

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



**Dysfunction of the judicial and penal systems:  
RNDDH calls for respect for rights to a judicial guarantee**

**November 11, 2022**

## Summary

	Pages
<b>Summary of Report</b>	2
<b>I. INTRODUCTION</b>	6
<b>II. LEGAL DEVELOPMENTS 2021-2022</b>	6
a) CSPJ partial installation and process launch	
Designation of civil society representative	3
b) Installation of a new Minister of Justice	4
c) Appointment to the Court of Cassation	4
d) Judicial Appointments and Reappointments	5
e) Judicial Certification Process	7
f) Strikes and Work Stoppages in the Haitian Judiciary	7
g) Release of Samuel DORVIL from Fort-Liberté civil prison	8
<b>III. HUMAN RIGHTS VIOLATIONS RECORDED DURING THE YEAR JUDICIAL 2021-2022</b>	9
a) Releases ordered by Magistrate Nophat DESTIN	9
b) Improper interventions by Magistrate François COLAS	9
c) Release of Peter Arly Prud'Homme by Magistrate Wilfrid BRUTUS	9
d) Extrajudicial Executions by Magistrate Jean Ernest MUSCADIN	10
e) Release of Isaac Junior Salvant by Magistrate Norestil NORMIL	10
f) Release of detainees by the prosecutor's office	11
g) Arrest of Magistrate Michelet VIRGILE	13
h) Seizure in Port-au-Prince: Conduct of Magistrate Jacques LAFONTANT	14
<b>IV. INSECURITY IMPACTS ON THE HAITIAN JUDICIARY</b>	15
a) Attacks on courts and prosecutors	15
b) Attacks on lawyers and magistrates	16
c) Relocation of judicial spaces	17
<b>V. CRIMINAL TRIALS WITH AND WITHOUT JURY ASSISTANCE</b>	18
<b>VI. STATUS OF SOME EMBLEMATIC FILES</b>	19
a) Assassination of Chairman Monferrier DORVAL	19
b) Murder of Antoinette DUCLAIR and Diego CHARLES	19
c) Assassination of Jovenel MOÏSE	19
d) Complaint against Evans LESCOUFLAIR for sexual crimes against minors	20
e) Different Massacres in deprived neighborhoods	21
f) Widlore MERENCOURT	22

(g) Eugène Georges Frantz LARGE	23
<b>VII. GENERAL CONDITIONS OF DETENTION</b>	23
a) Inmates Deceased	24
<b>VIII. RECORDED EVASION FROM JANUARY TO OCTOBER 2022</b>	27
a) Croix-des-Bouquets Civil Prison	27
b) Cabaret Civil Prison	28
<b>IX. LEGAL STATUS OF DETAINED</b>	28
<b>X. COMMENTS AND RECOMMENDATIONS</b>	29

## Report Summary

1. During the judicial year 2021-2022, the National Human Rights Defense Network (RNDDH) observed the functioning of judicial and penitentiary institutions.

2. There have been scandals in the Haitian judiciary throughout the year. In addition, irregularities were recorded in the process to make the Court of Cassation and the Superior Council of the Judiciary (CSPJ) functional. And, despite recommendations to appoint and reappoint eighty-five (85) judges, executive authorities have chosen to act on only fifty-four (54) of them.

3. At least four (4) work stoppages were recorded. In addition, the impact of insecurity on the conduct of the judicial year analyzed was enormous. At least ten (10) lawyers and two (2) magistrates were kidnapped and held for ransom, shot, and murdered.

4. In addition, several judges have been indexed because of their involvement in cases of human rights violations or because of their behavior in the processing of cases for which they were responsible during the judicial year in question. As examples:

- Justice of the Peace for Ennery Nophat DESTIN has been denounced for releasing two individuals for unlawful possession of firearms and attempted murder for bribes;
- In a land dispute, Fort Liberté Justice of the Peace François COLAS ordered one of the disputing parties to set fire to the property of the other party in his presence;
- Magistrate Jean Ernest MUSCADIN executed at least two individuals, one of whom was at the opening of the 2022-2023 judicial year. He presented them as armed bandits;
- Magistrate Norestil NORMIL twice ordered the release of Isaac Junior SALVANT, arrested for money laundering and forgery and use of forgery in public writing;
- Magistrate Michelet VIRGILE was arrested after ordering the release of two individuals involved in the illicit trafficking of firearms and ammunition.

5. Many high-profile files were also monitored by the RNDDH during the 2021-2022 court year. Some of them, like the one relating to the assassination of Diego CHARLES and Antoinette DUCLAIR, remain blocked at the Prosecutor's Office in Port au Prince, such as those relating to the La Saline massacre and the assassination of former President Jovenel MOÏSE are floundering in the investigation cabinet while certain cases such as those relating to the assassination of Maître Monferrier DORVAL or the armed attack

followed by the theft of the vehicle Journalist Widlore MERENCOURT, are not under investigation.

6. Nine (9) of the country's eighteen (18) first-instance courts conducted criminal hearings without the assistance of a jury during which three hundred twenty-eight (328) people were tried. Sixty-seven (67) of them have been released and one hundred ninety-four (194) have been convicted. Another sixty-seven (67) have not yet been found guilty.

7. Thus, contrary to the perennial promises made by the judicial authorities to tackle illegal and arbitrary pre-trial detention, the record of achievements of 2021 and the judicial year 2022 is very poor. The RNDDH wants proof that in October 2021, when the judicial year in question opened, eighty-two percent (82%) of the prison population was awaiting trial. At its closure in September 2022, eighty-four percent (84%) of this population are waiting to be determined on their fate, an increase of two percent (2%).

8. In addition to this poor record of the judiciary, it should also be noted that prisoners continue to live in sub-human conditions that expose them to contagious diseases and put their lives and health at risk. One hundred and seventy-two (172) detainees died from January to October 2022, including twenty-four (24) from Cholera. In addition, the inmates are malnourished, do not have the right to recreation, and do not have medicine, and the infirmaries of the prisons are empty.

9. Based on these findings, the RNDDH recommends that the judicial and penitentiary authorities:

- Investigate the behavior of indexed judicial actors in the commission of human rights violations;
- Quickly organize criminal hearings with and without jury assistance to reduce the number of people awaiting trial;
- Improve conditions of detention by providing inmates with a healthy diet, and the medicines they need and by giving them hours outdoors;
- Take all necessary measures to secure the spaces housing the courts and tribunals;
- Satisfy the demands of the judicial actors by improving their working conditions, to reduce the number of work stoppages.

## **I. INTRODUCTION**

1. During the judicial year 2021-2022, the National Human Rights Defense Network (RNDDH) monitored the functioning of the courts and tribunals, and prisons of the country. In addition, meetings were held with heads of jurisdiction, prison officials, and prison administration authorities.

2. Today, the day after the reopening of the judicial work for the year 2022-2023, the RNDDH is obliged to share with public opinion, through this document, its remarks on the functioning of these two (2) institutions.

3. This report, which is divided into ten (10) items, reports on, among other things, the current state of the judiciary and some of the achievements of the judiciary for the period in question. It also reviews the general conditions of detention and the legal status of detainees.

## **II. LEGAL DEVELOPMENTS 2021-2022**

4. For the period covered by this report, judicial developments have been marked by events that have attracted public attention. Here are a few:

### **a) Partial installation of the Superior Council of the Judiciary (CSPJ) and launch of the process of appointing a civil society representative**

5. On October 1, 2021, between the end of the judicial year 2020-2021 and the beginning of the judicial year 2021-2022, a Superior Council of the Judiciary (CSPJ) partially constituted, was installed in the margin of the Law, by the de facto Prime Minister Ariel HENRY. The Board is composed of six (6) members:

- Judge Franzi PHILEMON for the Court of Cassation
- Judge Carvès JEAN, for the Prosecutor of the Court of Cassation
- Magistrate Duret Junior DURIN, for the Court of Appeal
- Magistrate Wando SAINT-VILLIER, for the Courts of First Instance
- Magistrate Nadert DESIR, for the Courts of Peace
- Maître Evens FILS, for the lawyers' association

6. In addition, the Office for the Protection of the Citizen (OPC) had launched the process leading to the appointment of a representative of civil society within the CSPJ. To the amazement of several members of social organizations, on March 31, 2021, celebratory

elections were held and, on April 12, 2021, Rémy EDME was presented by the OPC as the representative of civil society within the CSPJ.

7. On April 30, 2021, the CSPJ, previously informed of the suspicions surrounding the process that had been initiated by the OPC, said that it considered the March 31, 2021, election null and void. He then recommended an audit of the process before it was relaunched.

8. Without having acted on the recommendations of the CSPJ, on October 10, 2022, the OPC merely sent new correspondence to civil society organizations, for the restart of the process. This approach, carried out under the same conditions as those that led to the contested elections, is still the subject of denunciation by several organizations. They find it incomprehensible that the OPC does not want to comply with the established rules.

#### **b) Installation of a new Minister of Justice**

9. On November 25, 2021, Berto DORCE was installed as Minister of Justice and Public Safety. At his induction ceremony, he pledged to revitalize the judicial system by making it strong, productive, independent, and accessible to all. He also promised to fight against insecurity and kidnapping and invited all judicial actors to get to work.

10. Minister of Justice Berto DORCE replaces Liszt QUITEL, who is also Minister of the Interior and Local Authorities. The latter had been splashed by a kidnapping scandal followed by sequestration for ransom. On October 3, 2021, Pastor Jean Ferret MICHEL of the Jesus Center Church in Delmas 29, was kidnapped along with two (2) other people who accompanied him: Isabelle DEVENDEGIS and Norman WEINER. According to his relatives, Pastor Jean Ferret MICHEL had been kidnapped under the orders of Liszt QUITEL, who accused him of having a romantic relationship with his wife, the lady Barbara QUITEL aka Barbie, while the couple QUITEL and MICHEL regularly dated.

