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## By the Numbers

454.4% Occupancy in Haiti's prisons

Of the approximately 11,400 total prison inmates (2017), authorities held an estimated 8,300 (73%) as pretrial detainees.

August 2016, authorities had yet to try an estimated 90 percent of Port-au-Prince's inmates.

In the first 8 months of 2017, 97 inmates died from illness or malnutrition.

Prevalence rate of HIV among the prison population reported by Health Through Walls as 8 times higher than the national average.

Prevalence rate of tuberculosis was more than 38 times higher than the national average—more than 3 times the rate of previous years.

# Haiti's Prolonged Pretrial Detentions: A Legacy of Abject Human Rights Abuses

By Deborah Dimmett

Master's in Development Practice (MDP) Program, University of Arizona



*Haiti's prisons so overcrowded there is hardly room to sleep.*



Haiti has long had a history of overcrowded prisons due in part to the large number of pretrial detainees. Mainstream media took note of the problem in February 2017 when 20 detainees at the Haitian National Penitentiary died within the month. CBS News reports,

Inmates of the National Penitentiary and other lockups are crammed shoulder-to-shoulder in cellblocks so overcrowded they must sleep in makeshift hammocks suspended from the ceiling or squeeze into shared bunks. New arrivals jostle for space on filthy

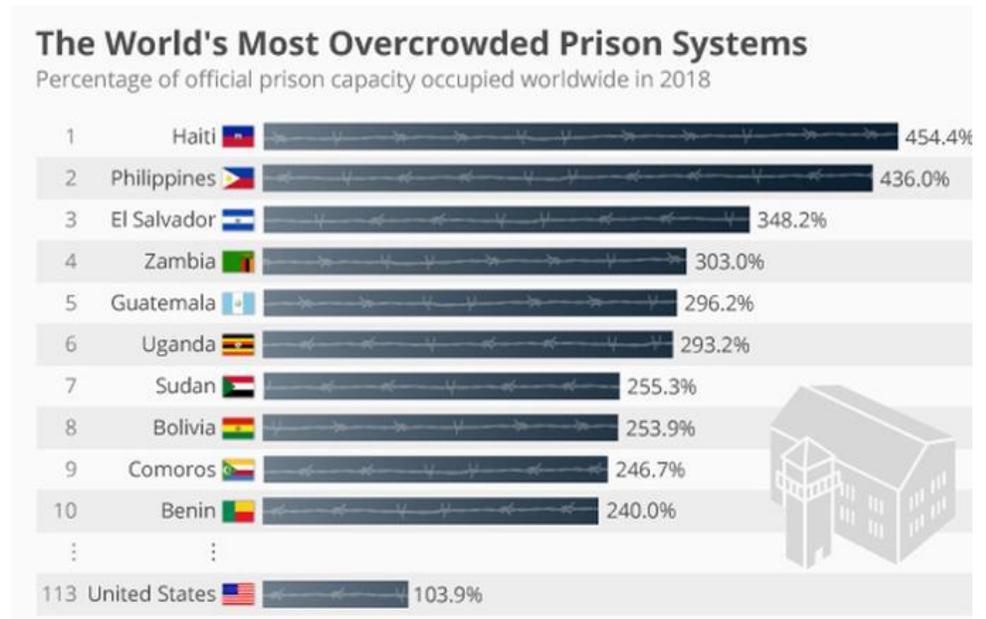
## Recommendations

- Co-develop and pilot a model for a community-based advocacy group.
- Recruit members who have a family member serving prolonged pretrial detention.
- Train advocates to monitor the court case and welfare of their respective family member.
- Provide ongoing technical support and training
- Provide funding to offset the costs of transportation to and from the prison and court.
- Expand to other neighborhoods and create a network of community-based advocacy.

floors where inmates on lockdown 22 hours a day are forced to defecate into plastic bags in the absence of latrines. (CBS News 2/21/2017)

Prison authorities say they are doing their best to meet the needs of inmates, but they are unable to purchase sufficient food and cooking fuel leading to starvation and a host of ailments related to severe malnutrition that are partially to blame for the deaths. The report summarizes the findings of the University of London’s Institute for Criminal Policy Research, noting that “Haiti’s penal system is by far the globe’s most congested, with a staggering 454 percent occupancy level. . .” Furthermore, the report states that most of Haiti’s 11,000 inmates are pretrial detainees—some who will perish before ever having the opportunity to have their first day in court.

Since the CBS report, I have been exploring the reasons for this practice of prolonged pretrial detention in Haiti while holding out hope that it might be possible to end this practice if enough pressure was placed on the Haitian government. However, what has become increasingly apparent is that there is not a sufficient governmental infrastructure nor mechanisms of accountability for such pressure to work.



