Messenger	1	0.7 %

Profession Junior I	1	0.7 %
Secretary	2	1.4 %
Undisclosed information	3	2 %
Total	144	100 %

Table 3

64. The one hundred and forty-one (141) interviewees who authorized the RNDDH to disclose information related to their position represented 98% of respondents. Eighty-one (81) of them, or 56.2% are judges, of which forty-seven (47) are titular judges and thirty-four (34) are deputy judges. Of the justices of the peace interviewed, only three (3) or 4% are women. Of these, only one (1) is a titular judge.

65. Fifty-four (54) or 37.5% of the respondents are clerks, of whom three (3) are chief and one (1) is ad hoc. Only two (2) or 1.4% are women.

66. The two (2) secretaries met are women. In addition, two (2) male hoqueton, one (1) male messenger and one (1) professional Junior I male, were met as part of this study.

67. The percentage of men met spontaneously in the workplace and empowered or willing to answer questions from RNDDH and its structures is symptomatic of two (2) important elements that had already been raised in the 2019 preliminary study:

- The number of women employed at courts and tribunals is insignificant. At the Peace Courts, the situation is even worse;
- Women generally occupy positions that confine them to the support or middle management category.

B. Peace Court Staff Visited

68. On the basis of the information provided by the respondents interviewed for this study, we were able to identify one thousand seven hundred and four (1,704) persons assigned to the one hundred and forty-four (144) Courts visited.

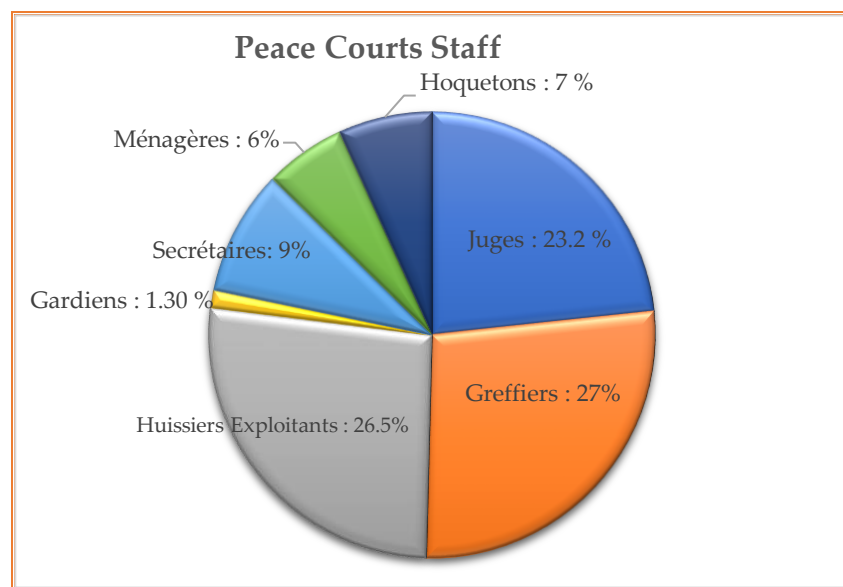
Distribution of Peace Court Staff

Staff	Number	%
Judges	397	23.2%
Clerks	462	27%

Operating bailiffs	452	26.5%
Guardians	22	1.3%
Secretaries	155	9%
Maintenance	100	6%
Hoquetons	116	7%
Total	1.704	100%

Table 4

69. The information inserted in the table below and in the following graph make it possible to understand that the clerks, bailiffs are in greater number. Then come the magistrates and secretaries, then the hiccups and the housewives. However, in all the spaces visited, the need for guards (1.30%) is enormous, especially for the Peace Courts located in remote areas.



Graph 2

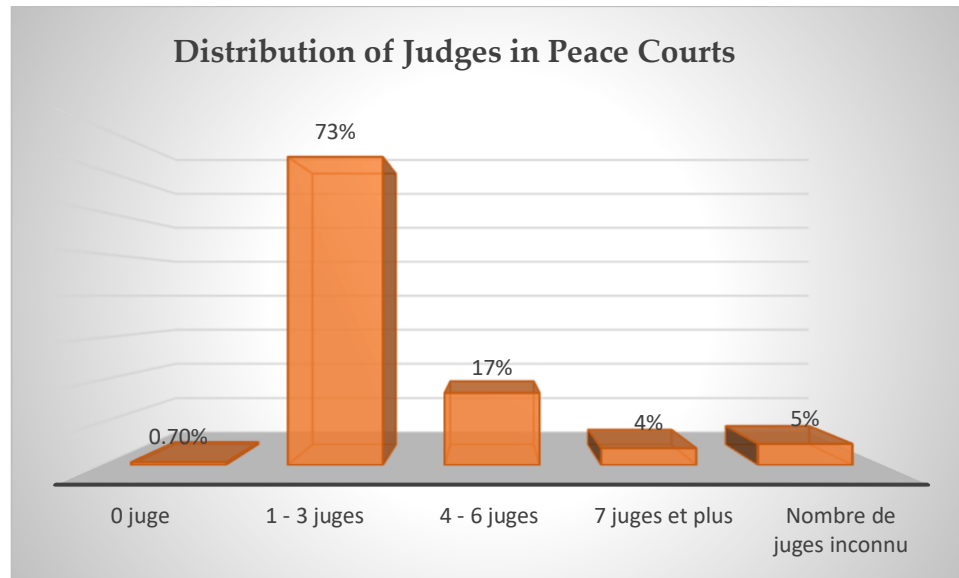
➤ Justices of the Peace

70. Information collected on the distribution of justices of the peace in the one hundred and forty-four (144) Courts is as follows:

71. The Mapou Peace Court in the South East Department has no justice of the peace. Consequently, the cases are handled by the justices of the peace of Belle Anse. One hundred and five (105) Peace Courts, representing 73% of the spaces visited, have between one (1) and three (3) judges. Twenty-five (25) Peace Courts, representing 17.5% of those visited, have four (4) to six (6) judges. Six (6) Peace Courts, representing 4% of the sites visited, have seven (7) or more

justices of the peace. For seven (7) other Courts, representing 5% of the spaces visited in this study, information for the number of judges assigned to it was not available.

72. The Peace Courts, which have more than seven (7) magistrates, are all located in the Department of the West. These are the Courts of Peace of Port-au-Prince, sections North and South and the Court of Peace Gressier which have seven (7) judges each; the Court of Peace of Delmas which has eight (8) judges, that of the Croix-des-Bouquets which has ten (10) judges and that of Pétion-eleven cities (11).



