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## **NEWS RELEASE**

### **COMMUNIQUE DE PRESSE**

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**Detention cells transformed into prisons:  
*RNDDH is sounding the alarm.***

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1. For some time now, many police stations and sub-police stations located in the Ouest department, under the jurisdiction of the Port-au-Prince and Croix-des-Bouquets courts of first instance respectively, have been experiencing overcrowding in their holding cells.
2. This has been observed by the National Human Rights Defense Network (RNDDH), during its monitoring activities in the detention centers of the aforementioned department. Today, RNDDH considers it its duty to share its concerns with the public.

#### **I. SITUATION IN CERTAIN POLICE STATIONS AND SUB-STATIONS CONVERTED INTO PRISONS**

3. Pétion-Ville, Port-au-Prince, Delmas 33, Tabarre, Pointe-à-Raquette and Anse-à-galets; the sub-stations of Cazeau, Delmas 3 and Carrefour Cesselesse (Lilavois 48) as well as the Gérald Bataille police station.

4. The situation of persons detained in six (6) of these police stations and sub-stations is very worrying and merits immediate intervention by the Haitian judiciary.

#### **A. Port-au-Prince police station**

5. As of May 23, 2023, the Port-au-Prince police station held ninety-two (92) people, including thirty-eight (38) women and fifty-four (54) men. They are all held in two (2) small holding

cells, each with a maximum capacity of ten (10) people, without considering international standards on deprivation of liberty, which require a minimum floor area of 2m<sup>2</sup>50 per person.

6. These cells are cramped, dirty, and smelly. They give off nauseating odors that can affect the health of the detainees, the PNH officers assigned to the station, and visitors.

7. Needless to say, these cells were not built or designed to hold people over a long period. They are veritable nests of microbes, with no ventilation, lighting, or sunlight. In addition, the prisoners have difficulty accessing water, as the solar energy system of the commissariat cannot raise water from the reservoir.

8. Some of the detainees have been held at the police station for several months, or even more than a year, by order of the Public Prosecutor's Office of the Port-au-Prince Court of First Instance, which, after interviewing them, transferred them there. Others are being held there by order of the Departmental Section of the Judicial Police (SDPJ).

9. Most of the ninety-two (92) detainees have had no visitors since their arrest. They receive neither food nor water from their parents, as is the norm in the country's detention centers. As the Port-au-Prince police station has no means of doing this, the detainees must be looked after by their parents and relatives for all matters of food and health.

10. When this is not the case, those in charge of the station are obliged to do what they can, using their resources. For example, on November 23, 2022, an eight (8)-month pregnant detainee, arrested in September 2022, collapsed inside the police station. She was rushed to the Hospital of the State University of Haiti (HUEH) and referred to a private hospital for further examination. These revealed that the baby she was carrying was dead and that the mother's life was in danger. To cover the costs of these examinations and subsequent care, members of the detainee's family and some police officers raised the necessary funds. To this day, the detainee remains at the Port-au-Prince police station, on the orders of Magistrate Harry JEAN PAUL.

11. Another detainee, now six (6) months pregnant, has not been examined since her arrest. Arrested on January 8, 2023, in Laboule, she was first taken to the Pétion-Ville police station. On January 18, 2023, she was taken to the Public Prosecutor's Office of the Port-au-Prince Court of First Instance but was not heard. On the same day, she was taken to the Port-au-Prince police station. She receives no visits from her parents.

12. At the Port-au-Prince police station, the situation is so serious that during the day, some detainees are allowed to use the station chief's office to take a breather. At night, some women sleep in this office, under the supervision of the PNH officers assigned there.

13. Today, overwhelmed by the situation, officials at the Port-au-Prince police station are taking steps to decongest the cells and transfer some of the men to another station in the

West department, and the women to the Juvenile Rehabilitation Center in Conflict with the Law (CERMICOL).

### **B. Cazeau sub-station**

14. Police detention at the Cazeau sub-station serves as a de facto prison for the Service Departmental Service of the Judicial Police (SDPJ) and the Public Prosecutor's Office of the Croix-des-Bouquets Court of First Instance.

15. For more than three (3) months, six (6) women have been held in a small cell, in a situation of detention because, according to what has been reported to RNDDH, detention orders have been issued against them. However, they cannot be taken to the civil prison of Cabaret, due to the prevailing security situation on national road # 2, notably in Canaan.

16. Another detainee has been held in custody at the Cazeau sub-station since January 16, 2023. She has been extracted only once and taken to the Service Departmental Service of the Judicial Police (SDPJ), but to date has never been heard by a judicial authority.

17. A third detainee, arrested on January 5, 2023, was taken to the Cazeau sub-station on February 8, 2023, where she has been held in police custody ever since.

### **C. Delmas 33 police station**

18. Unlike the Port-au-Prince police station, there are not many detainees at the Delmas 33 police station. In fact, on May 25, 2023, only a few Haitian National Police (PNH) officers were in solitary confinement at the station, including one woman.

19. However, as the facilities at the Delmas 33 police station are not scrubbed, the surrounding odor is nauseating. In addition, the bathrooms adjacent to the cells are dirty, mainly because they are used as garbage dumps.

20. When the water in the tank runs out, detainees are obliged to buy their own.

### **D. Pointe-à-Raquette police station**

21. As of May 29, 2023, five (5) men are being held at the Pointe-à-Raquette police station, one of whom has already spent four (4) months in detention, while the others have been held at the same station for one (1) month.

### **E. Tabarre police station**

22. The two (2) holding cells at the Tabarre police station also serve as prisons for the Central Directorate of the Judicial Police (DCPJ), the Departmental Service of the Judicial Police

(SDPJ), and the Public Prosecutor's Office at the Court of First Instance of the Croix-des-Bouquets.