#### **c) Appointment to the Court of Cassation**

11. For some time now, the situation at the Court of Cassation has remained worrying. This situation worsened on February 8, 2021, with the retirement of three (3) judges from the Court of Cassation and the death, on June 23, 2021, of the President of that Court who, in his position, assumed the role of President of the Superior Council of the Judiciary (CSPJ).

12. According to him, to remedy the problems raised by the dysfunction of the Court of Cassation, on February 16, 2022, Bertho DORCE sent a correspondence to the CSPJ, giving him a list of nine (9) personalities, from which to choose three (3) judges.

13. At this stage, it should be recalled that according to Article 175 of the 1987 Constitution, "The judges of the Court of Cassation are appointed by the President of the Republic from a list of three (3) persons per seat submitted by the Senate." However, the constitutional and legal conditions to fill the vacant seats in the Court are nonexistent, since the Haitian Parliament is dysfunctional and, to date, only ten (10) Senators.

14. The CSPJ did not agree to follow up as requested by Minister Bertho DORCE.

15. The following day, February 17, 2022, a meeting was held at the CSPJ with the de facto government. On February 18, a call for applications was launched for the submission of applications to the Ministry of Justice and Public Safety headquarters.

16. To date, the file remains blocked, since the de facto government had decided to take over the process of appointing judges to the Court of Cassation, without considering the one-third of the Senate still in operation and the current context that would merit consensus among the various components of society. In addition, many questions have been raised by the application of lawyers who want to integrate directly with the Court of Cassation.

#### **d) Judicial Appointments and Reappointments**

17. In February 2022, the de facto government, led by Prime Minister Ariel HENRY, renewed the mandates and/or appointed fifty-four (54) judges from a list of eighty-five (85) judges submitted by the CSPJ.

18. The following list provides information on judges and other persons who have been the subject of a decision to appoint or reappoint.

#	Jurisdiction of assignment	First, Last name
1.	Anse-à-Veau	Rony Cérisier
2.	Anse-à-Veau	Nesly Macena
3.	Anse-à-Veau	Berthony Fleury
4.	Aquin	Vilnor Alsaint
5.	Cap-Haïtien	Petrique Duroc
6.	Cap-Haïtien	Kerby Joseph
7.	Cap-Haïtien	Hermione Saint-Juste



8.	Cayes	Rose Marthe Louis Jeune
9.	Cayes	Me Claude Julien
10.	Cayes	Richard Toussaint
11.	Croix-des-Bouquets	Grecia Norcéus
12.	Croix-des-Bouquets	Tamara Dorcéan
13.	Croix-des-Bouquets	Brunet Salomon
14.	Croix-des-Bouquets	Yvelt Petit-Blanc
15.	Croix-des-Bouquets	Gertha Elias
16.	Fort-Liberté	Jacquelin François
17.	Fort-Liberté	Wilfrid Brutus
18.	Gonaïves	Wilince Dérival
19.	Gonaïves	Isaac Prophète
20.	Gonaïves	Lubedet Dorsainvil
21.	Gonaïves	Guimy Thelot
22.	Grande Rivière du Nord	Diane-Rose Victorin
23.	Grande Rivière du Nord	Cléguy Colas
24.	Hinche	Erode Tercius
25.	Hinche	Nesly Phelle
26.	Hinche	Wesley Paul
27.	Jacmel	Immacula Jeannis
28.	Jacmel	Jean Clivens Desrivières
29.	Jacmel	Aumereau Laine
30.	Jérémie	Jean Garry Lundy
31.	Mirebalais	Pascale Almenaide Raymond
32.	Mirebalais	Gradie Laura Nicole Jean-Louis
33.	Mirebalais	Jhonson Simon
34.	Mirebalais	Edwige Dorsainvil
35.	Mirebalais	Samson Jean
36.	Mirebalais	Louizia André
37.	Petit-Goave	Marie Claude Origène Nertilus
38.	Port-au-Prince	Annie Fignolé
39.	Port-au-Prince	Blondine Thélusma
40.	Port-au-Prince	Bredy Fabie
41.	Port-au-Prince	Rose-Maggy Brogela Shoute
42.	Port-au-Prince	Ninive Massena
43.	Port-de-Paix	Maude Jean-Baptiste
44.	Saint-Marc	Paul Osny Antoine
45.	Saint-Marc	Huguens D'Haïti
46.	Saint-Marc	Luvencia Désir

Table 1

Eight (8) other magistrates have been appointed to the Court of Appeal.

#	Jurisdiction of assignment	First, Last Name
1.	Cap-Haïtien	Henri Claude Adhemar
2.	Cayes	Emmanuel Zéphir
3.	Cayes	Frantz Elmorin
4.	Cayes	Ezéchiél Vaval
5.	Hinche	Anes J. Joazéus
6.	Hinche	Vernet Simon

7.	Port-au-Prince	Nerva Vilmont
8.	Port-au-Prince	Noé Pierre-Louis Massillon

Table 2

19. It was reported that de facto Prime Minister Ariel HENRY had transferred the list of eighty-five (85) magistrates to individuals gravitating around him. The latter has assumed the right to call their lawyer friends to investigate parallel to that of the CSPJ, on the behavior of the magistrates in question. And it was based on the answers received that the government decided very lightly not to renew the mandates of these magistrates or not to appoint them.

### e) Judicial certification process

20. During the 2021-2022 judicial year, at least twelve (12) judges were certified by the CSPJ. Nine (9) others were excluded. Here is the information about them:

#### List of certified judges

#	First, Last Name	Jurisdiction of assignment	Post
1.	Erode BAZILE	Tribunal de paix de Port-Salut	Judge Titular
2.	Pratz DESRUISSAUX	Tribunal de paix de Mapou	Judge Titular
3.	Erick DORSAINVIL	Tribunal de paix Croix-des-missions	Deputy judge
4.	Pierre Erick FAUSTIN	Tribunal de première instance de Saint-Marc	Trial judge
5.	Gardie Laura Nicole JEAN-LOUIS	Tribunal de première instance de Port-au-Prince	Trial judge
6.	Robert JOURDAIN	Tribunal de première instance des Cayes	Trial judge
7.	Claude JULIEN	Tribunal de première instance des Cayes	investigating judge
8.	Patrick LABBE	Tribunal de première instance de Miragoâne	Judge and investigating judge
9.	Jocelyn LUCIEN	Tribunal de première instance des Cayes	Trial judge
10.	Gérard NERTILUS	Tribunal de première instance de Miragoâne	Judge and investigating judge
11.	Johnson SIMON	Tribunal de première instance des Cayes	Trial judge
12.	Adonis TOUSSAINT	Tribunal Spécial du Travail Port-au-Prince	Trial judge

Table 3

#### List of non-certified judges

#	First, Last Name	Jurisdiction of assignment	Post
1.	Robert CADET	TPI Fort-liberté	Dean
2.	Duny DUBE	TPI Croix-des-bouquets	Trial Judge
3.	Monique JEAN	TPI de Jacmel	Judge and investigating Judge
4.	Hosman JEAN-BAPTISTE	Tribunal de paix de Gros-Morne	Deputy Judge
5.	Fermo JUDE PAUL	TPI Croix-des-bouquets	Judge and investigating Judge
6.	Lenor JULIEN	TPI de Jacmel	Judge and investigating Judge

7.	Leccius LEGENE	TPI de Jacmel	Judge and investigating Judge
8.	Pierre-Apsorbe PIERRE-LOUIS	TPI Croix-des-bouquets	Trial Judge
9.	Bob SIMONIS	Tribunal de paix de Jacmel	Deputy Judge

Table 4

**f) Strikes and Work Stoppages in the Haitian Judiciary**

21. At least four (4) work stoppages were recorded:

- In December 2021, during a criminal session without the assistance of a jury in the Fort-Liberté trial jurisdiction, the clerks decided to start a strike. This disrupted the sessions and the cases that had been scheduled to be heard on December 1, 8, and 20, 2021 were referred. The strikers went to court but did not work;
- On 12 April 2022, the clerks of the country's eighteen (18) first instance and peace courts went on strike. They demanded compliance with the 2017 agreement, which the judicial authorities never followed up on;
- On April 18, 2022, the lawyers of the Bar of Cap-Haitien paralyzed the functioning of the Prosecutor's Office of the Court of First Instance of this jurisdiction, demanding the dismissal of the government commissioner Richemond FLORIVAL, they accused them of receiving bribes to free criminals;
- On May 23, 2022, a resolution was adopted by the lawyers of the Bar of Les Cayes according to which, lawyers working in this jurisdiction no longer recognize the authority of magistrate Ronald RICHEMOND at the head of the Prosecutor's Office at the Court of First Instance of Les Cayes.

**g) Release of Samuel DORVIL imprisoned in the civil prison of Fort-Liberté**

22. Samuel DORVIL was arrested for his alleged involvement in conspiracy, theft, and rape. On March 30, 2022, the government commissioner at the Court of First Instance of Fort-Liberté, Eno ZEPHYRIN, saw Samuel DORVIL in Trou du Nord. Knowing that the case of the accused was being investigated, the magistrate Eno ZEPHYRIN wanted to know for sure.

23. On April 3, 2022, he went to the Fort-Liberté civil prison, accompanied by a security officer, a justice of the peace, and a clerk of the Fort-Liberté Peace Tribunal.

24. After checking all the cells and not finding Samuel DORVIL, the magistrate ordered the justice of the peace to draw up a detailed report. Then he went to the office of the

prison director Desrosiers D. JOSEPH. He spoke with the latter, in the presence of the prison clerk Gérald BIEN-AIME and the post chief Snaider Midy JEAN. After the interview, the prison manager Desrosiers D. JOSEPH, the prison clerk Gérald BIEN-AIME and the post manager Snaider MIDY were arrested.