Graph 3

73. Many irregular situations have attracted the attention of the RNDDH. For example, the three (3) substitute magistrates assigned to the Court of Peace of Arcahaie, Department of the West, do not live in the commune. As a result, they are often absent from the office. The titular judge of the Baptist Peace Court also holds this position at the Lascahobas Peace Court in the Central Department.

➤ Clerks

74. Four (4) Peace Courts, or 3% of Supervised Courts, do not have a Registrar. These are the Peace Courts of Duchity, the Cayimites Islands, Leon and Liancourt. The first three (3) are located in the department of Grand 'Anse and the last one in the department of Artibonite.

75. Ninety-seven (87) Peace Tribunals, representing 60% of the Supervised Tribunals, have between one (1) and three (3) clerks. In these cases, several irregularities were reported. For

example, at the Beaumont Peace Court, in the department of Grand 'Anse, the only clerk assigned to it is ad interim. He replaces his father who is now retired. Similarly, at the Peace Court of Fonds-Verrettes, three (3) clerks are assigned. One of them is not yet named.

Court of Peace of the Croix-des-Bouquets: 11 clerks for 10 judges;
Tribunal de paix de Pétion-ville: 14 clerks for 11 judges;
Carrefour Peace Court: 15 clerks for 6 judges.

76. Thirty-one (31) Peace Courts, or 21.5% of the spaces visited, have between four (4) and six (6) clerks. Fourteen (14) Peace Tribunals, or 10% have seven (7) or more clerks. For example, the Court of Croix-des-Bouquets has eleven (11) clerks, that of Pétion-ville, fourteen (14) clerks and that of Carrefour, fifteen (15) Clerks. They are located in the Department of the West. They also have ten (10), eleven (11) and six (6) justices of the peace, respectively.

77. Finally, for eight (8) Peace Courts, or 5.5%, information on the number of clerks is not available. These are the Courts of Marigot, Marbial, Grand-Gosier, Cayes Jacmel in the department of South-East; the Court of Baie de Hennes in the North-West, Bonbon in the department of Grand 'Anse and the Court of Peace of Saint Michel de l'Attalaye, in the department of Artibonite.

➤ **Operating bailiffs**

78. Forty-two (42) Courts of Peace representing 29% of the spaces monitored in this study do not have an operating bailiff. Fifty-six (56) or 39% have between one (1) and three (3) operating bailiffs. Seventeen (17) Courts of Peace: 12% have four (4) to six (6) Operating Bailiffs and eighteen (18) Courts of Peace: 12.5% have more than seven (7) Operating Bailiffs. Among the latter are the Peace Courts of Léogane, Port au-Prince, southern section, Croix-des-Bouquets, Pétion ville in the West, which have twenty (20), Port de Paix which has twenty-two (22) and Pointe des Palmistes in the department of Nord-West, which has twenty-seven (27) operating bailiffs. The Court of Peace of Delmas has forty (40) operating bailiffs.

79. For eight (8) Peace Tribunals, representing 5.5% information on the number of bailiffs operating is not available. These are the Courts of Peace of Marbial and Grand-Gosier, in the South-East, of the Old Town of Aquinas, in the South, of Roseaux, Abricots, Bonbon and Marfranc, in Grand 'Anse and of Saint Michel de l'Attalaye, in Artibonite.

➤ **Guardians**

80. One hundred and eight (108) Peace Courts representing 75% of Supervised Courts have no custodians. Twenty (20) or 14% have between one (1) and three (3). For sixteen (16) other Peace

Tribunals, 11% no information is available.

➤ **Secretaries**

81. Forty-two (42) Peace Courts or 29% have no secretary. Eighty-three (83) Tribunals, or 58% have between one (1) and three (3) secretaries. Nine (9) Peace Courts, representing 6% have four (4) and more secretaries. For ten (10) Peace Courts, or 7%, information on the secretaries assigned to them, is not available.

82. Several cases of job abandonment have been reported. For example, in the department of Artibonite, in Desdunes, the secretary has given up her position since 2010; in Estère, she has given up since 2013 while in Hatte Chevreau, she has emigrated for two (2) years.

➤ **Maintenance**

83. Fifty-nine (59) Courts of Peace or 41% of those who have been supervised do not have a maintenance. Seventy-four (74) Peace Courts, or 51.5% have between one (1) and three (3) maintenance. Three (3) Peace Courts representing 2% have more than four (4). For eight (8) Peace Courts, or 5.5%, information is not available.

84. In some courts, when maintenance is not appointed, staff contribute to pay for them. This was denounced at Miragoâne, in the department of Nippes, at Arcahaie, Cabaret and Grand-Goâve in the department of West.

85. In other Peace Tribunals, even if they are not appointed, housewives continue to come to work without pay, in the hope that the central authorities will eventually regularize their situation. Such is the case of the housewives of the Courts of Peace of Torbeck, in the south, of Changeux, in the Nippes, of Pestel, in the department of Grand 'Anse, of Belladère, in the department of the Center.

➤ **Hoquetons**

86. Thirty (30) Peace Courts or 21% have no hoquetons. One hundred and three (103), representing 71.5% count between one (1) and three (3) hoquetons. For eleven (11) Peace Courts, or 7.5% information is not available.

87. Several occurrences related to working conditions of hoquetons have attracted the attention of the RNDDH. For example, in Thomonde, in the department of the Center and in Dessalines, in the Artibonite, hoquetons, do not receive their salary for three (3) and two (2) years. They

cannot explain this state of affairs.

88. The hoquetons of the Courts of Peace of Belladère, Port-au-Prince, South Section, Bahonnais are not appointed while they have held their position for several years.

89. At the Grand-Goâve Peace Court, staff contribute to pay for the services of the hoquetons assigned to them.

90. Some hoquetons are retired, ill, elderly or deceased but are never replaced. For example: At the Savanette and Baptiste Peace Courts in the centre, hoquetons are retreating.

- The Baradères Peace Court hoquetons has already served thirty-seven (37) years. It is sick and unable to work.
- In Perches, in the Northeast Department, hoquetons have been dead since 2019.
- At the Camp-Perrin Peace Court in the Southern Department, the hickory died one year ago.
- In Hot springs in the department of Artibonite, the hickory has died since 2008.
- In Hatte Chevreau, in the Artibonite region, hoquetons have been dead since 2019.

