



# National Human Rights Defense Network RNDDH



## **Cruel, Inhuman, and Degrading Treatment at CERMICOL: RNDDH Urges Authorities to Act**

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### **I. Introduction**

1. Concerned about the general conditions under which incarcerated persons are held at the Rehabilitation Center for Minors in Conflict with the Law (Centre de Reeducation des Mineurs en Conflit avec la Loi, CERMICOL), as well as their legal status, the National Human Rights Defense Network (RNDDH) feels compelled to draw public attention to this issue and to demand that state authorities immediately put an end to the cruel, inhuman, and degrading treatment inflicted upon detainees.

### **II. General Situation at CERMICOL**

#### **a) Composition of CERMICOL's Detainee Population**

2. Since 2023, CERMICOL, converted into a prison complex for persons deprived of their liberty, has been housing detainees who were previously held in the civil prisons of Port-au-Prince, Croix-des-Bouquets, and Cabaret, as well as those from the center itself, namely boys in conflict with the law.

3. Following the mass escape of one hundred and forty-five (145) women from the Cabaret Civil Prison on September 22, 2022, and due to the numerous threats of attack still looming over that facility, on May 20, 2023, penitentiary authorities decided to transfer the women and girls to CERMICOL. Less than a year later, on March 2, 2024, armed gang members attacked the Port-au-Prince Civil Prison, resulting in the escape of three thousand six hundred and nine (3,609) detainees. The seventy (70) men who had not escaped were transferred to CERMICOL on March 3, 2024. That same night, from March 2 to 3, 2024, the Croix-des-Bouquets Civil Prison was also attacked. One thousand four hundred and fifty (1,450) detainees escaped. Since these two spectacular escapes, men for whom detention orders are issued by the courts of Port-au-Prince and Croix-des-Bouquets are also incarcerated at CERMICOL.

4. Today, minors cohabit closely with adult men and are subjected to their influence. Women and girls, for their part, are confined to a small space reserved for them, separated from the main area by a low barrier, which prevents physical contact between them and the male detainees.

## **b) Current Layout of CERMICOL**

5. CERMICOL currently has sixteen (16) cells distributed as follows:

- Nine (9) for male detainees
- Two (2) for boys
- Five (5) for women and girls

6. Among the five (5) cells assigned to women and girls, it should be noted that the infirmary as well as a small cell with an attached toilet are used entirely to house them, with women sleeping all around the sanitary facilities in the most undignified conditions imaginable.

7. Three (3) showers serve both adult men and boys. Additionally, a small space has been set up to allow women and girls to bathe. It has neither a door nor a roof.

8. CERMICOL no longer has functioning toilets. Detainees are forced to defecate in plastic bags and buckets, which are collected periodically by other detainees and discarded.

9. Designed to hold one hundred (100) minors, CERMICOL today houses more than seven (7) times its capacity, with a population recorded on March 5, 2026, of seven hundred and nineteen (719) persons distributed as follows:

- One hundred and forty-two (142) incarcerated women, of whom one hundred and twenty-six (126) are in pre-trial detention and sixteen (16) have been convicted;
- Fifteen (15) incarcerated minor girls, of whom fourteen (14) are awaiting trial and one (1) has been convicted;
- Eighty-seven (87) minor boys, all awaiting trial;
- Four hundred and seventy-five (475) incarcerated men, of whom four hundred and sixty-nine (469) are awaiting trial and six (6) have been convicted.

## **c) Reorganization of CERMICOL**

10. The space that previously served as a recreation yard for minors has no longer been used for that purpose since 2023. Boys who were once able to play sports in that yard no longer have any recreational time.

11. The former classrooms, as well as those recently constructed to improve learning conditions for minors in conflict with the law, have been converted into cells to house adult men. Similarly, the infirmary now houses thirty-six (36) women and a baby under three (3) months old. Medical consultations can therefore no longer be conducted with the required level of privacy.

12. The one hundred and fifty-seven (157) women and girls are, as noted above, crammed into a cramped space with no room to move. The same applies to minor girls as well as

young adults who reached the age of majority while in prison and who remain permanently confined with the women in the space assigned to them.