23. As of May 30, 2023, forty-eight (48) men are being held at the police station in cells able to accommodate a maximum of ten (10) people. To make up for the lack of space, some detainees have tied sheets to the cell barriers, in the shape of a hammock, so that they can lie down. Others cling to the cell barriers every evening, using blankets to hold themselves in place so that they can sleep.

24. They have one bath a day and are constantly locked in their cells, which give off a bad odor aggravated by the heat. They do not have easy access to amenities, which are far away, and must therefore use gallons to urinate and expanded Styrofoam dishes to defecate.

25. Most of the detainees have been held at the Tabarre police station for several months. For example:

- RNDDH spoke to a detainee who has been held there since November 2022. He was arrested on August 11, 2022, in Bainet. He passed through the Jacmel police station before being transferred to the Port-au-Prince police station. He was then transferred to the Tabarre police station. On two (2) occasions, he was taken to the Public Prosecutor's Office at the Croix-des-Bouquets Court of First Instance, where, on both occasions, he was not interviewed for lack of a lawyer;
- Another prisoner was arrested on January 17, 2023, in Tabarre for assault. He was sentenced to three (3) months' imprisonment. He should have been released in April 2023;
- A third detainee, cited twice (2) by the correctional court, was never tried. He has been held at the Tabarre police station since November 2022;
- A final detainee, tried in the correctional court on February 7, 2023, is still awaiting the court's verdict, which has not yet been pronounced by the magistrate.

#### **F. Anse-à-Galets police station**

26. At the Anse-à-Galets police station, as of May 30, 2023, six (6) people are in police custody, including five (5) men and one (1) woman. The men have already spent between six (6) and seven (7) months in holding cells, while the woman has already spent four (4) months.

## **II. INTERVIEWS WITH THE HEADS OF THE PORT-AU-PRINCE AND CROIX-DES-BOUQUETS COURTS OF FIRST INSTANCE**

27. As mentioned above, the detainees in these six (6) police stations are, for the most part, the responsibility of the judicial authorities in their jurisdiction. In this regard, RNDDH spoke with officials from the Port-au-Prince and Croix-des-Bouquets public prosecutor's offices, as well as with the Dean of the Croix-des-Bouquets Court of First Instance.

28. For the Public Prosecutor's Office of the Port-au-Prince Court of First Instance, this problem is the result of several factors.

29. In the case of the women, their situation is the direct consequence of the lack of security on the Canaan road, which prevents them from being transferred to the Cabaret civil prison, itself repeatedly attacked by armed bandits. As a stopgap measure, they will be transferred to the CERMICOL.

30. On this point, RNDDH spoke with the head of CERMICOL, who affirmed that in addition to the ninety (90) minors incarcerated, the center already accommodates one hundred and five (105) women, eighty-four (84) of whom come from the Cabaret civil prison and seven (7) others from the Port-au-Prince police station. In the meantime, CERMICOL is taking steps to keep the women, but other measures need to be taken quickly to find them a permanent home.

31. As for the men held at the Port-au-Prince police station, their situation is more complex, for although most of them have already been interviewed by deputies, the detention orders have not yet been drawn up. This is the responsibility of the deputies in question.

32. For the Public Prosecutor's Office at the Croix-des-Bouquets Court of First Instance, most of the detainees have been extracted from the Croix-des-Bouquets civil prison and taken to the Tabarre police station, in order to facilitate their access to the court or the public prosecutor's office. Because of the lack of security on the road, it is easier to keep them at the Tabarre police station.

33. For her part, the dean of the Croix-des-Bouquets Court of First Instance, with whom RNDDH spoke, affirmed that the clerks' strike had disrupted the Court's operations. However, correctional hearings have restarted, which will relieve congestion at the Tabarre police station and the Cazeau sub-precinct.

## **III. GENERAL REMARKS**

34. The situation prevailing in several police stations and sub-stations in the West department is very alarming and causes enormous harm to the people held there. These people are being held in inhumane, degrading conditions, in filthy, cramped, and nauseating holding centers that have been converted into prisons, even though they were neither built

nor fitted out for this purpose. In this respect, RNDDH recalls that, by definition, police custody was designed to hold arrested persons for a maximum of forty-eight (48) hours, before they were brought before the judicial authorities.

35. Police officials and some judicial authorities agree that insecurity and repeated strikes within the judicial system are the main causes of this situation in the country's police stations and sub-stations. For example, some believe that the recent strike by court clerks has completely paralyzed court operations.

36. However, RNDDH believes that the state authorities have so far shown no real willingness to re-establish security in Haiti. Nor do they appear to be motivated by a desire to respond to the just demands for improved working conditions for judicial staff, and thus provide the justice system with the serenity it needs to function.

37. RNDDH finds it regrettable that today, administrative police officers are being forced to become prison guards, even though they have received no training in this field.

38. RNDDH believes that measures to transfer detainees to other police stations do not, strictly speaking, represent a fair alternative because, on the one hand, all detention centers have a very low capacity and detainees need to be as close as possible to their families to benefit from their material and emotional support and, on the other hand, many detainees assume that their removal risks delaying their hearing by the public prosecutor's office. It is therefore up to the judicial authorities to decide their fate.

39. Today, in sounding this alarm, RNDDH invites the authorities of the Port-au-Prince and Croix-des-Bouquets courts of first instance to do everything in their power to regularize the situation in the police stations and sub-police stations of the Ouest department.

**Port-au-Prince, June 1, 2023**