91. In some Peace Tribunals, hoqueton play several roles. At the Boucan Carré Peace Court, in the Centre Department, he is also friendly. At the Grand Bassin Peace Court in the North-East Department, the hoqueton is also a messenger and guardian of the Tribunal. At the Courts of Peace of Delmas, Petit-Goâve, in the West, the hoquetons also play the role of guardians.

➤ **Security Officers of the Department of Justice and Public Safety**

92. Ninety-five (85) Peace courts representing 59% of the spaces visited do not have a Department of Justice and Public Safety officer. These courts are mostly located in areas far from major cities. Twenty-seven (27) Peace Tribunals, or 19%, have one (1) officer from that department. Eight (8) or 5.5% have between four (4) and eleven (11) officers of that department. For twenty-four (24) Peace Courts or 16.5%, the information is not available.

➤ **PNH officers assigned to the security of hearings at the Peace Courts visited**

93. As a matter of principle, the peace courts may appeal, if necessary, to the agents of the National Police of Haiti (PNH). However, according to respondents, sometimes they are asked but do not come, for various reasons. Often, they advance their understaffing and lack of moving vehicles or fuel.

94. However, ninety-nine (99) Peace Tribunals, or 69% of the one hundred and forty-four (144) visited in this study, never have a police officer, even at hearings.

95. For fourteen (14) Peace Tribunals or 10% of the Tribunals visited in this study, police officers are accustomed to coming to the scene irregularly and only at hearings. Two (2) or more police officers are usually sent as reinforcements for seven (7) of the Peace Tribunals visited, or 5% of them. And for twenty-three (23) Peace Courts, or 16%, the information is not available.

96. Seventy-six (76) Peace courts or 53% of the spaces visited have neither Department of Justice nor PNH officers. For the most part, they are members of the remote courts to which the offices respond negatively when they are called upon. However, many of them are facing huge security problems, such as the Courts of Peace of Dame Marie, Corail and Marfranc.

97. It was also reported to the RNDDH that many among the security agents of the Ministry of Justice who do not receive their salary: in Dessalines, in the department of Artibonite, in Cerca Cavajal, in Lascahobas, in Boucan Carré, in the department of Centre for example. In some Peace Tribunals, it is the justices of the peace who pay the departmental officers themselves. This is the case, for example, of the Peace Tribunal of Saint Louis du Nord

Security: 53% of Peace Tribunals have neither a Ministry of Justice and Public Safety officer nor a PNH officer.

98. At the Peace Courts of Capotille and Petite Rivière de l'Artibonite, Department of Justice security officers have no equipment to carry out their work. And, in Saint Louis du Sud, the messenger also plays the role of security guard.

C. Hours of Operation and Services Available in Peace Tribunals

99. Generally speaking, Peace Tribunals operate on weekdays, daily, from Monday to Friday. However, at least twenty-six (26) Peace Courts or 18% operate on Saturdays. For example, the Courts of Arcahaie, Cité Soleil operate from 8 am to 12 pm on Saturdays. The Court of Gressier decreed permanence on Saturdays.

100. Seventy-three (73) Courts or 50.7% require that all judges be present each day. Thirty-seven (37) Peace Courts or 25.7% operate on a rotational basis. For thirty-four (34), or 23.5%, no information on the operating schedule is available.

101. In sixty-one (61) Courts visited, or 42%, respondents stated that working days are generally divided into civil and police matters. The Peace Court of Port-à-Piment provides in addition, two (2) days, Tuesdays and Wednesdays for graceful cases.

102. For the remaining eighty-three (83) Peace Courts, representing 58% of the spaces visited, no specification for work per day was provided to investigators. The majority of respondents stated that they apply the current judicial tariff. They also informed that the services available are:

- Complaints
- Mandates
- Findings
- Family Council
- Invitation letters
- Certificate of Good Lives and Dying
- All other Extra-judicial acts

103. However, seventeen (17) respondents, representing 12% of those interviewed, admitted that the services provided by the Peace Tribunals in which they are assigned were either unavailable or of very low quality. These are the courts of peace of the department of Grand'Anse: Jérémie, Roseaux, Beaumont, Moron, Chambellan, Dame Marie, Anse d'Hainault, Abricots, Corail, Bonbon, Marfranc, Pestel, Les Irois, les îles Cayimites, Léon, annexe de Jérémie, and Carcasse, annexe des Irois.

104. One hundred and seventeen (117) respondents representing 81% of those interviewed stated that the Courts do not receive operating costs from judicial authorities. They use the transplant fee.

105. At least one (1) respondent stated that his court receives costs from the Superior Council of the Judiciary (CSPJ). This is the Court of Verrettes.

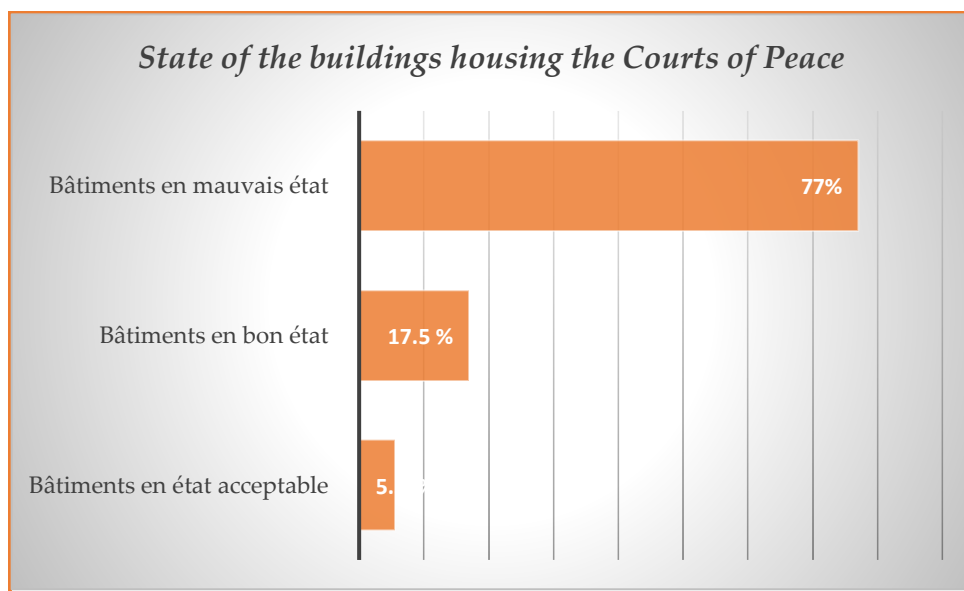
D. Peace Courts Buildings and Infrastructure

106. Thirty-nine (39) of the Peace Courts visited, representing 27% of them, were built by the Haitian State, forty (40), or 28%, by a partner. Three (3) Courts, or 2%, are in fact donations from individuals who have decided to help their community. Thirty-four (34) buildings representing 23.5% are rentals. For twenty-eight (28) buildings, or 19.5%, information is not available.