25. At the same time, on the same day, Frednel BEAUVAIS, the Registrar of the Public Prosecutor's Office at the Court of First Instance of Fort Liberté, who had signed the release order for Samuel DORVIL, was arrested in the municipality of Ouanaminthe. He was hiding and preparing, likely, to flee to the Dominican Republic.

26. The following day, April 4, 2022, Senel JULMISTE replaced Desrosiers D. JOSEPH as head of the Fort Liberté civil prison.

27. On April 11, 2022, Post Manager Snaider MIDY and Registrar Gérald BIEN AIME were released after two (2) days of hearings. However, to date, the prison director, and the clerk of the Court of First Instance in Fort-Liberté are still incarcerated.

### **III. HUMAN RIGHTS VIOLATIONS REGISTERED DURING THE JUDICIAL YEAR 2021-2022**

#### **a) Releases Ordered by the Justice of the Peace of Ennery Nophat DESTIN**

28. On December 29, 2021, Edouard CHARLES, an officer of the Protected Air Safety Brigade (BSAP), and one of his friends, were arrested on the orders of Justice of the Peace Nophat DESTIN of the Ennery Peace Court for unlawful possession of firearms and attempted murder. They had committed their crime on December 28, 2021, at the expense of Isaiah ACCEUS.

29. Subsequently, the magistrate, threatening to transfer the case to the Public Prosecutor's Office near the Court of First Instance of Gonaïves, himself informed the detainees that he would release them if they paid him fifty thousand (50,000) US dollars.

30. Exinor CHARLES alias Yatande father of Edward CHARLES paid in two (2) installments, a total of three-hundred-forty-five-thousand (345.000) gourdes to magistrate Nophat DESTIN. Edouard CHARLES and his friend were released on December 31, 2021, and January 3, 2022, respectively.

**b) Improper interventions by Magistrate François COLAS, Justice of the Peace of Fort Liberté**

31. In 2011, Bilgot COLAS was elected Member of Parliament for Fort-Liberté / Perches. He used his position to have his brother François COLAS appointed justice of the peace of Fort Liberté. Since then, the latter, according to the litigants, multiplies untimely interventions. The last case brought against it is this:

32. Maria SAINTILUS, and Luinel PIERRE, respectively aged sixty-four (64) and twenty-five (25) years, declared to be farmers of the Haitian state of land they occupy since 1970. In December 2021, they decided to make charcoal and cut down trees for that purpose. To their amazement, on December 15, 2021, Silotte THOMAS, who had previously claimed that the land belonged to her, arguing that she had received it as an inheritance from her father, broke into the property, accompanied by Justice of the Peace François COLAS and several police officers.

33. Arrived at the scene, the magistrate François COLAS ordered to arrest of Maria SAINTILUS and Luinel PIERRE and to burn the sacks of coal already filled. It was Silotte THOMAS himself who set fire to the sacks of coal, in the presence of the magistrate and with his complicity.

**c) Release of Peter Arly PRUD'HOMME by the Dean of Fort-Liberté**

34. On March 7, 2022, Peter Arly PRUD'HOMME was arrested in Ouanamithe for the rape of a minor. On March 25, 2022, the Dean a.i. of the Court of First Instance of Fort-Liberté, Judge Wilfrid BRUTUS, released Peter Arly PRUD'HOMME following a habeas corpus action brought by his lawyers.

35. The dean affirmed for his part, to have respected the Law by ordering the release of Peter Arly PRUD'HOMME since, at the time of his decision, he had not yet in his possession the indictment to inform the Prosecutor's office at the Court of First Instance of Fort-Liberté. It was not received until March 28, 2022.

**d) Extrajudicial executions by Magistrate Jean Ernest MUSCADIN**

36. For some time, the government commissioner at the Court of First Instance of Miragoâne Jean Ernest MUSCADIN has become a vigilante of the city. He circulates heavily armed, executes people he believes are involved in acts of banditry, records his executions, and publishes them on social networks. As examples:

- On May 31, 2022, the video of the summative execution of Elvain SAINT-JACQUES alias Zo Pwason by the government commissioner at the Court of First Instance of Miragoâne Jean Ernest MUSCADIN circulated on social networks. The act took place in Kokoye Duchêne, a locality of the commune of Anse-à-Veau, in the presence of agents of the Departmental Unit for the Maintenance of Order (UDMO) and the Departmental Service of Judicial Police (SDPJ). Magistrate Jean Ernest MUSCADIN introduced Elvain SAINT-JACQUES aka Zo Pwason as part of the Village de Dieu gang, led by Johnson ANDRE aka Izo 5 seconds.
- On October 24, 2022, a few days after the reopening of the 2022-2023 judicial year, magistrate Jean Ernest MUSCADIN coldly shot Junior MERIEL alias Zo Reken in Berquin, a locality dependent on the first communal section of Miragoâne. According to the magistrate, the victim, wanted by the police, is a bandit who operated in Martissant. The day before his execution, he had ransomed a lady and robbed a cigarette shop in Miragoâne before fleeing. He also claimed that Junior MERIEL alias Zo Reken, who fell in exchanges of fire with the Prosecutor's Office near the Miragoâne Trial Court, had in his possession a 38-caliber pistol.

**e) Release of Isaac Junior SALVANT by Magistrate Norestil NORMIL**

37. On July 9, 2022, Isaac Junior SALVANT, who was about to go to the United States, was arrested at Toussaint Louverture Airport for money laundering. He had in his possession one hundred and thirty-two thousand and two hundred and thirty-six (\$132,236) American dollars which he had not declared to the immigration services. He also held a notarial document, justifying a vehicle sale transaction, passed to the notary Marie Ange-Henry LOUISSAINT.

38. Transferred on July 22, 2022, to the Public Prosecutor's Office at the Court of First Instance of the Croix des Bouquets, Isaac Junior SALVANT was released on July 28, 2022, by the Deputy Government Commissioner of this jurisdiction Norestil NORMIL, while the Office of Financial and Economic Affairs (BAFE) had not yet completed its investigation.

39. On August 2, 2022, the notarial study, for its part, stated that it had not found in its archives any transaction involving Isaac Junior SALVANT.

40. Based on these new elements and since the study of notary Marie Ange-Henry LOUISSAINT is located in the jurisdiction of Port-au-Prince, on August 4, 2022, the Bureau of Financial and Economic Affairs (BAFE) transferred the file as well as additional

information report to the Prosecutor’s Office to the Court of First Instance of that jurisdiction, requesting the movement of the public action against Isaac Junior SALVANT, for forgery and use of forgery in public writing, to the detriment of the notarial Cabinet of Maître Marie Ange-Henry LOUISSAINT. BAFE took the opportunity to file a request for delegation of authority to further investigate the matter.

41. On August 5, 2022, based on a mandate issued by Government Commissioner Jacques LAFONTANT, Isaac Junior SALVANT was arrested again.

42. However, no lawsuit was filed against him by the Prosecutor’s Office of Port au Prince. And, to everyone’s surprise, it was again the Prosecutor’s Office at the Court of First Instance of the Croix-des-Bouquets that ordered, on September 26, 2022, the release of Isaac Junior SALVANT.

43. According to the information circulating at the level of the courts of the two (2) jurisdictions seized by the BAFE who wanted this case to succeed, the amount that Isaac Junior SALVANT had to pay to buy his freedom, this far exceeds the one with which he was arrested on July 9, 2022, at Toussaint Louverture Airport.

**f) Release of prisoners by the Public Prosecutor of Jérémie**

44. In October 2022, the Public Prosecutor’s Office at the Court of First Instance of Jérémie decided to hear a group of detainees and waive the lawsuit against them. In this sense, at least fifty-two (52) inmates were released on 10, 18, and 23 of October 2022. They are one (1) woman, one (1) girl, seven (7) boys, and forty-three (43) men.

45. Of these, eleven (11) were incarcerated for sexual crimes and three (3) others for blood crimes.

46. The years of imprisonment of these prisoners caught the attention of the RNDDH:

<b>Year of incarceration</b>	<b>Number of inmates released</b>
2014	3
2016	1
2017	2
2018	2
2019	6
2020	13
2021	12
2022	12
Inconnue	1
<b>Total</b>	<b>52</b>

