

## **The Results of the Recent U.S. Decision to Resume Deportations to Haiti: Deportations, Detention and Death**

***Prepared on February 23, 2011 by the University of Miami Immigration and Human Rights Clinics, the Center for Constitutional Rights, Florida Immigration Advocacy Center and Alternative Chance.***

In the early morning hours of January 20, 2011, 27 Haitian nationals were flown against their will from Louisiana to Port-au-Prince, Haiti. Just a few days before these deportations, many of the Haitians had participated in a hunger strike to protest their ICE detention and looming deportation. Haiti is in the midst of a humanitarian crisis following the January 2010 earthquake, including a cholera epidemic that has infected 231,070 people and claimed approximately 4,500 lives so far.<sup>1</sup> For these reasons, these Haitian nationals feared for their lives should they be deported to Haiti.

Tragically, the deportees' worst fears came true; the 27 men were detained in horrific detention conditions upon arriving in Haiti and just over a week after arriving, one of them, Wildrick Guerrier, 34, died after suffering from cholera-like symptoms. Mr. Guerrier's death was preventable and a direct result of the U.S. Government's decision to resume deportations to Haiti.

The decision to resume deportations has had calamitous consequences for each one of these men and their families.

### **Recent Change in U.S. Policy**

After the earthquake in Haiti, the United States government promptly halted all deportations to Haiti. However, on December 10, 2010, less than one year later, the U.S. inexplicably told advocates that it would resume deportations and began rounding up Haitians with criminal convictions, detaining hundreds of individuals. Under the current policy, ICE has stated that it expects to deport about 700 Haitians this year.

### **The 27 Deportees: Arrival and Detention in Haiti**

Upon their arrival in Haiti in the dawn hours of January 20, the 27 men were held on a bus on the airport tarmac for five hours before being met by armed men, separated, and transferred to police holding facilities. Five men were taken to the Petionville police station and five to the Carrefour police station. Seventeen of them were sent to Direction Centrale de la Police Judiciaire ("DCPJ") the notorious police holding facility outside of Port-au-Prince. At the Petionville station the cells were so filthy that after they cleaned their cell, other detained asked to be transferred there. One of the five men had no family visiting him and therefore was not provided any food while detained. Interviews of those who were held in Carrefour revealed that they had witnessed brutal beatings by police of detainees and they themselves were subjected to harsh criticism and persecution by the police there.

At DCPJ the seventeen men were kept in a small cell approximately three by fifteen feet. The floors were covered with dirt, feces and vomit and the walls were blood-stained. The bathroom was filthy and "unbearable," littered with feces and vomit. The toilet did not flush and thus the men were forced to discard their excrement in trash bags which littered the floor of the cell and the bathroom. Additionally, as is the case in Haitian police detention facilities, the government did not provide food, water or medical care for detainees. The men thus had to quickly attempt to contact relatives within Haiti to help provide these necessities. One of the seventeen men has no family in Haiti and thus had no one to contact for food and water. Confronted with these shocking conditions, the men began to organize and to share the food, water, soap and other provisions that the relatives had brought. Led by Wildrick Guerrier, the men also began a clean-up effort of their cell. The men had no gloves and resorted to cleaning the cell with their bare hands, exposing themselves to disease.

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<sup>1</sup> USAID Fact Sheet #20, February 18, 2011, Fiscal Year (FY) 2011

Through these harrowing days in detention, Mr. Guerrier's selfless acts earned him the respect of this group of deportees. As one of the deportees, recounted, "He was a champion. You can ask everybody. He helped everybody... He is the one that motivated me to start cleaning up the bathroom. He started this; he cleaned up on his own."

There were several such instances. Another detainee recounted witnessing the guards taking an inmate behind the facility and kicking and clubbing the individual with the butt of a rifle. The inmate then returned to the cell with feces on his clothing, vomiting profusely. Mr. Guerrier immediately cared for the Haitian inmate. In caring for the other Haitian deportees in the cell the men gained the trust of the local inmates. It is notable that U.S. deportees suffer severe social stigma in Haitian society.

### **Wildrick Guerrier's Death**

Despite, or perhaps due to their efforts to clean the cell and maintain their dignity, some of the men became increasingly sick, suffering from vomiting and uncontrollable diarrhea. One detainee recounts a relief worker from an NGO visiting the facility, and confirming that they were indeed exhibiting classic symptoms of cholera. The relief worker left various cleaning and personal hygiene products to assist the group. However, all but one bar of soap was seized by the Haitian guards.

Mr. Guerrier became seriously ill exhibiting severe cholera-like symptoms. His cell mates repeatedly made requests for medical aid from the guards which fell on deaf ears. It was not until Mr. Guerrier's aunt arrived from the United States and convinced the guards to let him go that he was able to receive any medical care. Mr. Guerrier died as a result of his uncontrollable vomiting and diarrhea on January 29, 2010, just two days after his release.

### **Forging a New Life in a Devastated Land**

Upon their release the detainees face new and daunting challenges. Post-earthquake Haiti has provided an inhospitable and cruel climate for assimilation. Most of the men sent to Haiti have few if any family members, some of whom they have never met before and most of whom are themselves struggling to survive. Many of the deportees are living in tents, sharing what little food, water and shelter is available.

The men desperately want employment, though there is little work. To acquire employment in Haiti, you are often required to have a Haitian Identification card which can be extremely difficult, if not impossible, to acquire. One deportee spoke about the challenges he's facing: "It's crazy. I don't want to be in this country at all...[My aunt is] trying to leave herself. Now when she leaves I'm going to be here by myself. ...Now she has to take care of me. She barely can take care of herself over here. I feel like I was sent here to die or suffer." In addition, these men must also contend with leaving their lives in the U.S. behind; above all, their families consisting of mostly U.S. residents or citizens.

### **Inter-American Commission on Human Rights Urges US Halt Deportations**

On January 6, 2011, The University of Miami Human Rights and Immigration Clinics, The Florida Immigrant Advocacy Center, Alternative Chance, The Center for Constitutional Rights, and Loyola Law Clinic & Center for Social Justice, filed a Request for Precautionary Measures with the Inter-American Commission on Human Rights (IACHR), alleging that the detention and deportation of the detainees was in violation of internationally recognized human rights. The petition alleged that returning the deportees to Haiti would expose them to a foreseeable risk of death as they would be placed in unsanitary and cholera infested police holding cells, where they would be denied access to food, water and medical care. On February 1, 2011, the IACHR granted the request for precautionary measures, and requested that the U.S. suspend the deportations of the five named petitioners, until: (1) Haiti is able to guarantee that detention conditions and access to medical care for persons in custody comply with applicable minimum standards, and (2) the U.S. was able to put procedures in place to decide upon and review the deportation of the five beneficiaries and adequately take into account their right to family life and their family ties in the U.S.

### **More Deportations to Come?**

After Mr. Guerrier's death, the U.S. has not deported anyone else. However, ICE has stated that despite Mr. Guerrier's death, they will continue with the deportations and that they intend to deport 700 Haitians this year.