107. Twenty-five (25) or 17.5% of the buildings visited are in good condition, eight (8) or 5.5% are in an acceptable overall condition. One hundred and eleven (111) buildings representing

77% of the Peace Courts visited, are in poor condition: They have been cracked since the earthquake of January 12, 2010, their roof is perforated allowing rainwater to pass through, their floor is dilapidated, their doors are loose or non-existent, their locks are non-functional. They are also in a state of general unsanitary with chipped paints, dirty walls, etc. Others are prefabricated constructions that since 2010, have been offered to temporarily serve as a court. Even today, these same prefabricated products serve the community. There are many examples:

- The Carca Carvajal Peace Court operates in a prefabricated building that is located in a vague space without a fence.
- The Baradères Court is poorly maintained and dirty.
- The Morisseau Peace Court, annex to the L'Azile Peace Court, Nippes Department, is located in a large courtyard with several other houses.
- The Limbé Peace Court is housed in the police station dormitory.
- At Pointe-à-Raquette, there is no space for judges. They know of cases that are referred to them within the office itself.
- The Cavaillon Peace Court is in very poor condition. The roof and floor are in poor condition.



➤ **Damaged buildings**

108. The Courts of Peace of Les Cayes, Torbeck and Saint-Louis du Sud, of Damassin, in the department of the South, which had been damaged by the earthquake of January 12, 2010, were severely tested during Hurricane Matthew. Today, after the earthquake of August 12, 2021, they were hit again and deserve special attention, long before their personnel were allowed to return to work.

109. Other premises hosting peace courts located in departments other than the South are also damaged. Such is the case, for example, of the Tribunal de Paix de L'Estère, which suffered several acts of violence, and the Tribunal de Paix de Hinche, whose wall is cracked.

110. Five (5) of the buildings visited as part of this study are under construction and/or repair.

111. Three (3) buildings have been set on fire in recent years and are never rehabilitated. These are the Tribunals of Gonaïves, Section Nord, Gonaïves, Section Sud, and Petit-Goâve.

112. The Peace Court of Baie de Hennes has been set on fire for three (3) years by the population, following a corruption scandal related to the financing of the construction of the court by the United Nations Stabilization Mission in Haiti (MINUSTAH). Three (3) are inappropriate. They are those of Môle Saint Nicolas, Fonds-Verrettes and Gressier.

➤ **Enclosure wall and environment**

113. Thirty-two (32) Peace Courts representing 22.3% of the one hundred and forty-four (144) visited in this study, do not have a precinct closure. As a result, they are free and mostly located on vacant lots.

114. For the remaining 77.7% of the Courts, even with a wall, their immediate environment does not ensure the serenity of the work of the judicial staff. For example:

- The Tribunal de Paix of Saint Louis du Nord is housed in an unfinished building whose storefronts are surrounded by merchants-des. They are also installed before the Tribunal de l'Anse-à-Galets.

- The Courts of Saint Michel du Sud, of Fonds des Nègres are in public markets. The buildings are not secure. Those of Arcahaie, Pétion-ville, Hot Spring, are all located in the vicinity of a market.
- The Cité Soleil and Port-au-Prince Peace Courts, North Section, are located not far away or within the areas controlled by armed bandits.
- The Port-au-Prince Peace Court, South Section, is in a garbage dump that smells foul.
- The Court of Port-au-Prince, section East, located at the street Lamarre not far from the national palace, it is often bombarded with tear gas by agents of the National Police of Haiti (PNH), in order to prevent that demonstrators. They do not penetrate the perimeter of the aforementioned palace.
- The Court of Peace of Anse à Pitres is located near a gallodrome.
- Merchants-des are set up in front of the Peace Court of Anse-à-Galets.
- The Court of Peace of Vieux Bourg d'Aquin is located in a yard where garbage is thrown.
- When it rains, the water of the sidewalk invades the entrance of the Peace Court of Carrefour. Moreover, the town hall has installed a landfill not far from the court. The floor of the building hosting this court is occupied by relatives of the owner.
- The Ganthier Peace Court is located in a noisy environment, as is the case with the Petit-Goâve Peace Court.
- Pending the rehabilitation of the premises of the Court of Peace of Petite Rivière de l'Artibonite, it has been housed since 2017 at the Palace of Three Hundred and Sixty-five (365) doors.
- The Court of Savane in Roche is in a deplorable state such as the inhabitants of the area nicknamed the local pig park.
- The Ennery Peace Court is housed in a building that also houses a food depot.