Table 5

47. The following is information on released inmates.

	First, Last Name	Age	Gender	allegations against	Date of detention
<b>Liste des personnes libérées le 10 octobre 2022</b>					
1.	Altermeus Gavens, alias Gaga	26 ans	M	Criminal Association, Theft	24/09/21
2.	Benoit Herbisson	24 ans	M	Motorcycle theft	19/01/21
3.	Volma Jelerme alias Josué	47 ans	M	Cow theft	22/03/21
4.	Saint Felix Harald	27 ans	M	Theft	26/05/20
5.	Felix Marckendy alias Marckenson	-	M	Theft of woods	11/04/22
6.	Felix Mackenson alias Piti	23 ans	M	Theft of sheep	28/04/21
7.	Jean Calhul Jean alias Jakatè	28 ans	M	Robbery, Criminal Association	23/09/22
8.	Joseph Fredel	28 ans	M	Goat theft	30/06/22
9.	Pierre Louis Diefson alias Bega	25 ans	M	Criminal association, murder	01/04/22
10.	Elien Wilner	40 ans	M	Theft of sheep	15/12/20
11.	François Jean Berty	28 ans	M	Assault, and Battery	21/05/21
12.	Lazard Jude alias Kesnel	36 ans	M	Banana theft	16/09/22
13.	Dieufait Lodil	31 ans	M	Criminal association, Goat theft	24/09/21
14.	Brisnault Louismis	53 ans	M	Theft	11/04/22
15.	Antoine Siliias alias Fréfré	26 ans	M	illicit trafficking in narcotic drugs	-
<b>List of persons released on October 18, 2022</b>					
16.	Michel Blanchard	18 ans	M	criminal association	05/02/21
17.	Jules Wagler alias Wawa	23 ans	M	assassination attempt	12/09/17
18.	Frederic Claude	47 ans	M	sexual offences	08/11/19
19.	Paul James alias Willy	24 ans	M	criminal association	12/11/19
20.	Charles Develor alias Snèque	20 ans	H	Rape	29/08/19
21.	Lestin Jonel alias Busapas	-	M	Night theft	06/09/18
22.	Deralin Junior	21 ans	M	threat	16/01/19
23.	Lindor Marc-Elo alias Bouzout	21 ans	M	criminal association	19/01/19
24.	St Preux Odief	28 ans	M	criminal association	26/09/16
25.	Sanon Maxan	41 ans	M	conspiracy to commit murder	1er/12/17
26.	Eustache Jefferson	22 ans	M	Assault, Assault, and Battery	29/03/18
27.	Saint Juste Mista alias Lovely	26 ans	F	attempted assassination	14/10/22
28.	Lucien Michelove alias Love	17 ans	F	Criminal Association, Rape	11/05/21
29.	Etienne Nolby alias Baby	23 ans	M	criminal association	11/12/20
30.	Pierre Uclès alias Boss Yré	36 ans	M	Motorcycle theft	11/08/20
31.	Colas Peterson	25 ans	M	assault	14/07/19
32.	Clairven Nesly	34 ans	M	Assault, Assault, and Battery	22/04/22
33.	Paul John Carl Peter Junior alias TJB	32 ans	M	Swine theft	09/02/22
34.	Colas Marvel	30 ans	M	Goat theft	03/11/21
35.	Luc Mara	19 ans	M	Association de malfaiteur, Viol	11/05/21
36.	Philippe Kesnel	44 ans	M	Rape	28/10/14
37.	Charles Riche Carde	19 ans	M	Rape	18/08/14
<b>List of Persons Released October 23, 2022</b>					
38.	Clerjour Maxon	22 ans	M	Rape	18/08/14
39.	Augustin Junior	34 ans	M	Scam	19/07/22
40.	Caïdor Jameson	17 ans	M	Theft	24/09/20
41.	Simon Jn Paulin, alias Popo	16 ans	M	Attempted rape, night robbery	22/07/20
42.	Glezil Cenack, alias ecclesias	28 ans	M	Goat theft	11/05/21
43.	Jn Louis Phato, alias Valdo	28 ans	M	Attempted Rape, Criminal Association	22/07/20



44.	Azor Jean Renel, alias Kakaogob	38 ans	M	Night robbery, attempted rape	22/07/20
45.	Zidor Pierre Michel, alias Anoudi	20 ans	M	Night robbery, attempted rape, criminal association	22/07/20
46.	Léoné Alex, alias Gaspiye	28 ans	M	Night robbery, attempted rape, criminal association	22/07/20
47.	Mondelus Brunet	17 ans	M	Goat theft	15/06/22
48.	Sanon Jérémie	15 ans	M	Theft	21/09/21
49.	Yralus Jean Eddy, alias Marasa	16 ans	M	Phone theft at night	03/11/20
50.	Louis Smith, alias Timilyon	17 ans	M	Phone theft	03/11/20
51.	Louis John Peter	16 ans	M	Phone theft at night	03/11/20
52.	Port-Louis Yvrose	44 ans	F	Association of criminals, robberies	23/09/22

Table 6

48. As presented in Tables 5 and 6, twelve (12) inmates, or 23% of the beneficiaries, were incarcerated in 2022 alone, or for a few months or even days, for their involvement in the commission of criminal acts. Here are some examples:

- Diefson PIERRE LOUIS aka Bega imprisoned on April 1, 2022, for conspiracy and murder, was released on October 10, 2022;
- Junior AUGUSTIN locked up on July 19, 2022, for a scam was released on October 23, 2022;
- Jean Calhul JEAN alias Jakatè and Yvrose PORT-LOUIS arrested on September 23, 2022, for robbery and conspiracy, were released on 10 and 23 of October 2022 respectively;
- Mista SAINT JUSTE aka Lovely was arrested on October 14, 2022, for attempted murder and was released on 18 October 2022.

49. It has also been reported that many of the beneficiaries of these release orders are seriously ill prisoners who risk dying in prison.

#### **g) Arrest of Magistrate Michelet VIRGILE**

50. On July 1, 2022, three (3) handguns consisting of two (2) 9mm pistols and one (1) 38-caliber revolver, thirty (30) magazines, twenty (20) AK-47 rifle holsters, and one hundred and twenty thousand (120,000) long-range assault rifle cartridges, one hundred and fifty-seven (157) crates were discovered by Port-de-Paix customs officers. These weapons and ammunition were transported to the Miss Lili One ship from the United States.

51. On the same day, July 1, 2022, Fritz Jean RELUS, who was responsible for receiving part of the cargo and first organizing his possession and then his transport to Port au Prince, was arrested.

52. On July 5, 2022, the vessel Miss Lili One was thoroughly searched in the presence of her owner Jonas GEORGES. The same day, Jonas GEORGES was arrested for criminal association and illegal trafficking of firearms. The next day, July 6, 2022, the government commissioner at the Court of First Instance of Port-de-Paix, magistrate Michelet VIRGILE, ordered the extraction of the detained Fritz Jean RELUS and Jonas GEORGES. He released them after hearing them for, according to rumors circulating in the jurisdiction, two hundred thousand (\$200,000) US dollars.

53. On July 12, 2022, the government commissioner at the Court of First Instance of Port-de-Paix, magistrate Michelet VIRGILE was arrested. In the evening, magistrate Michelet VIRGILE was transferred to the offices of the Central Directorate of Judicial Police (DCPJ), in Tabarre, in the Western Department. He quickly told the judicial police authorities that he had been ordered to release Fritz Jean RELUS and Jonas GEORGES from his superiors.

54. Following the statements of the magistrate Michelet VIRGILE, July 22, 2022, Robinson Maître PIERRE-LOUIS, member of the cabinet of the Minister of Justice and Public Security, Bertho DORCE, was arrested for wrongful conduct, suspicion of corruption, Influence peddling and conspiracy.

55. On July 25, 2022, the file was assigned to Instructing Magistrate Walter Wesser VOLTAIRE. The next day, July 26, 2022, a habeas corpus session was held. The magistrate Bernard SAINVIL asked the lawyers of Me Robinson PIERRE-LOUIS to assert their rights before the instruction cabinet.

#### **h) Seizure in Port-au-Prince: conduct of magistrate Jacques LAFONTANT**

56. On July 14, 2022, at Port-au-Prince customs, eight (8) boxes were seized. They contained at least eighteen (18) weapons of war, four (4) 9mm caliber pistols, fourteen thousand six hundred and forty-six (14,646) cartridges, one hundred and forty (140) magazines, one (1) sight, and fifty thousand (50,000) counterfeit hundred (100) US dollar bills. The container in which the illicit items were seized belongs to Rémy LINDOR. And steps were being taken to cover it – as well as two (2) other containers belonging to the same person – by the customs franchise granted to the Episcopal Church of Haiti.

57. On the same day of the seizure, Rémy LINDOR contacted the government commissioner at the Court of First Instance of Port-au-Prince, Maître Jacques LAFONTANT. He put him in touch with the former Minister of Youth, Sports, and Civic Action, Ronald D'MEZA, and offered to take him on as a lawyer.

58. On August 23, 2022, the file was transferred to the investigating officer of Judge Chavannes ETIENNE.

59. At the same time, while the file is in the investigating office and to guide the investigation and public opinion, magistrate LAFONTANT ordered two (2) searches at the Collège Saint Pierre and the diocesan office of the Episcopal Church of Haiti. These were carried out on August 24 and September 23, 2022, with a lot of publicity, putting the spotlight on the involvement of the church in the arms and ammunition trafficking, while protecting Fernand PIERRE and Isaac ALERT, The sender and beneficiary of the illicit package.

#### **IV. INSECURITY IMPACTS ON THE HAITIAN JUDICIAL SYSTEM**

##### **a) Attacks on courts and prosecutors' office**

60. In the 2021-2022 judicial year, at least six (6) judicial spaces were attacked.

61. On June 6, 2022, the Prosecutor's Office at the Court of First Instance in Jérémie was ransacked and partially burned. In this regard, it was reported that on the night of May 29 to 30, 2022, Romaly JOSEPH alias Capois, a schoolboy, was hit by a bullet fired by one of the agents of the Departmental Unit for the Maintenance of Order (UDMO) assigned to the security of the departmental director of Grand'Anse, Paul Menard JEAN LOUIS. On June 6, 2022, the police were invited to report to the Prosecutor's Office near the Court of First Instance of Jérémie but they did not comply. On the same day, the population organized a protest movement during which the demonstrators asked the government commissioner to accompany them to the police station to identify the policeman at fault. Maître Mary PYRAM did not follow up on the request of the population who, in retaliation, attacked the prosecutor's office.

62. On June 10, 2022, bandits of Village de Dieu led by Johnson ANDRE alias Izo 5 seconds, stormed the courthouse of Port-au-Prince. They destroyed the archive and took several files of the defendants. They also stole the cars of the Haitian National Police (PNH) as well as those of the defendants and lawyers who were present on the premises that day.

63. To justify this assault against the courthouse of Port-au-Prince, Johnson ANDRE alias Izo 5 seconds said that the magistrates systematically proceed to the release of bandits belonging to armed gangs of the G-Fanmi e Alye, which is not the case for those in the G-Pèp who is not released, even in the case of bribes.

64. As part of these denunciations, Government Alternate Commissioner Joseph Lubin ROSEMBERG has been indexed. He is accused of having received forty thousand (\$40,000) American dollars for the liberation of bandits of Village de Dieu who had been arrested. The Prosecutor's Office near the Court of First Instance of Port-au-Prince did nothing about it, which facilitated the escape of the foreigner, of the magistrate, govern Joseph Lubin ROSEMBERG.