13. Adult men never have recreational time. They are never allowed to leave their cells.

#### d) Legal Status of Persons Deprived of Liberty at CERMICOL

14. The legal situation of persons incarcerated at CERMICOL is deeply troubling. Most are simply held in pre-trial detention for several years, waiting to be tried. Of the seven hundred and nineteen (719) prisoners at CERMICOL, only twenty-three (23) have been convicted, representing just 3% of the total. Broken down by specific category, the situation is even more alarming: 0% of boys, 1% of adult men, 7% of girls, and 11% of women have been convicted.

15. It is clear, given this catastrophic legal situation, that judicial authorities give little consideration to these individuals who are simply forgotten behind bars. The thirty-one (31) examples below confirm this reality:

#	Name	Charges	Time in Pre-Trial Detention
1	Theodore Kesnel	Rape	7 years
2	Symil Lireste	Rape	7 years
3	Pierre Gisnol	Rape	7 years
4	Etienne Hilerdieu alias Tibos	Rape of a minor	7 years
5	Bernard Teshly alias Marasa	Murder, armed robbery, criminal association	7 years
6	Baptiste Marck	Illegal possession of a firearm	7 years
7	Dorismond Ronald	Homicide	8 years
8	Jeune Raynold Kendy	Rape	8 years
9	Pierre Chadelince alias Ti Okap	Nighttime theft, criminal association	8 years
10	Nelson Mickelson alias Ti Kenz	Murder, armed robbery, criminal association	8 years
11	Exaus Rose Marie	Complicity in murder	8 years
12	Jean Guerlande	Murder, complicity in murder	9 years
13	Hermozale Nadia	Infanticide	9 years
14	Desmorne Marie Line	Murder	9 years
15	Genois Nadege	Kidnapping and unlawful detention for ransom	9 years

16	Joseph Djoulie	Murder and complicity in murder	9 years
17	Dorissaint Wilky alias Tiga	Rape	10 years
18	Jean Baptiste Blondine	Kidnapping and unlawful detention for ransom	10 years
19	Francois Michaelle	Homicide, attempted murder	10 years
20	Emisca Verguens Timao	Criminal association	11 years
21	Orvilus Marlene	Kidnapping	13 years
22	Deus Lancia	Kidnapping	13 years
23	Clement Nathalie	Murder and attempted murder	13 years
24	Pierre Jean Eddy	Murder, criminal association	13 years
25	Preval Emmanuel	Homicide	13 years
26	Sylvestre Christopher	Murder	13 years
27	Thelusme Wonder alias Papouche	Kidnapping and unlawful detention	13 years
28	Gelius Gerime	Criminal association	14 years
29	Pierre Henry Chardy	Kidnapping and unlawful detention for ransom	14 years
30	Pierre Sonson	Murder, criminal association	15 years
31	Celidor Dieulin	Armed robbery, criminal association, attempted murder	16 years

16. Among the thirty-one (31) cases cited, ten (10) concern young adult men who were arrested for committing an offense when they were still minors. They are:

- Baptiste Marck
- Bernard Teshly alias Marasa
- Dorismond Ronald
- Dorissaint Wilky alias Tiga
- Etienne Hilerdieu alias Tibes
- Jeune Raynold Kendy
- Nelson Mickenson alias Ti Kenz
- Pierre Chadelince alias Ti Okap
- Pierre Gisnol
- Symil Lireste
- Theodore Kesnel

17. They have been incarcerated between seven (7) and ten (10) years and are still waiting to learn their fate. The ordeal these young men are living through is devastating. Here are two examples:

- Dorismond Ronald was born in 2004. Detained at CERMICOL for eight (8) years, he reached legal adulthood while in prison. He rarely receives visits from family members;
- Dorissaint Wilky has been incarcerated at CERMICOL since 2016. He too reached legal adulthood in prison and says he cannot understand why judicial authorities, after all this time, refuse to address the files of prisoners like him who have been awaiting trial for years.