➤ Courtrooms

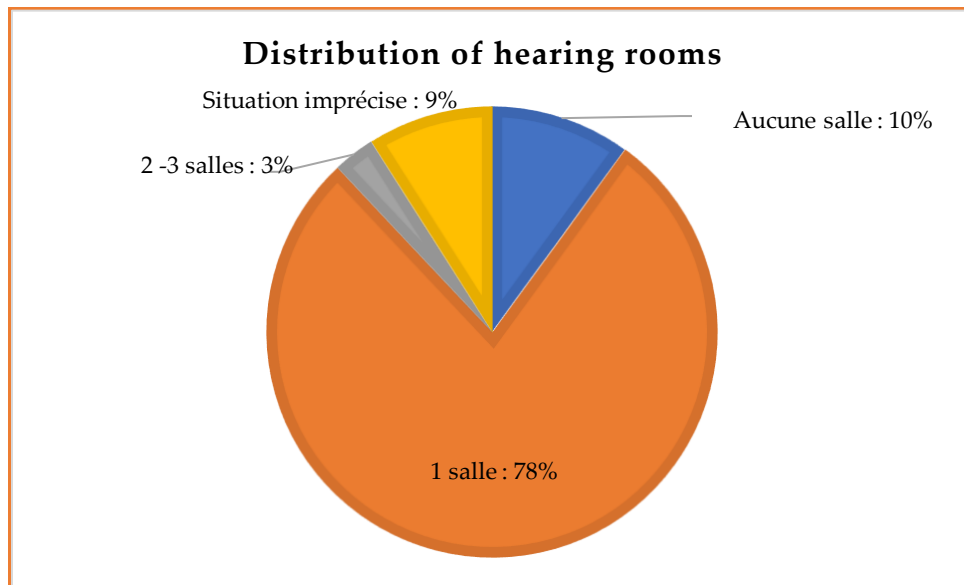
115. Fourteen (14) Peace Courts representing 10% of the Courts visited in this study do not have a courtroom. These are the Courts of Peace of Perches, Bois-de-laurence, Mapou, Belle Anse, de Gressier, de Duchity, de Chambellan, des îles Caïmites, de Carcasse, annexe des Irois, de Petite Rivière de l'Artibonite, de Savanne à Roches, de Savanne Carrée et de Port-au-Prince, section Sud.

116. It is the town hall of Arnaud which has made available to the annex of the Court of Peace of Arnaud, a small cramped room where the judge and the clerk sit.

117. One hundred and thirteen (113) Courts of Peace, or 78%, have only one courtroom.

118. Four (4) Courts, or 3%, have between two (2) and three (3) courtrooms. These are the Courts of Peace of Cabaret, and Ganthier, in the West, of Bombardopolis, in the North-West, of Leon (Annexe de Jérémie), in Grand'Anse.

119. For thirteen (13) other Peace Tribunals, or 9% of the spaces visited, the situation is not clear. These are tribunals that do not have a courtroom per se but have a space that they generally use as a courtroom. Others sit in the residences of justices of the peace. Such is the case of Vialet, Pointe-à-Raquettes and Anse-à-Galets in the West, Cayes Jacmel, Marbial, Grand Gosier in the South-East, Limbé and Ranquitte in the North, Baie de Hennes in the North-West and Newfoundland in the Artibonite.



Graph 5

➤ ***Holding cells***

120. Fifty-eight (58) Peace Courts representing 40% of the spaces visited, have no custody cell, forty-nine (49) or 35% have only one cell, twenty-two (22) or 15% have two (2) cells, and one (1) only peace court, namely Baintet's, has three (3) holding cells. For the other fifteen (15) Peace Tribunals, or 10%, information is not available.

➤ ***Washroom – Latrine – Comfort Station***

121. Forty-nine (49) Courts or 34% of those who have been visited, have no toilets, no latrine. Seventy-eight (78) 54% of Peace Courts have one or more washrooms and/or one (1) latrine. For seventeen (17) spaces visited, or 12%, the information is not specified.

122. In total, in the seventy-five (75) Courts with modern comfort toilets and/or latrines, the RNDDH was able to identify one hundred and forty-five (145) toilets, namely one hundred and twenty-six (126) modern comfort or 87% of the toilets surveyed and nineteen (19) latrines, or 13% of toilets.

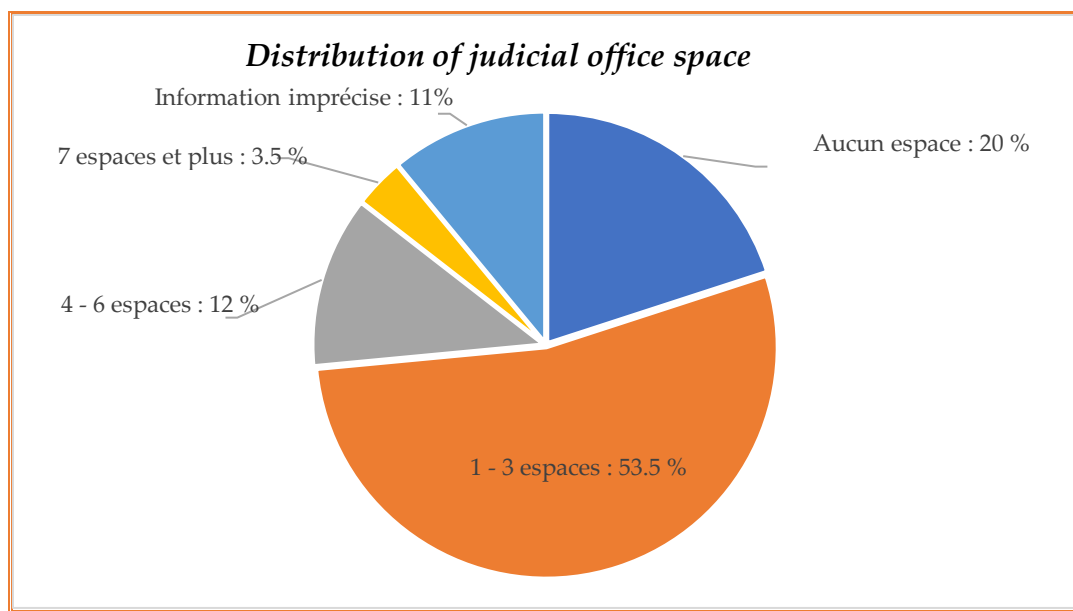
123. Of the seventy-five (75) Courts mentioned above, thirty-six (36) or 25% have a single toilet. Twenty-seven (27), or 19% have two (2) toilets, twelve (12) Courts representing 8% have three (3) to six (6) toilets. The South Section Peace Court has a block of eighteen (18) toilets.

124. Also, among the seventy-five (75) Courts mentioned above, fifty-three (53) Courts, representing 37% have only modern comfort toilets. Ten (10) Peace Courts, or 7% have modern comfort toilets and one (1) latrine. Twelve (12) Peace Courts or 8% have only latrines.

125. Forty-two (42), or 33%, of the 126 modern comfort toilets surveyed are dysfunctional.
E. Office space for staff and availability of office equipment

➤ ***Office space***

126. Twenty-nine (29) Courts of the Peace, representing 20% of the spaces visited, have no judicial office space. Seventy-seven (77) Peace courts or 53.5% have between one (1) and three (3) office spaces, seventeen (17) Courts or 12% have between four (4) and six (6) offices. Five (5) Peace Courts, or 3.5% have seven (7) more judicial office space. For sixteen (16) Peace Courts, the information is not specific.