65. On the night of 25-26 of July 2022, the Prosecutor's Office near the Court of First Instance of the Croix-des-Bouquets was attacked by bandits of the 400 Mawozo gang led by Wilson JOSEPH alias Lanmò 100 Jou. The attack was carried out in retaliation for a police operation carried out on July 25, 2022, in their fief at the Croix des Bouquets. They have riddled with bullets and vandalized, and partially burned the Public Prosecutor's Office.

66. On the afternoon of September 14, 2022, the Petit-Goâve courthouse was attacked and then set on fire by unidentified armed individuals. The files of the litigants as well as the furniture of the institution were burned. The same day, the Court of Peace of Petit-Goâve was also ransacked.

67. On September 23, 2022, following an anti-government demonstration during which one (1) death and more than a dozen wounded were recorded, unidentified individuals set fire to the Court of Peace of Cayes. Thanks to the vigilance of the population, the fire was quickly controlled.

68. On October 10, 2022, one week after the reopening of the 2022-2023 judicial year, the premises of the South Peace Tribunal, the Court of First Instance, and the Gonaïves Court of Appeal were attacked by demonstrators who were protesting against the current government. All the office equipment of these courts was taken away by the demonstrators who also vandalized the offices of the Civil State of Gonaïves.

#### **b) Attacks on lawyers and magistrates**

69. During the 2021-2022 judicial year, lawyers and magistrates were victims of acts of insecurity. Here are some examples:

- On October 16, 2021, at the corner of Cameau Street, not far from the Sylvio Cator Stadium, Patrice Michel DERENONCOURT, lawyer at the Bar of Port au Prince and university professor, was kidnapped by heavily armed men. He was murdered;
- On December 20, 2021, at Joseph Janvier Street, two (2) lawyers registered with the Port-au-Prince Bar, Manette Rock Dorcéus DEJERVIL and Antoine GRENNY, were kidnapped. They went to court. They were released for ransom on December 25, 2021;
- On January 19, 2022, in the municipality of Croix-des-Bouquets, Justice Léa CHARLOTIN was shot in the thigh;
- On January 20, 2022, at Avenue Christophe, near the Institut National d'Administration, de Gestion et des Hautes Etudes Internationales (INAGHEI), Maître Fritz ALTENOR, a lawyer registered with the Croix des Bouquets, was shot and killed;
- On February 9, 2022, at rue des Casernes, Maître Kery SEMERVIL, and Antoine DELVA, of the Bar of Petit-Goâve were kidnapped;
- On February 9, 2022, at rue des Casernes, Maître Ronald JOSEPH was seriously injured. Three (3) representatives involved in and accompanying a land conflict were murdered. Maître Ronald JOSEPH returned from the Prosecutor's Office to the Court of First Instance of Port-au-Prince, following a summons of his clients, in the context of this same case;
- On February 28, 2022, in Pétion-Ville, Maître Joël PETIT-HOMME, of the Port au Prince bar was seriously wounded by gunfire during a kidnapping attempt against him;
- On February 15, 2022, at the Bicentenary, Jean Berry Dumay COSMEUS was kidnapped as he was leaving the Port-au-Prince courthouse;
- On March 14, 2022, in Delmas, Silot Zone, the vehicle of magistrate Anne FIGNOLE was hit with two (2) projectiles;
- On June 8, 2022, former President of the Mirebalais Bar Association, Jean Ernst CHERY, was kidnapped from the National Palace.

70. These numerous cases of insecurity added to the fact that the bicentenary is totally under the influence of armed bandits, led the Bar of Port-au-Prince to adopt on March 11, 2022, at a special meeting, a resolution according to which, they demanded the relocation of the Port-au-Prince courthouse. At that time, the State authorities were given fifteen (15) days to follow up. This request was supported by associations of magistrates.

### **c) Relocation of judicial spaces**

71. Due to the country's security situation, a few relocations were recorded during the 2021-2022 court year:

- On 4 April 2022, the Superior Council of the Judiciary (CSPJ) ordered the transfer of the Dean of the Court of First Instance of Port-au-Prince to the Court of Peace of Port-au-Prince, South section;
- On April 26, 2022, the administration of the Bar Association of Port-au-Prince was relocated;
- At the end of August 2022, the Public Prosecutor's Office at the Court of First Instance in Port au Prince was authorized to move into the OPC premises in Lalue. A few days later, the Dean left the Peace Tribunal where he had taken refuge, to come to cohabit with the Public Prosecutor;
- On August 4, 2022, the CSPJ ordered the Dean of the Court of First Instance of the Croix-des-Bouquets to relocate to the Tabarre municipal library.

## **V. CRIMINAL CASES WITH AND WITHOUT JURY ASSISTANCE**

72. During the 2021-2022 judicial year, nine (9) of the country's eighteen (18) first-instance courts conducted criminal hearings without assistance from a jury. These are the jurisdictions of Anse-à-Veau, Aquin, Les Cayes, Croix-des-Bouquets, Fort-Liberté, Gonaïves, Miragoâne, Petit-Goâve, and Saint-Marc. However, the RNDDH was unable to obtain the information for the hearings held at the Croix des Bouquets and Gonaïves.

73. In total, two hundred (200) cases were assigned, of which one hundred and seventy-five (175) were heard and twenty-five (25) were referred.

#	Jurisdictions	cases stipulated	cases heard	cases referred
1.	Anse-à-veau	22	21	1
2.	Aquin	37	37	0
3.	Cayes	8	4	4
4.	Fort-Liberté	16	12	4
5.	Miragoâne	25	19	6
6.	Petit-Goâve	40	37	3
7.	Saint-Marc	52	45	7
	<b>Total</b>	<b>200</b>	<b>175</b>	<b>25</b>

Table 7

74. Three hundred and twenty-eight (328) persons were tried, one hundred and ninety-four (194) were convicted and sixty-seven (67) were released. Sixty-seven (67) other defendants were sent back to prison undecided because the deans of the criminal courts ordered the exhibits to be filed at the hearing. The decisions have not yet been communicated to them.

75. The following table presents information broken down by jurisdiction:

jurisdictions	those tried	persons convicted	persons released	People are not fixed on their fate
Anse-à-veau	33	28	5	
Aquin	21	15	6	
Cayes	5	3	2	
Fort-Liberté	14	8	4	2
Miragoâne	66	8	4	54
Petit-Goâve	44	20	13	11
Saint-Marc	145	112	33	
<b>Total</b>	<b>328</b>	<b>194</b>	<b>67</b>	<b>67</b>

Table 8

## VI. PROGRESS ON CERTAIN EMBLEMATIC DOSSIERS

76. Also during the period covered by this report, the RNDDH inquired about the progress of some emblematic files that had been in the news. Here are some examples:

### a) Assassination of Chairman of the Bar Association Monferrier DORVAL

77. On the evening of August 28, 2020, Maître Monferrier DORVAL, President of the Bar Association of Port-au-Prince, was assassinated in his residence in Pèlerin 5.

78. On October 20, 2020, the file was transferred to the Investigation Office of Magistrate Renord RÉGIS. Four (4) individuals were arrested as part of this investigation. These are

Modeler SENEGEAU alias abidi, Mackender FILS-AIME, Valéry DORT, and Vilpique DUNES.

79. On November 13, 2020, in Lalue, magistrate Renord REGIS suffered an armed attack during which the windows of his vehicle were broken. On 16 September 2021, in a letter addressed to the members of the Council of Judicial Power (CSPJ), the magistrate announced his resignation as investigating judge.

80. On October 5, 2021, Magistrate Loubens ELYSEE was appointed by the Dean. A few months later, on January 31, 2022, he voluntarily divested himself of the file while claiming that he never had the chance to see the document for which he was responsible. Since then, no judge has been chosen.

#### **b) Murder of Antoinette DUCLAIR and Diego CHARLES**

81. On the night of June 29-30, 2021, activist Antoinette DUCLAIR, and journalist Diego CHARLES of Radio télévision 2000 were murdered in Christ-Roi by armed individuals. Likely, the file is lost to the Prosecutor's Office near the Court of First Instance of Port-au-Prince which had never transferred it to the Investigating Cabinet. To date, no attempt has been made by the said Prosecutor's Office to reconstruct it.

#### **c) Assassination of Jovenel MOÏSE**

82. On the night of July 6-7, 2021, former President Jovenel MOÏSE was murdered at his home in Pèlerin 5.

83. On August 4, 2021, the Government Commissioner near the Court of First Instance in Port-au-Prince transferred the file to the investigating office. On August 10, 2021, Magistrate Mathieu CHANLATTE was appointed to hear the case. Less than a week later, he retreated from the case, evoking personal convenience and the tragic death of his clerk Ernst LAFORTUNE.

84. On August 22, 2021, Justice Garry ORELIEN was appointed as the new judge to conduct the investigation. Clouded by a corruption scandal linked to his conduct in the investigation of this case, he had to divest himself, in an order issued on January 21, 2022.

85. On February 7, 2022, Chavannes ETIENNE was appointed as the third judge to hear the matter. On February 9, 2022, the magistrate declared that he was divesting himself of the case for security reasons.



86. On March 4, 2022, Training Judge Merlan BELABRE was appointed. On March 13, 2022, he expressed concern for his safety and that of his family. He also denounced the fact that no means were made available to him for the proper conduct of the investigation. Finally, in correspondence sent to the dean and the government commissioner, he indicated that his term had expired on April 25, 2022, and he divested himself of the file.

87. On May 30, 2022, Justice Walther Wesser ETIENNE was appointed as the fifth instructing magistrate to conduct the investigation.

88. It should be noted that forty-two (42) persons are incarcerated as part of this file, including eighteen (18) Colombians. On November 11, 2022, at the writing of this document, an action in habeas corpus is brought by the dean of the Court of First Instance of Port-au-Prince, in favor of the Colombians.