*World Prison Brief. (2018). The World's Most Overcrowded Prison Systems.*

## A Strategy for Change

One way to remedy the problem is by providing training and support for local community efforts to follow the case of those who are arrested and held in prolonged pretrial detention. By mobilizing groups to monitor and advocate for their friends, neighbors, and family members, there is some hope that detainees will not be lost in a system that is too broken and too corrupt for change. The Platform of Haitian Human Rights Organizations (POHDH) is a coalition of nine human rights organizations. "The coalition trains people at the grassroots level to work within their communities for human rights, and to monitor and document human rights abuses" (Grassroots International, 2018). By training community advocates to put pressure on the Justice Department to seek a speedy and fair legal recourse, the length of detention under such inhumane conditions can be shortened. However, POHDH itself needs financial and logistical support to educate families and community members on strategies to effectively advocate. In addition, for such a program to be a success, financial support will need to be available to help family and community members take transportation to and from the prison and court.

The American Bar Association Rule of Law Initiatives (2018) provides training and oversight aimed at strengthening the technical capacity of the Haitian justice sector. In particular, the program provides training for investigating, prosecuting, and adjudicating criminal cases in accordance with Haitian criminal legislation. The purpose of the program is not only to provide training and mentoring, but to reduce corruption in the Justice Department. With a very high turnover rate of judges and lawyers, there will always be a need for ongoing training and mentoring.



## Longstanding Problems

Haiti has had a long history of human rights abuses with some of the most egregious ones occurring under the dictatorship of Jean-Claude Duvalier. Although Haiti has developed a democratic election system with a redrafted constitution (1987) supporting the rights of all Haitians, the government's practice of incarcerating people without charges (Pretrial Rights International) is particularly problematic.

Human Rights Watch (HRW) reported in January 2017 that Haiti's prison system remains overcrowded in conditions that are inhumane and unimaginable. The report draws from the findings of the United Nations noting that "nearly all of the almost 11,000 inmates in Haiti's national prison system have access to less than one square meter of space and most face 23 hours of confinement a day" ([www.humanrightswatch.org](http://www.humanrightswatch.org)). HRW supports the findings of other studies in documenting the reality of the situation:

*Overcrowding is attributed to high numbers of arbitrary arrests and overuse of pretrial detention. According to Ban [Ki-moon], more than 70 percent of suspects are held pending trial. (UN Human Rights Committee, 2014)*

This is in spite of the fact that the UN and international donors' support for several initiatives aimed at reducing the percentage of pretrial detainees. The extreme overcrowding appears to be the result of systemic deficiencies in the system (Pretrial Rights International) that is "grossly under-staffed, under-trained, and under-funded" (Pretrial Rights International). The UN Human Rights Committee found, "[T]he slow pace of proceedings, the paucity of the legal aid . . . [to] facilitate *habeas corpus* proceedings. . . and the lack of judicial oversight" have slowed the processing of these cases down to a trickle. Records are all maintained by hand and are often incomplete or lost. This further complicates the problem causing a number of detainees to be lost in the system, meaning that they never get their day in court.



## Corruption at the Root of the Problem

More is at play than simply lack of state resources. The vast majority of them had no actual charges and were victims of summary arrests, often initiated by people who go to the police and falsely accuse the detainee of a crime or by political actors who are trying to appear as though they are addressing social ills by locking up "the criminal." These state actors know that remittances to the families can be acquired to pay off legal aides and judges who will not move on cases without additional payments outside of their salary. Very few, if any, Haitian families have the funds to support these illegal payments and must turn to family and friends from the United States and elsewhere to acquire the means to begin court proceedings.

## Conclusions

With an occupancy rate of 454.4%, the Haitian prison system is among the most inhumane in the world. The severe overcrowding and lack of resources allocated for food, water, medical care, and sufficient living space with adequate restroom and shower facilities makes this problem an urgent one to remedy. Considering that the vast majority in the prison system are young men who have been arrested and detained without defensible charges, the Haitian government must release them immediately if they have exceeded 48 hours of detention without seeing a judge who can validate the charges. Prolonged pretrial detentions overtly run afoul of the Haitian Constitution and violate the UN Universal Declaration of Human Rights in a myriad of categories. Finally, the cruel and inhumane detentions also affect the families of these detainees by denying wives, mothers, and children the company of a loved one who might have been the family member who was also the provider or who was essential to the running of the family household or small business. For these reasons, it is past time we take steps to gain a speedy trial for each detainee and to provide families and communities with knowledge and skills for becoming a human rights advocate.



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