Graph 6

127. Sixty-eight (68) Courts of the Peace, representing 47% of the monitored locations, provide no space for secretaries, while forty-six (46) or 32% provide one (1) space for secretaries. Six (6) Peace Courts or 4% have two (2) to three (3) separate spaces assigned to the Secretariat. These are the Peace Courts of Vallières, Savannette, Desarmes, Newfoundland, Mont-Organisé and Anse-à-Fôleur. For Twenty-four (24) Peace Courts, or 16.5%, the information is not specified.

➤ ***Filing cabinets***

128. Ten (10) Peace Courts representing 7% of the spaces visited in this study do not have filing cabinets. These are the Courts of Banane, Bombardopolis, Mare Rouge, Pointe-à-Raquettes, Marfranc, Pestel, Les Irois, Léon annexe Jérémie, Carcasse annexe Les Irois et Savanne-carrée.

129. Sixty-three (63) Peace Courts or 43.75% have between one (1) and three (3) binders, Forty (40) Courts or 28% have between four (4) and six (6) binders. Seventeen (17) Courts or 12% have seven (7) or more filing cabinets. For fourteen (14) Peace Courts, or 10%, the information is not available.

130. Several respondents stated that filing cabinets are dilapidated and/or used.

131. It should be noted, however, that some Peace Tribunals have between ten (10) and eighteen (18) filing cabinets:

- Gressier Peace Court: ten (10) binders,
- Mirebalais and L'Estère Peace Courts: twelve (12) binders,
- Arcahaie Peace Court: thirteen (13) binders,
- Croix-des-Bouquets Peace Court: eighteen (18) binders.

➤ **Chairs**

132. Thirty-seven (37) Peace Courts or 25.7% of spaces visited, have no chairs. Thirty-five (35) Peace Tribunals have between one (1) and three (3) chairs. Thirty-three (33) Peace Tribunals have between four (4) and six (6) chairs. Twenty-five (25) Peace Courts or 17.5% of the spaces visited have seven (7) chairs and more. For fourteen (14) Peace Courts, information is not available.

➤ **Office furniture**

133. Twenty-seven (27) Courts of the Peace, representing 19% of the spaces visited in this study, have no office furniture. Forty-three (43) Peace Courts, 30% have between one (1) and three (3) office furniture, thirty-five (35) Peace Courts, 24% have between four (4) and six (6) office furniture, twelve (12) Peace Courts or 8% have seven (7) and no more office furniture. For seventeen (17) Peace Courts, or 12%, the information is not available.

Typewriters

134. Fifty-four (54) Peace Courts representing 37.5% of the spaces affected by this study do not have a typewriter. Seventy (70) Peace Courts, or 48.60%, have between one (1) and three (3). Two (2) Peace Courts or 1.4% have more than three (3) typewriters. These are Saint Louis du Sud, which has four (4) and La Vallée de Jacmel, which has five (5). For eighteen (18) Peace Courts, or 12.5%, the information is not available.

135. In twenty-four (24) Peace Courts or 16.5% of those who are visited and where respondents reported having typewriters, they are dysfunctional.

➤ **Computers**

136. Ninety-six (96) Peace courts representing 66.6% of spaces visited do not have a computer. Thirty-eight (38) Courts or 26%, have between two (2) and three (3) computers, only one (1) Peace Court, or less than 1% of the Courts visited, that of Carca Cavajal, has six (6) computers.

137. In eight (8) Courts visited or 5.5%, computers do not work. These are the Lascahobas, Belladères, Terrier-Rouge, Grand-Bassin, Grand-Goave, Dessalines, Bayonnais, and Newfoundland Peace Courts. In addition, other situations were reported. For example:

- In Grand-Goâve, where it has two (2) computers, one is down;
- At Thomonde, the computer is not yet installed;

138. Thirty-five (35) Peace Courts or 24% of the spaces visited in this study do not have a computer or typewriter. These are the Courts of Peace of: Anse-à-Galets, Anse-Rouge, Bainet, Baradères, Bombardopolis, Carcassee, annexe Les Irois, Carrefour, Cavaillon, Cayes, Chambellan, Changeux, annexe L'Azile, Desarmes, Duchity, L'Estère, Fonds-Verrettes, Gonaïves section Nord, Grande Saline, Cayman Islands, Leon, annex Jérémie, Les Irois, Mare-Rouge, Marfranc, Montlouis, Moron, Perches, Pestel, Petite-Rivière de l'Artibonite, Pointe des Palmistes, Pointe à Raquettes, Port-au-Prince, South section, Ranquitte, Saut-d'eau, Saint Michel du Sud, Torbeck and Trou du Nord.

***Computers and typewriters:
24% of Peace Courts do not
have typewriters or
computers.***

➤ **Printers and photocopiers**

139. One hundred and seven (107) Peace courts representing 74% of the spaces visited do not have a printer. Twenty-seven (27) Courts or 19% have between one (1) and two (2) printers. For ten (10) Peace Courts, or 7%, information is not available.

140. One hundred and ten (110) Peace Courts or 76% do not have a photocopier. Nineteen (19) Peace Courts or 13% have a single photocopier. For fifteen (15) Peace Courts, or 10%, information is not available.

141. At the Thomassique Peace Court where there are six (6) filing cabinets, fifteen (15) chairs and six (6) office furniture, it was reported that the materials are not yet open and installed.

F. Electrical Power Supply and Moving Vehicles

➤ ***Energy supply***

142. Ninety-nine (99) of the Peace Tribunals visited, or 69% of them, were not supplied with city power. Twenty-five (25) or 17.5% are fed very irregularly. For example, according to respondents, while the Cité Soleil Peace Court is sometimes supplied with city power, the Delmas Peace Court is supplied regularly. For its part, the Court of Peace of Arcahaie can spend up to one (1) month without electricity. The Court of Peace of Croix-des-Bouquets has been disconnected for more than a year for non-payment. For twenty (20) other Courts affected by this study, or 14% the information is not available.

Power supply: The Court of Peace of Croix-des-Bouquets is disconnected by the Electricity of Haiti (Ed'H) for non-payment.

143. One hundred (100) Courts of Peace, representing 69.5% of the spaces visited do not have a generator as an alternative source of electrical power. Twenty-two (22), or 15%, have one generator. Twenty-two (22) others do not have the information.