#### **d) Complaint against Evans LESCOUFLAIR for sexual crimes against minors**

89. On January 26, 2022, during a broadcast on social networks, Claude Alix BERTRAND denounced the sexual assaults perpetrated against him by Evans LESCOUFLAIR, former sports instructor at Collège Saint-Louis de Gonzague and former Minister of Youth, Sports, and Civic Action.

90. Office seizure on May 12, 2022, the Prosecutor's Office at the Court of First Instance of Port au Prince invited Evans LESCOUFLAIR to appear. Through his lawyers, he sent a letter to the Government Commissioner, requesting that the appearance be postponed. An APB and an international warrant were issued against him. On July 2, 2022, Evans LESCOUFLAIR was arrested by Interpol in Panama and handed over to the DCPJ on July 6, 2022. On July 11, 2022, he was transferred to the Canapé-vert sub-police station, and on July 14, 2022, he was imprisoned in the Port-au-Prince Civil Prison. His file has been transferred to the Dean of the Court of First Instance of Port-au-Prince, which has not yet been distributed it.

91. Evans LESCOUFLAIR and one of his lawyers told the RNDDH that, during an interview with the dean at the Court of First Instance of Port-au-Prince, Maître Bernard SAINVIL, he told them that on June 10, 2022, Thanks to the storming of the courthouse of Port-au-Prince by the bandits of Village of God led by Johnson ANDRE alias Izo 5 seconds, several files of detainees including that of Evans LESCOUFLAIR were carried away or burned.

92. On September 12, 2022, correspondence from the Prosecution was sent to the civil party, asking it to renew its complaint, for the reconstruction of the file.

### e) Various massacres in deprived neighborhoods

93. From 2018 to 2022, there were at least nineteen (19) massacres and armed attacks in the Western Department. They have caused enormous loss of life and property. For sixteen (16) of these bloody events, the RNDDH recorded at least nine hundred and forty-seven (947) murdered persons, fifty-nine (59) missing persons, and one hundred and one (101) mass and repeated rape of women and girls. In addition, approximately six hundred and seventy-seven (677) houses were destroyed or burned. The following table provides the details, by area, period, and loss.

locations	Date / Périod	Persons Killed	Persons injured	Missing Persons	Women/girls raped	Houses /véhicules burn down
La Saline	13 – 14 November 2018	71	66	2	11	148
Cité Soleil	March 2019	7				
La Saline / Cité Vincent	14 – 19 April 2019	20				
Delmas 2	April 2019	15				
La Saline	5 – 13 July 2019	20	6	2		
Carrefour-Feuilles	24 April 2019	9	11			
Bel-Air	4 – 8 November 2019	24	5			
Pont-Rouge/ Chancerelles	23 – 27 May 2020	34	8			
Cité Soleil	1 <sup>er</sup> June – 28 July 2020	111	20	48	18	
Bel-Air	28 August 2020	36	12			
Bel-Air	31 March– 15 May 2021	45	24			178
Cité Soleil	January – May 2021	44	15	7	1	3
Delmas 32 - Port-au-Prince	29 – 30 June 2021	20				
Plaine du Cul-de-Sac	24 April – 6 May 2022	191			18	138
Cité Soleil	7 – 13 July 2022	+ 300	22		53	210
<b>Total</b>	<b>2018 – 2022</b>	<b>947</b>	<b>167</b>	<b>59</b>	<b>101</b>	<b>677</b>

Table 9

94. Public action has never been taken against these armed bandits whose leaders are known and denounced by the victims. These include, but are not limited to:

- Jimmy CHERIZIER aka Barbecue, based in Delmas 6;
- Gabriel JEAN-PIERRE aka Ti Gabriel or Gabo based in Nan Brooklyn, Cité Soleil;
- Matias SAINTIL based in Nan Boston, Cité Soleil;
- Andrice ISCARD based in Nan Belekou, Cité Soleil district;
- Tyson SAMEDY, based in Nan Rakèt, Cité Soleil;
- Serge ALECTIS aka Ti Junior, based in La Saline;
- Micanor ALTES still known as Monel FELIX, aka King Mikanò, based at Jérémie’s Wharf;
- Christ-Roi CHERY aka Krisla, based in Fontamara and Carrefour;

- Claudy CELESTIN still known as Stevenson PIERRE aka Chen Mechan, based at the Croix-des-Missions;
- Jean Claude CELESTIN, father of Claudy CELESTIN, based at the Croix-des-Missions;
- Gardy JEAN, from Base Krache Dife, based on Rue Saint-Martin;
- Wilson JOSEPH aka Lanmò 100 Jou based at Croix-des-Bouquets and Thomazeau;
- Vitelhomme INNOCENT based in Pernier;
- Johnson ANDRE aka Izo 5 second based in Village de Dieu;
- Destina RENEL aka Ti Lapli based in Grand Ravine.

**f) Widlore MERENCOURT**

95. On October 15, 2020, journalist Widlore MERENCOURT was attacked by two (2) armed individuals. They stole his grey Suzuki Vitara car, registered under registration number BB 95936. On September 21, 2021, he saw his vehicle pass through Martin Luther King Avenue and immediately alerted the police who stopped the driver. During his arrest, the latter, Serjo MASSILLON, a soldier of the Army of Haiti, had in his possession, one (1) illegal weapon of caliber 9 millimeters.

96. Upon verification of the engine serial numbers, it was determined that the car belonged to Widlore MERENCOURT. And, Serjo MASSILLON was arrested for vehicle theft. While the Departmental Section of the Judicial Police (SDPJ) was investigating the case, the magistrate Gérald Belony NORGAISSE ordered the release of Serjo MASSILLON, following a session in habeas corpus.

97. Subsequently, a departure ban was issued against Serjo MASSILLON. Since November 19, 2021, the file has been transferred to the Office of the Dean of Port au Prince but no judge has yet been appointed to hear the case.

**g) Eugène Georges Frantz LARGE**

98. Based on a default judgment issued on August 11, 2009, by Judge Bredy FABIEN and an exequatur of government commissioner Clamé Ocnam DAMEUS dated May 12, 2017, Justice of the Peace Clément NOEL and several specialized agents of the National Police of Haiti (PNH) Went on February 1, 2022, to Fermathe 54. They had to remove Doctor Eugene Georges Frantz LARGE from a house he claims to have occupied for more than thirty (30) years.

99. On May 6, 2022, Justice of the Peace of Kenscoff Maître Raymonde Jean ANTOINE, following another order of the Prosecutor's Office near the Court of First Instance of Port-au-Prince, proceeded with the reintegration of Dr. For the execution of this order, the magistrate had to force the locked doors and barriers that had been locked from the inside. In the report of findings that he prepared in the circumstances, he noted that he found:

- One (1) M4, PA-15MULT1PI009280
- One (1) charger
- Fifty (50) rounds
- One (1) plastic handcuff
- One (1) Motorola communication radio with its base
- One (1) pair of black boots
- One (1) police helmet
- Two (2) multi-colored motorcycle caps
- Three (3) checks stubs with the respective amounts of ten thousand two hundred (10,200) gourdes, sixteen thousand three hundred and forty-four (16,344) gourdes, and eighteen thousand three hundred (18,300) gourdes in the name of Diego Maradona JEAN LOUIS
- One (1) Haiti National Police Order signed by Commissioner Divisionary Jean Alex PIERRE LOUIS on behalf of Diego Maradona JEAN LOUIS
- One (1) Lionel Jean ADL National Police Calling Card

100. On the same day, May 6, 2022, in the evening, armed individuals returned to the property. Since then, Dr. Large has had to leave his home and the file has remained blocked.

## VII. GENERAL CONDITIONS OF DETENTION

101. Nineteen (19) civilian prisons are operational in the country. Of these, only four (4) can be considered as offering a space acceptable to persons deprived of liberty. These are the Center for the Reinsertion of Minors in Conflict with the Law (CERMICOL) and the civil prisons of Cabaret, Croix-des-Bouquets, and Fort-Liberté 2.

102. The remaining fifteen (15) prison spaces are in very poor condition, most of which were built decades ago. In addition, cells that can house ten (10) inmates receive an average of forty inmates. As a result, inmates are kept in subhuman conditions, in the smallness and lack of aeration of cells. The following examples provide an idea of the situation in prisons:

- The building housing the Port-au-Prince Civil Prison, located in the heart of the Haitian capital, is in critical condition. Some spaces are cracked. The dormitories of the officers of the Directorate of Penitentiary Administration (DAP) are dilapidated. The cells are not regularly supplied with electricity and are not ventilated or illuminated. The state of insalubrity around and within the prison promotes rodent visitation, which represents a great risk to the health of inmates. They don't bathe regularly. They don't get recess and they relieve themselves inside their cells. They are undernourished and show visible signs of malnutrition and skin diseases.
- The building housing the Fort Liberté 1 Civil Prison is completely dilapidated. The cells are cramped, the walls are dirty and damaged. The dispensary is not fed any medication.
- Inmates at the Anse-à-veau Civil Prison are not entitled to recreation. They do everything inside their cell.
- At the Jacmel Civil Prison, the cell where women and minors are incarcerated, is without a bed and mattress. Boys stay with men, whether they are convicted or awaiting trial.
- The Cap-Haitien Civil Prison is supplied with food, in a very irregular way. Water is no longer available there, for lack of fuel. And, for the preparation of the prisoners' food, the officials of said prison resort to wood fire, propane is not available.
- The inmates of the Grande Rivière du Nord Civil Prison are dependent on missionaries. When they do not help them, they are left without food, without drinking water. They do not have a hygienic kit to perform their ablutions.

#### **a) Deceased inmates**

103. From January to October 2022, at least one hundred and seventy-two (172) detainees lost their lives in fourteen (14) civilian prisons in the country and the police station of Petit-Goâve converted into a prison. Twenty-four (24) of these detainees died of Cholera at the Port-au-Prince Civil Prison.