18. Among the thirty-one (31) detainees mentioned above are also eight (8) women and two (2) men. Their cases demonstrate that they are also living through an unspeakable ordeal:

- Nathalie CLEMENT, aged forty-six (46), has been detained for thirteen (13) years. She has never been tried. Her last court appearance was on September 25, 2014;
- Blondine JEAN BAPTISTE has been imprisoned for ten (10) years without ever being tried. The last time she was heard by the courts was on September 1, 2023. She is the mother of a son and hopes that judicial authorities will finally take up her case;
- Marlene ORVILUS has been waiting to be tried for thirteen (13) years. Her last hearing before an examining magistrate dates back to November 23, 2016;
- Jean Eddy PIERRE was incarcerated on January 10, 2013, when he was twenty-five (25) years old. He has never been tried. Still believing in justice, he did not escape during the 2024 mass breakout. Today he is thirty-eight (38) years old and, after spending much of his youth behind bars, he hopes to finally be tried;
- Emmanuel PREVAL was arrested on June 22, 2013. Initially held at the Port-au-Prince Civil Prison, he was never tried. During the dramatic mass escape of March 2024, he chose to remain because justice had not yet ruled on his case. His health deteriorates daily and his greatest wish is to finally know his fate.

19. This failure of Haitian judicial authorities to try persons deprived of their liberty is also evident in other courts of first instance around the country, as illustrated by the following case:

- David Ronsard ALEXANDRE, aged thirty (30), has been held at the Jacmel Civil Prison for fourteen (14) years under inhumane conditions. His cell has a capacity of twenty-five (25) persons but currently holds fifty-eight (58). He receives almost no visits. His brother Shiller ALEXANDRE, aged forty-two (42), was also arrested during the same period. He too has been held at the Jacmel Civil Prison for fourteen (14) years and suffers from serious health problems, having been shot during an attempted escape on March 7, 2024. Both brothers are still waiting to learn their fate.

### e) Access to Healthcare at CERMICOL

20. The health status of certain incarcerated individuals is extremely alarming.

- At CERMICOL, thirty-seven (37) men held in the space designated for the Port-au-Prince Civil Prison suffer from malnutrition. Others suffer from tuberculosis or from scabies and skin infections;
- Five (5) women show signs of mental health disorders. Another woman, aged sixty-one (61) and serving a life sentence, faces serious health problems. She is in a wheelchair and suffers from incontinence;
- Having been converted into a cell to house women, as already noted, the infirmary is permanently occupied by thirty-six (36) women and girls, resulting in situations where sick individuals are mixed with healthy ones. This is a deeply troubling circumstance, as certain diseases such as tuberculosis, mange, and scabies are highly contagious.

### f) Situation of Prison Staff Consolidated at CERMICOL

21. The staff of the Penitentiary Administration Directorate (Direction de l'Administration Penitentiaire, DAP) assigned to the various prison facilities consolidated at CERMICOL carry out their work under difficult conditions. While it is true that they do not face shortages of food or water, they do confront other difficulties for which requests have been submitted to supervisors, some dating back more than three (3) years.

22. The Cabaret Civil Prison and CERMICOL each have an office, though the one at Cabaret is very small. The Port-au-Prince Civil Prison, which also handles administrative activities for the Croix-des-Bouquets Civil Prison, has its office located within CERMICOL.

23. The civil prisons of Cabaret and Port-au-Prince, as well as CERMICOL itself, each have a registry office, all crammed into a very limited shared space.

24. With poorly functioning computers, printers frequently out of ink, rickety chairs, outdated and defective filing cabinets, and full registry books, office supplies and computer equipment at CERMICOL are nonexistent, inadequate, or broken, even though four (4) administrative units now operate there.

25. Finally, it should be underscored that given the severe overcrowding at CERMICOL and the complexity of the situation, which could at any time give rise to riots and uprisings, the penitentiary personnel assigned to guarding the detainees is simply insufficient.

## III. Comments and Recommendations

26. Since 2023, CERMICOL has been converted into a penitentiary complex in blatant disregard of constitutional and regulatory provisions. The Haitian Constitution in force, in Articles 44 and following, mandates the separation of detainees and specifies that "The

prison system must meet the standards attached to respect for human dignity, according to the law on the matter.'