144. Ninety-one (91) Peace Courts, or 63% of those affected by this study, have neither Inverter nor a battery for Inverter. Thirty-three (33) of them, or 23%, have an inverter and generator. Twenty (20) respondents did not provide a specific answer.

145. Seventy (70) Peace Courts, representing 48.60% of the spaces visited, do not have city electricity, generator, inverter or battery for inverter. They are: Arnaud, Anse-à-Fôleur, Anse-à-Pitres, Anse-Rouge, Aquin, Banane, Baradères, Belladère, Belle Anse, Bois de Laurence, Camp Coq, Camp-Perrin, Carcasse, annexe Les Irois, Carice, Carrefour, Cavaillon, Cayes, Changeux, annexe L'Azile, Chardonnières, Corail, Coridon, Côtes-de-Fer, Damassin, Dame Marie, Desarmes, Duchity, Fonds-des-Nègres, Fonds Verrettes, Ganthier, Gonaïves section Sud, Grand Gosier, Grande Saline, Gressier, Gros Morne, Jean Rabel, L'Azile, La Cahouane, La Chapelle, Léogane, Léon annexe Jérémie, Les Anglais, Les Irois, Limbé, Mapou, Mare-Rouge, Marfranc, Môle Saint Nicolas, Mombin Crochu, Mont-Organisé, Morisseau annexe L'Azile, Moron, Pestel, Pignon, PLaisance du Sud, Pointe des Palmistes, Port-au-Prince, section Nord, Sainte-Suzanne, Savanne carrée, Savanne à Roche, Savanette, Hot Springs, Saint Michel du Sud, Newfoundland, Thiotte, Thomonde, Tiburon, Torbeck, Callières and de Violet.

Power supply: 48.60% of Peace Courts do not have city power, generator, inverter or battery for inverter.

146. Fifty-nine (59) respondents or 41% told the RNDDH that their court regularly receives gasoline cards from the Superior Council of the Judiciary (CSPJ) for the purchase of gasoline for the generator. Gas bills can be valued up to six thousand (6,000) gourdes.

147. Some irregularities nevertheless attracted the attention of the RNDDH:

- The Acul Samedi Peace Court has a failed generator, however, it regularly receives gas charges
- The Peace Court of Trou du Nord is powered by an illegal plug from the town hall. Inverter is dysfunctional
- The Court of Peace of Port-à-Piment is powered by electricity from the town hall;
- The Port-au-Prince Peace Court, North Section, is powered by a plug granted by a neighbor whose meter has not worked for five (5) years.

148. Many courts also have generators that do not work. Such is the case of the Courts of Acul Samedi, L'Estère, la Croix-des-Bouquets, Port-au-Prince, Cité Soleil, Bonbon and Bayonnais.

149. In some Peace Courts, the Inverters do not operate. Such is the case of the Courts of the Valley of Jacmel and Saint Louis du Nord, Marmelade, Ennery, Saint Michel de l'Attalaye, Dessalines, Liancourt, Bayonnais.

➤ *Rolling Vehicles*

150. Respondents of one hundred and thirty-four (134) Peace Courts representing 93% of the spaces visited, stated that no executive car is available for their respective court. For ten (10) Peace Courts, or 7%, information is not available.

151. In addition, the one hundred and forty-four (144) Peace Courts covered by this study, representing 100% of the spaces visited, do not have a service car.

152. One hundred and twenty (120) Courts of the Peace, or 83% of the spaces visited, have no duty motorcycles. Fourteen (14) of them, or 10% have a working motorcycle. For ten (10) Peace Courts, or 7%, information is not available.

153. One hundred and sixteen (116) Courts of Peace representing 80.5% of the spaces visited have no service motorcycles. Eighteen (18) Peace courts, or 12.5% have at least one service motorcycle. For ten (10) Peace Courts, or 7% information is not available.

154. However, some information about motorcycles deserves special attention:

- The Courts of Peace of Hinche, Carice, Cerca La Source, de Capotille, Vallières, Jean Rabel and Mont-Organisé, have respectively only a dysfunctional motorcycle for a long time. For the Mont-Organisé Peace Tribunal, for example, this situation has been going

on for seven (7) years.

- For their part, the Courts of Peace of Mapou and L'Azile, have several motorcycles, all dysfunctional. They can no longer be repaired.
- The Courts of Peace of Petit-Goâve and Chardonnières have motorcycles in very poor condition.
- The Cité Soleil Peace Court had a motorcycle that had been stolen eight (8) months before the National Credit Bank (BNC).
- The only motorcycle on duty at the Anse-à-Galets Court is assigned to Magistrate Junior ALTÉNOR. He lives in Arcahaie.
- At the Fonds-des-Nègres Peace Court, the titular magistrate stated that he only found that the executive motorcycle was in the hands of an operating bailiff without any explanation being provided.
- The Baradères Peace Court has a service motorcycle that is kept for the exclusive use of the titular judge.
- The Thomonde Peace Court has only one service motorcycle that is guarded by the judge holding the court despite the fact that it has been laid off by the Superior Council of the Judiciary (CSPJ).

155. In fact, one hundred and seven (107) Peace Tribunals, or 74% of the places visited, have neither an executive vehicle, nor a service vehicle, nor an executive motorcycle, nor a service motorcycle.

Rolling stock: 74% of Peace Tribunals do not have a company car, a service car, a company motorcycle or a service motorcycle.

V. COMMENTS AND RECOMMENDATIONS

156. During the period from February to July 2021, the RNDDH and its regional structures conducted a study in one hundred and forty-four (144) of the one hundred and eighty-six (186) Functional Peace Tribunals of the country.

157. This study, which focused specifically on seven (7) specific aspects, affected 77.40% of the functional Peace Tribunals and therefore allows the RNDDH to paint a poor picture of the conditions under which the staff assigned to it is obliged to work.

About Peace Courts Staff

158. Spontaneously and randomly, respondents were invited to complete the previously developed questionnaire. 94.5% of them are men and only 5.5% are women. This disparate percentage of men and women is symptomatic of the lack of a policy to integrate women into the Haitian judicial system, particularly at the level of the Peace Courts. In addition, 56.7% of respondents are justices of the peace. Only 4% of them are women because they are often confined to middle managers and court support staff: secretaries, clerks, housewives, etc.