	<b>Prisons</b>	<b>Number of deceased inmates</b>
1.	Anse-à-Veau	2
2.	Cap-Haïtien	22
3.	Carrefour	3
4.	Cayes	26
5.	Croix-des-Bouquets	18
6.	Fort-Liberté 1	1
7.	Fort-Liberté 2	1
8.	Gonaïves	3
9.	Hinche	5
10.	Jacmel	18
11.	Jérémie	2
12.	Mirebalais	1
13.	Petit-Goâve (Commissariat)	22
14.	Port-au-Prince	44
15.	Saint-Marc	4
<b>Total</b>	<b>14 prisons and 1 police station</b>	<b>172</b>

Table 10

104. The following table provides information on one hundred and sixteen (116) of the one hundred and seventy-two (172) inmates who died between January and October 2022.

	<b>Deceased detainees</b>	<b>Prisons</b>	<b>Date of death</b>
1.	Vilius Joseph	Prison civile du Cap-Haitien	January 6, 2022
2.	Janvier Gesner	Prison civile Croix-des-bouquets	January 7, 2022
3.	Alcinthe Phito	Prison civile Croix-des-bouquets	January 10, 2022
4.	Monestime Nesly	Prison civile du Cap-Haïtien	January 12, 2022
5.	Ernst Septembre	Prison civile du Cap-Haitien	January 15, 2022
6.	Pierre Milton	Prison civile du Cap-Haïtien	January 21, 2022
7.	Fabre Rigaud	Prison civile Croix-des-bouquets	January 23, 2022
8.	Paul Christin	Prison civile Croix-des-bouquets	January 23, 2022
9.	Michel Lucien	Prison civile de Jacmel	January 23, 2022
10.	Joseph Legence	Prison civile du Cap-Haïtien	January 25,2022
11.	Altéma Berel	Prison civile du Cap-Haïtien	January 27, 2022
12.	Mama Renold	Prison civile Croix-des-bouquets	January 28, 2022
13.	Pierre Cenn	Prison civile du Cap-Haitien	January 30, 2022
14.	Jean Erick	Prison civile du Cap-Haïtien	February 3,2022
15.	Louis Erius	Prison civile Croix-des-bouquets	February 5, 2022
16.	Jean Guensly	Prison civile du Cap-Haïtien	February 6, 2022
17.	Excellence Junior	Prison civile du Cap-Haïtien	February 9, 2022
18.	Ducange Acome	Prison civile du Cap-Haitien	March 10, 2022
19.	Joseph Solange	Prison civile Croix-des-bouquets	February 17, 2022
20.	Jean Véus	Prison civile du Cap-Haïtien	February 18,2022
21.	Prague Milien	Prison civile des Cayes	March 4 2022
22.	Louidor Ulrick	Prison civile de Port-au-Prince	March 4 2022
23.	Toussaint John	Prison civile de Jacmel	March 7 2022
24.	François Saint Rosaire	Prison civile Croix-des-bouquets	March 11 2022

***Dysfunction of the judicial and penitentiary systems: RNDDH pleads for the respect of the rights to a judicial guaranteed***

25.	Luca Valbrum	Prison civile de Jacmel	March 14 2022
26.	Balde Fritznel	Prison civile de Mirebalais	March 19 2022
27.	Alexandre Jean-Claude	Prison civile Croix-des-bouquets	March 21 2022
28.	Noréus Robentz	Prison civile du Cap-Haïtien	April 8 2022
29.	Cédernier Laurent	Prison civile de Jérémie	April 13 2022
30.	Jean Patrickson	Prison civile des Cayes	April 17 2022
31.	Julien Fritznel	Prison civile du Cap-Haïtien	April 20 2022
32.	Cétoute Abraham	Prison civile Croix-des-bouquets	April 26 2022
33.	Léo Léonel	Prison civile de Hinche	April 29 2022
34.	Bien-Aimé Mislou	Prison civile de Hinche	May 4 2022
35.	Joseph Wilson	Prison civile Croix-des-bouquets	May 5 2022
36.	Jean Louis Germain	Prison civile de Jacmel	May 7 2022
37.	Norvilus Enock	Prison civile du Cap-Haïtien	May 10 2022
38.	Joseph Grand Jean	Prison civile du Cap-Haïtien	May 10 2022
39.	Joseph Dieussaint	Prison civile de Hinche	May 19 2022
40.	Nérius Mackenson	Prison civile des Cayes	May 20 2022
41.	Célipauvre Mitolson	Prison civile du Cap-Haïtien	May 26 2022
42.	Auguste Dona	Prison civile des Cayes	June 2 2022
43.	Dieujuste Gérard	Prison civile des Cayes	June 2 2022
44.	Pierre-Saint Léonard	Prison civile de Jacmel	June 4 2022
45.	Garçon Frandy	Prison civile des Cayes	June 8 2022
46.	Hilaire Dieulhomme	Prison civile des Cayes	June 9 2022
47.	Marc-Charles Mackenson	Prison civile de Jacmel	June 10 2022
48.	Aristilde Jeff	Prison civile des Cayes	June 12 2022
49.	Saint Hilaire AC	Prison civile des Cayes	June 17 2022
50.	Philistin Wislène	Prison civile des Cayes	June 18 2022
51.	Fénéus Olondieu	Prison civile Croix-des-bouquets	June 18 2022
52.	Elidor Dorcé	Prison civile de Port-au-Prince	June 20 2022
53.	Colise Wichel	Prison civile des Cayes	June 21 2022
54.	Aristilde Wilnève	Prison civile des Cayes	June 21 2022
55.	Michel Lenès	Prison civile de Jacmel	June 21 2022
56.	Océan Yvener	Prison civile de Jacmel	June 23 2022
57.	Nicolas Roosevelt	Prison civile Croix-des-bouquets	June 26 2022
58.	Joseph Ulysse	Prison civile de Jacmel	June 28 2022
59.	Frandy Riché	Prison civile des Cayes	July 1 2022
60.	Ronald Deka	Prison civile des Cayes	July 3 2022
61.	Jacksaint Célius	Prison civile des Cayes	July 18 2022
62.	Dieurisson Louis	Prison civile de Jacmel	July 21 2022
63.	Valmy Patience	Prison civile du Cap-Haïtien	July 22 2022
64.	Altéma Frantzin	Prison civile du Cap-Haïtien	July 23 2022
65.	Milord Jean Panel	Prison civile de Jérémie	July 27 2022
66.	Odile Boudet	Prison civile des Cayes	July 31 2022
67.	Jean Baptiste Oracile	Prison civile Croix-des-bouquets	August 1 2022
68.	Raymond Silibo	Prison civile Croix-des-bouquets	August 6 2022
69.	Florestal Dabouze	Prison civile des Cayes	August 6 2022
70.	Desruisseaux Santélhomme	Prison civile des Cayes	August 9 2022
71.	Merdéus Servéus	Prison civile du Cap-Haïtien	August 11 2022
72.	Pebly Buissereth	Prison civile des Cayes	August 21 2022
73.	Emmanuel Lordéus	Prison civile de Jacmel	August 23 2022
74.	Vertilien Jean	Prison civile de Jacmel	August 23 2022
75.	Jean Démé	Prison civile des Cayes	August 25 2022

***Dysfunction of the judicial and penitentiary systems: RNDDH pleads for the respect of the rights to a judicial guaranteed***

76.	Suffert Sam Bob	Prison civile du Cap-Haïtien	August 30 2022
77.	Sorélus Renel	Prison civile de Hinche	August 31 2022
78.	Sanon Liferne	Prison civile de Jacmel	September 2 2022
79.	Jean Pierre Dunalson	Prison civile de Jacmel	September 2 2022
80.	Ossé Ferdinand	Prison civile de Jacmel	September 3 2022
81.	Tombeau Dieuvé	Prison civile de Jacmel	September 3 2022
82.	Télusma Claudius	Prison civile du Cap-Haïtien	September 10 2022
83.	Pierre Saint-pierre	Prison civile Croix-des-bouquets	September 18 2022
84.	Elmica Maxo	Prison civile Croix-des-bouquets	September 27 2022
85.	Georges Brunel	Prison civile des Gonaïves	September 26 2022
86.	Estenio Cambron	Prison civile Fort-liberté 2	September 26 2022
87.	Compère Louvensky	Prison civile de Hinche	September 29 2022
88.	Pierre Aliann Auxilia	Prison civile de Port-au-Prince	October 4 2022
89.	Pierre Jean Rony	Prison civile de Port-au-Prince	October 4 2022
90.	Jean Baptiste Maurice	Prison civile des Cayes	October 5 2022
91.	Burry Orel	Prison civile des Cayes	October 6 2022
92.	Jean Vilaire Bernard	Prison civile des Cayes	October 6 2022
93.	Pierre Jude	Prison civile de Port-au-Prince	October 8 2022
94.	Henry Pierre	Prison civile de Port-au-Prince	October 8 2022
95.	Robenson Jocelyn	Prison civile de Port-au-Prince	October 8 2022
96.	Cadeau Noel	Prison civile de Port-au-Prince	October 8 2022
97.	Lamac Estomac	Prison civile de Port-au-Prince	October 8 2022
98.	Jean Robert Fragelice	Prison civile de Port-au-Prince	October 8 2022
99.	Delange Mathurin	Prison civile de Port-au-Prince	October 8 2022
100.	Pierre Jean Renold	Prison civile de Port-au-Prince	October 8 2022
101.	Jean Michelet Cornet	Prison civile de Port-au-Prince	October 8 2022
102.	Renel Gabriel	Prison civile de Port-au-Prince	October 8 2022
103.	Robenson Etienne	Prison civile de Port-au-Prince	October 8 2022
104.	Lissage Brice	Prison civile de Port-au-Prince	October 8 2022
105.	Roméus Frandy	Prison civile de Port-au-Prince	October 8 2022
106.	Thony Michel	Prison civile de Port-au-Prince	October 8 2022
107.	Désamours Éric	Prison civile de Port-au-Prince	October 8 2022
108.	Jonel Lubris	Prison civile de Port-au-Prince	October 9 2022
109.	Gusmane Metellus	Prison civile de Port-au-Prince	October 9 2022
110.	Pétion Célimon	Prison civile de Jacmel	October 10 2022
111.	Orasmi Jameson	Prison civile des Cayes	October 10 2022
112.	Charles Anderson	Prison civile des Cayes	October 10 2022
113.	Petit-Marc Wadson	Prison civile Croix-des-bouquets	October 11 2022
114.	Joseph Ulrick	Prison civile Fort-liberté 1	October 12 2022
115.	Rosené Claude	Prison civile de Jacmel	October 15 2022
116.	Jean Jinelson	Prison civile des Cayes	October 15 2022

Table 11

## VIII. RECORDED EVASION FROM JANUARY TO OCTOBER 2022

### a) Croix-des-Bouquets Civil Prison

105. On December 31, 2021, at approximately 10 a.m. an escape attempt was recorded at the Croix-des-Bouquets Civil Prison. According to the information gathered, it all began



when the detainees took two (2) PAD officers and one (1) nurse hostage. They stole the weapons from the officers in question and started shooting. They also set fire to the kitchen and vandalized the post office manager's office, the prison registry, and the office in charge.