**27.** Today, seven hundred and nineteen (719) detainees are crammed into a space designed to hold one hundred (100) people. This situation is completely unacceptable and violates the dignity of all those subjected to it.

**28.** Moreover, in violation of Article 42 of the Internal Regulations of Penitentiary Establishments, which requires that detainees enjoy at least six (6) hours per day outside their cells to bathe, eat, and breathe fresh air, those individuals are confined to their cells for the entire duration of their detention. According to that same article, when exceptional circumstances or lack of facilities and infrastructure prevent detainees from spending six (6) hours per day outside their cells, they must at minimum receive one (1) hour of outdoor time. Yet even that is not granted. This situation directly impacts the health of the incarcerated individuals and, by extension, that of the penitentiary staff assigned to CERMICOL.

**29.** According to the information above, several male detainees suffer from tuberculosis while others have skin diseases. Yet Article 51 requires that those suffering from contagious illnesses be separated from others to prevent chain contamination of the prison population or of staff. No such separation has been made. On this point, RNDDH maintains that overcrowding and unsanitary conditions are at the root of this situation, which will worsen if authorities do nothing to contain it. In other words, the overcrowding at CERMICOL is the direct result of the chronic failure of Haiti's judicial system and the negligence of court heads, particularly in the Port-au-Prince jurisdiction, which after going four (4) years without holding criminal hearings, managed during the 2024-2025 judicial year to schedule only three (3) criminal bench trials, in which only six (6) persons were judged.

**30.** Similarly, the five (5) women showing signs of mental health problems must receive care from qualified physicians, and their situations must be addressed based on their cognitive and psychological status. If they suffer from mental illness, they cannot be held responsible for their actions. Furthermore, under Rule 109 of the United Nations Standard Minimum Rules for the Treatment of Prisoners adopted in 2015 by the General Assembly, persons with mental disorders must be removed from prisons and transferred to mental health facilities. Prison is not a place for treating psychiatric conditions, and keeping mentally affected detainees in prison can worsen their situation; they may at any moment pose a danger to fellow detainees and penitentiary staff. And let it be recalled that under Article 48 of the Haitian Penal Code, 'there is neither crime nor offense when the accused was in a state of mental illness at the time of the act...'

**31.** RNDDH also holds that the CERMICOL infirmary cannot under any circumstances serve as a cell, because sick detainees must be given the opportunity to receive medical examinations in complete medical confidentiality. Under Article 49 of the Internal Regulations of Penitentiary Establishments, the medical records of detainees are protected by medical secrecy.

**32.** Of the seven hundred and nineteen (719) incarcerated detainees, only 3% have been convicted. That means 97% are awaiting trial. This situation is directly attributable to judicial authorities. RNDDH cites as evidence the thirty-one (31) detainees mentioned

above, who have been in detention between seven (7) and sixteen (16) years while awaiting trial. Yet Article 8(1) of the American Convention on Human Rights, to which Haiti is a party, states that 'every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him...'

**33.** For this reason, RNDDH believes the time has come for state authorities to seriously address the inability of the judiciary to fulfill its role and to establish a maximum period of pre-trial detention, at the end of which, if judicial proceedings have not concluded, the detained person must be released unconditionally.

**34.** Finally, RNDDH regrets that the Haitian state requires DAP personnel assigned to CERMICOL to work under unacceptable conditions that also put their health at risk, while failing to provide them with the minimum equipment needed to perform their duties. RNDDH finds it inadmissible that CERMICOL should lack adequate staff, computer equipment, and office furniture.

**In light of all the above, RNDDH recommends that state authorities:**

- Urgently address the cases of detainees who have been awaiting trial for several years;
- Issue directives to judicial authorities for the uninterrupted conduct of correctional and criminal hearings, with the aim of relieving overcrowding at CERMICOL;
- Provide special medical assistance to malnourished detainees, those with tuberculosis, and all those suffering from skin infections;
- Give particular attention to the five (5) female detainees who show signs of mental health problems;
- Establish maximum pre-trial detention periods and expedited procedures that can lead to the release of detained persons when judicial proceedings fail to conclude;
- Follow up on the various requests submitted by penitentiary staff assigned to CERMICOL in order to improve their working conditions.