

# ORGANIZACIÓN DE LOS ESTADOS AMERICANOS



COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS

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### **RAPPORTEUR ON THE RIGHTS OF PERSONS DEPRIVED OF LIBERTY CONCLUDES VISIT TO THE REPUBLIC OF HAITI**

Port-au-Prince, 21 June 2007--- The President of the Inter-American Commission on Human Rights and Rapporteur on the Rights of Persons Deprived of Liberty, Commissioner Florentín Meléndez, conducted a visit to the Republic of Haiti by invitation of the government of that country on 17 to 20 June 2007. The Commission is grateful for the cooperation and facilities provided by the Government of Haiti and the Haitian people during the visit, as well as to the Haitian organizations and international organizations for the information and cooperation provided.

The objective of the visit was to receive information and observe the situation of persons deprived of liberty in certain detention centers in Port-au-Prince. The Rapporteur met with the Minister of Justice and Public Security, the Chief of Cabinet of the Ministry of Foreign Affairs, the Director of the Department of Prison Administration and prison staff, the Chief of the Human Rights section of MINUSTAH, representatives of the International Red Cross and other international organizations and members of Haitian civil society working on issues related to persons deprived of liberty, migration and trafficking of persons. Further, the Rapporteur visited the National Penitentiary, the Delmas police station, the Delmas Prison for Minors and the Prison for Women and girls in Petion-ville.

Firstly, the Rapporteur on Persons Deprived of Liberty understands that the current situation of persons deprived of liberty in Haiti is the result of several years of inaction on the part of the State, and therefore, values the recent efforts made by the current government, as well as the government's recognition of the problem of effective prison administration. In this regard, the Rapporteurship calls on the State and the international community to prioritize this issue and the necessity to guarantee dignified living conditions for persons deprived of liberty.

Despite the existing efforts, the Rapporteurship observes with extreme concern the persistent high numbers of persons in prolonged pretrial detention, who in many cases are detained for periods longer than the possible sentences for the crimes of which they are accused. According to the latest statistics of the Direction of the Prison Administration, the month of June 2007, 84% of the prison population had not been judged or formally charged. In this regard, it is important to stress that in the cases observed by the Commission in Port-au-Prince, the percentage of persons in detention without having been convicted is estimated at 98% for boys in the Prison for Minors in Delmas; 95% in the case of women deprived of liberty in Petion-ville; and 96% in the case of persons deprived of liberty in the National Penitentiary.

The Rapporteurship is particularly concerned with the growing problem of prison overpopulation and overcrowding. The Rapporteurship observed that the prison population in the 17 prisons throughout Haiti, increased from 2,586 to 6,047 persons between July 2005 and June 2007. This situation of overpopulation creates inhuman conditions that results in a serious risk to the security and physical integrity of persons deprived of liberty and poses a further risk to the situation of insecurity of the population in general.

During the visit, the Rapporteurship observed the state of deterioration of the prison facilities, the absolute fragility of the conditions of sanitation and shelter, and the lack of access to potable water and medical attention. Specifically, the Commission observed conditions in the Delmas police station, in which women, men and children shared a common cell, without water, food or any other basic service. While the cells of this police station were designed to hold persons no longer than the constitutionally mandated 48 hour period, several of the persons deprived of liberty had been held in the detention cell for several

weeks, without having been presented before a judge and without having been informed of the charges against them. The Rapporteur further demonstrated alarm with respect to the deplorable situation in the National Penitentiary, characterized by unprecedented conditions of overcrowding, aggravated by an outdated and antiquated structure in a state of disrepair and extremely fragile sanitary conditions, the lack of potable water and appropriate medical attention, which has resulted in frequent deaths of persons deprived of liberty in this facility.

The Rapporteurship underscores the fact that the detention conditions described above have an especially serious impact on the welfare of children deprived of liberty. In its visit to the Delmas Prison for boys, the delegation observed the presence of children, including one of six years of age, held in prison. In this respect, the Rapporteurship urges the Haitian government to effectively protect the best interests of the child by guaranteeing children in conflict with the law and deprived of liberty to be held in rehabilitation centers, and not in prison facilities, and where they would be supervised by specially trained staff and provided access to family members, and finally, that a decision to deprive a child of liberty be adopted as a measure of last resort, for the minimum necessary period and in strictly exceptional cases.

Some individuals interviewed by the Rapporteurship indicated that they had been subject to arrests in their homes, without a judicial order or subject to mass arrests by military personnel, without following basic due process procedures and without respecting international human rights standards.

The Rapporteurship expresses its profound concern for the apparent abandonment of the criminal justice system with respect to persons deprived of liberty, the majority of which do not have access to a lawyer nor are they aware of their juridical status, and which renders the access to judicial guarantees and judicial protection impossible. In this regard, the Rapporteurship emphasizes that given the gravity of the situations identified here, it is necessary to adopt immediate measures in connection with the judicial supervision of persons held in pretrial detention for prolonged periods, and the review of the juridical situation of persons deprived of liberty, guaranteeing the right to legal defense and judicial guarantees; the improvement of the prison facilities' infrastructure, while considering the international cooperation necessary to meet these objectives, and the establishment or strengthening of supervisory mechanisms to control the legality of arrests.

Lastly, the Rapporteurship reaffirms its commitment expressed by the President of the Commission Florentín Meléndez during the visit with respect to the Commission's intent to conduct close monitoring and follow-up on the situation in Haiti, and with the interest to adopt greater efforts, in concert with the international community, to contribute to the strengthening of democratic institutions in Haiti, in particular, in the area of technical assistance in the field of human rights.

Port-au-Prince, 21 June 2007.