106. In the ensuing clash, penitentiary officer Michel DAVID, from the 25th promotion of the PNH as well as ten (10) detainees were killed. These are:

- Estiplait DAMAS
- Fané PIERRE
- Toutoute DORADIEU
- Jean Myrtho LAFORTUNE
- Jeff JEAN LOUIS
- Clairci DESTINE
- Fils Dorane DENIS
- Daillant DENIS
- Jouvens JOSEPH
- Bernardo alias Ti Manno

107. In addition, four (4) other officers were seriously injured. They were:

- André Junior LAFRANCE
- Ronald JEANTY
- Robenson JOACHIM
- Evens SEVERE

108. It should be noted that Correctional Officer André Junior LAFRANCE, who had been shot in the right leg, suffered an amputation.

#### **b) Cabaret Civil Prison**

109. On the afternoon of September 22, 2022, three (3) armed gangs operating in the areas of Lafiteau, Canaan 70, and Canaan 50, respectively led by Michel PETERSON, Jean Brunet PHILEMON, and Jeff LAROSE attacked the Titanyen sub-commission. They murdered the policeman Clautaire SAINT-LOUIS. Then, they ransacked the said sub-station before setting it on fire. Subsequently, they used containers to block several stretches of road leading to the Cabaret civil prison before attacking the prison itself.

110. According to information received by the RNDDH, one (1) DAP officer opened the block where the women and girls in pre-trial detention were being held, in order,

according to what he had suggested at the time, to provide them with water for their bath. One hundred and forty-five (145) of them escaped.

111. It was agents of the Intervention Corps for the Maintenance of Order (CIMO) and the Departmental Unit for the Maintenance of Order (UDMO) from the Artibonite who had to intervene to restore order in the area and regain control of the civil prison of Cabaret.

## **IX. LEGAL STATUS OF DETAINEES**

112. At the opening of the judicial year 2021-2022, in October 2021, the prison population was estimated at eleven thousand two hundred and fifty (11,250) prisoners of which two thousand fourteen (2,014) were sentenced and nine thousand two hundred and thirty-six (9,236) persons, or 82%, awaiting trial. At its closure in September 2022, the prison population is estimated at eleven thousand seven hundred and thirty-seven (11,737) prisoners, of which one thousand eight hundred and eighty-five (1,885) condemned and nine thousand eight hundred and fifty-two (9,852) prisoners, or 84% awaiting trial.

113. Thus, despite the spectacular escape recorded at the Cabaret Civil Prison in which one hundred and forty-five (145) women fled, the few criminals and correctional hearings held during 2021 and the judicial year 2022 had no impact on the rate of unlawful and arbitrary pre-trial detention.

## **X. COMMENTS AND RECOMMENDATIONS**

114. The 2021-2022 court year was a difficult one characterized by scandals within the court system. With the arrival at the Ministry of Justice of Maître Berto DORCE as a minister, attempts to appoint new personalities to the Court of Cassation of the Republic multiplied. These failed attempts were carried out without any consensus between the various components of society, at a time when the socio-political crisis that is hitting the country had enormous consequences on the life of the population. A new Superior Council of the Judiciary (CSPJ) incomplete was installed, also during this year.

115. It was also during the judicial year analyzed in this report that magistrate Garry ORELIEN was indexed because of his behavior, outside the rules of ethics, in the investigation of the case relating to the assassination of former president Jovenel MOÏSE. And, for his part, the commissioner of the Port-de-Paix government Michelet VIRGILE was arrested for having ordered the release of arms and ammunition traffickers.

116. It was finally during this same period that, in unexplained conditions, Samuel DORVIL who was in the civil prison of Fort-Liberté was released, without any court decision.

117. Many judges have been indexed because of their behavior in the files for which they are responsible. Examples include:

- Justice of the Peace of the Tribunal of Fort Liberté, François COLAS, is criticized for ordering one of the parties in dispute to burn the property of the other in his presence in a land dispute;
- The Justice of the Peace of Ennery Nophat DESTIN is denounced for having released two (2) individuals from whom he had himself ordered the arrest for illegal possession of firearms and attempted murder;
- The Dean of Fort Liberté is indexed for granting release to an individual incarcerated for minor rape, following habeas corpus action;
- The Office of the Prosecutor at the Court of First Instance of Jeremiah headed by the magistrate Mary PYRAM has decided to waive the prosecution of fifty-two (52) individuals imprisoned for, among other things, theft, rape of minors, murders, etc. Twelve (12) Some of them have only been arrested for a few months or even a few days.

118. Other judges have been criticized for their involvement in cases of human rights violations. The most fragrant example is that of magistrate Jean Ernest MUSCADIN who summarily executed at least two (2) individuals whom he presented as armed bandits. One of them was killed the day after the judicial works were reopened for the new year 2022-2023. If for the first case he had recorded the execution in question, for the second case he stated that the individual had fallen during exchanges of fire with the Prosecutor's Office near the Miragoâne Court of First Instance.

119. Thus, instead of tackling the task and putting public action in motion against the armed bandits who sow terror in his jurisdiction, the magistrate MUSCADIN turned into a vigilante.

120. The RNDDH considers that there are many cases on which the joint commission of certification of the Ministry of Justice and Public Security and the Superior Council of the Judiciary (CSPJ) should examine with speed.

121. Moreover, the impact of insecurity on the functioning of the judicial system, particularly in the jurisdictions of Port-au-Prince, Croix-des-Bouquets, and Petit Goâve has been enormous. At least six (6) courts, were vandalized and at least four (4) were set on fire. In addition, several lawyers and magistrates were abducted, shot, or murdered, also during the 2021-2022 judicial year.

122. Only nine (9) of the country's eighteen (18) first-instance courts held criminal hearings without assistance from a jury. These are the jurisdictions of Anse-à-Veau, Aquin, Les Cayes, Croix-des-Bouquets, Fort-Liberté, Gonaïves, Miragoâne, Petit-Goâve, and Saint-Marc.

123. The courts of the first instance of Cap Haitien, Coteaux, Grande Rivière du Nord, Hinche, Jacmel, Jérémie, Mirebalais, Port-au-Prince, and Port-de-Paix did not hold any criminal hearings. Among them, however, are the largest jurisdictions in the country, in terms of the number of litigants to serve and the size of their respective prison populations.

124. Three hundred and twenty-three (323) individuals were tried. One hundred and ninety-four (194) were sentenced and sixty-seven (67) were released. Sixty-seven (67) people have not yet decided their fate, as the deans of the criminal courts have not yet pronounced their verdict.

125. Thus, criminal hearings were drastically reduced and had no impact on the rate of unlawful and arbitrary pre-trial detention. At the opening of the 2021-2022 judicial year in October 2021, 82% of the total prison population was awaiting trial. Despite the criminal hearings held and the spectacular escape of one hundred and forty-five (145) inmates at Cabaret Civil Prison, 84% of the prison population is awaiting trial, at the closure of the judicial year analyzed, in September 2021.

126. At the same time, the general conditions of detention are worsening every day. Promiscuity, contagious diseases, cholera, malnutrition, and unavailability of drugs, on the one hand, buildings in poor condition, unhealthy, un-lit cells on the other hand: prisoners are kept in subhuman conditions. From January to October 2022, these conditions had irreversible consequences on their lives and health. In addition to many sick inmates to whom medical staff is unable to administer medication, the RNDDH has also identified the case of one-hundred and seventy-two (172) inmates who have died.

127. Thus, the judicial year 2021-2022 started in a particular context and was characterized by an unprecedented socio-political crisis, aggravated by the assassination of former president Jovenel MOÏSE. This was followed by a judicial year with mixed results, with no improvement in the socio-political crisis. The impact of this lack of results has been enormous on the functioning of the prison. And the many people awaiting judgment have especially had to suffer from this situation.

128. It is therefore obvious that the Haitian judicial and penitentiary systems are dysfunctional and, the rights to judicial guarantees of the Haitian population are violated every day.

129. Based on these findings, the RNDDH recommends that the judicial and penitentiary authorities:

- Investigate the behavior of indexed judicial actors in the commission of human rights violations;
- Quickly organize criminal hearings with and without jury assistance to reduce the number of people awaiting trial;
- Improve prison conditions by providing inmates with healthy food, the medicines they need, and hours outdoors;
- Make all necessary arrangements to secure courtyards and courts;
- To satisfy the demands of the judicial actors by improving their working conditions, to reduce the number of work stoppages.