159. Some of the alarming information revealed in this study deserves special attention:

- At least one (1) Peace Court has no judge and 73% of Peace Courts have only one (1) to three (3) judges. For some, these are courts located in highly populated areas.
- 3% of Peace Tribunals have no Court Clerk yet 10% have between eleven (11) and fifteen (15) Court Clerks. This disparity was also noted for Courts of the same class.
- 29% of the country's Peace Tribunals have no bailiffs operating yet, 12.5% have between seven (7) and forty (40) bailiffs operating.
- 75% of Peace Tribunals do not have a guardian despite the fact that the needs are enormous and that urgent requests have been addressed to the authorities concerned.
- 29% of Peace Tribunals have no secretaries; 41% have no housewife and 21% have no hoquetons either.
- 59% of Peace Tribunals do not have a Department of Justice and Public Safety security officer. 69% never have a police officer, even during hearings and the study also revealed that 53% of Peace Tribunals have neither a Department of Justice security officer nor a PNH officer, to ensure their safety.

On buildings and infrastructure

160. The buildings where the Peace Tribunals are housed are in a poor state of general condition. 81% of Peace Tribunals do not receive operating costs from central authorities. According to several respondents, this fee would have enabled them to carry out small tasks that would have helped preserve the premises, for example. As for the buildings, the following percentages indicate a catastrophic situation:

- Only 27% of the Peace Courts were built by the Haitian State, 28% by a partner, 2% are donations from individuals living in the commune or neighborhood where these courts are located. 23.5% of buildings are rentals. This is data that prove that the Haitian State invests very little in the development of spaces called to provide the public service of peace justice;
- 77% of buildings housing Peace Tribunals are in poor condition compared to only 17.5% which are in good condition and 5.5% which are in an acceptable state of operation;
- 22.3% of buildings do not have fences. They are therefore on vacant lots and are subject to all acts of insecurity;
- 77.7% of Peace Tribunals find themselves, even with their enclosure wall, in an environment where their staff cannot provide quality work: These buildings are located close to markets and garbage dumps, not far away or within territories controlled by armed bandits, etc.;
- 10% of Peace Tribunals do not have a courtroom and 40% do not have a custody cell;
- 34% of Peace Tribunals have neither toilets nor latrines. 87% of toilets surveyed are in modern comfort. 33.33% of them are dysfunctional;
- 20% of Peace Tribunals do not allocate office space to judges. The latter are obliged to make do as they can to work: They share office areas with the clerks, they use the town hall when it is contiguous, sit at the police stations of the city or even at home, when no other opportunity is available to them;
- 47% of Peace Tribunals do not provide secretaries with office space. And, of course, without a secretariat, the reception of litigants is totally disorganized, which also favors the racket of the latter by any individual who has the habit of attending these Courts.

On operating equipment

161. The study found that Peace Tribunals do not have a minimum of operating equipment. According to what was reported to the Instructors of the RNDDH and its regional structures:

- 7% of Peace Tribunals have no filing cabinets. Files are scattered here and there;
- 25.7% of Peace Tribunals have between one (1) and three (3) chairs to receive litigants;
- 19% of Peace Tribunals have no office furniture;
- 37.5% of the Courts do not have typewriters. 66.6% do not have computers and 24% do not have typewriters or computers;
- 74% of the Courts do not have a printer and 76% do not have a photocopier. As a result, for the justice department, staff are authorized to travel from their office with the files, type them, print them and multiply the copies, when necessary, outside the Tribunal. This is, of course, a practice that does not guarantee any secrecy in the handling of litigants' cases.
- 69% of Peace Courts do not have city power. 69.5% do not have generators and 63% do not have inverters. 48.6% do not have city current, generator or inverter. 41% of Peace Tribunals receive records from the Superior Council of the Judiciary (CSPJ) for the purchase of gasoline even when the council is aware that, for some, the generators are out of service.
- 41% of Peace Tribunals receive records from the Superior Council of the Judiciary (CSPJ) for the purchase of gasoline even when the council is aware that, for some, the generators are out of service.

On rolling stock

162. Justices of the peace, clerks and bailiffs are often called upon to travel. Yet the study showed that their means of travel are not a priority for judicial authorities. Indeed:

- 93% of Peace Tribunals do not have an executive vehicle. For the remaining 7%, information is not available;
- 100% of Peace Tribunals do not have a service car;
- 83% of the Courts do not have a duty motorcycle. 80.5% of the Courts do not have a duty motorcycle;

- 74% of Peace Tribunals do not have a moving vehicle.

163. The results of this study corroborate the initial remarks and the fears of the RNDDH that the Peace Tribunals in general operate under conditions that do not guarantee the labor rights of the staff assigned to them, nor the rights to judicial guarantees of individuals.

164. Under these conditions, the quality of service provided by Peace Tribunals can generally be very poor. It is therefore necessary that the State authorities intervene rapidly for a substantial improvement in the situation because, as stated and demonstrated at the beginning of the report, the Peace Tribunals can be a source of harmonization of community life, but they can also be transformed into gigantic tools of human rights violations.

165. Based on these considerations and in line with the proposals made by the respondents, the RNDDH recommends that the state authorities:

- Adopt a policy of inclusion of women in the Haitian judicial system, including in the positions of full and alternate justices of the peace;
- Revising the staff of the Peace Tribunals, where it seems that appointments taking no account of the needs of these Tribunals, have been granted, with the consequences, more operative bailiffs, more clerks for example than judges;
- Regularize the presence of security officers in all Peace Tribunals;
- Conduct a comprehensive assessment of the Peace Courts buildings;
- Ensure that all Peace Tribunals are surrounded by a fence wall;
- Clean up the immediate environments of Peace Tribunals;
- Ensure that all Peace Tribunals have functional washrooms;
- Provide Peace Courts staff, workspaces and appropriate operating equipment;
- Computerize the Public Justice Service, evaluate computer equipment and renew those that deserve it;

- Review the salaries of Haitian judicial staff while ensuring that they receive it on time and regularly;
- Provide equal benefits to all judges or on the basis of clearly established criteria;
- Ensure that Peace Tribunals have an energy source and at least one service vehicle.

Work cited

ⁱⁱ Study on the general working conditions of the components of the Haitian penal chain, RNDDH Report/A2019/No2, 32 pages.

² <http://www.cspj.ht/index.php/les-cours-et-les-tribunaux>

³*Idem.*