

# POLICE NATIONALE D'HAÏTI

## DAP/PNH

### PRISON CIVILE DE JÉRÉMIE



**HORAIRE DES ACTIVITES**  
PRISE DE NOURRITURES : DU LUN AU DIM  
DE : 9 HEURES AM - 12 HEURES PM  
2 HEURES PM - 4 HEURES PM  
VISITE DES PROCHES : MER & DIM  
DE 9 HEURES A 12 HEURES PM  
NB : Le service de famille est obligatoire  
en tout temps selon le règlement  
de l'institution.

**Deteriorating Conditions in the Jérémie, Haiti Prison:  
A Call to Action to Preserve Due Process and Human Life**

**June 2023**

5-01760

Prison civile  
Jérémie

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*June 2023*



Center for Gender & Refugee Studies



Haiti Justice  
Partnership

# **Deteriorating Conditions in the Jérémie, Haiti Prison: A Call to Action to Preserve Due Process and Human Life**

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## **Executive Summary**

The abysmal state of Haiti's prisons is not a new phenomenon. A U.S. federal court of appeals has likened the conditions that incarcerated Haitians face to that of a "slave ship."<sup>i</sup> More than a decade ago, the Inter-American Court on Human Rights (IACtHR) issued its first judgment against the state of Haiti in the case of political prisoner former Prime Minister Yvon Neptune, ordering the government to take appropriate steps to ensure all those incarcerated be brought promptly in front of a judge and that the prison system be modernized so as to conform to humane treatment.<sup>ii</sup> Despite valiant efforts on the part of advocates to draw attention to these issues and offer legal assistance, little progress has been made and recent political instability coupled with the global economic downturn—building on a history of foreign intervention and exploitation of Haiti—has only exacerbated those conditions. Some attention has been paid to the national penitentiary in the capital of Haiti, Port-au-Prince, but much less to prisons in rural areas. This report fills that gap.

The conditions within Haiti in the wake of the assassination of Haiti's former president Jovenel Moïse, in July 2021, have been rapidly deteriorating with catastrophic repercussions on the people of Haiti and Haiti's justice sector. The United Nations, the Inter-American Commission on Human Rights (IACHR) as well as numerous civil society organizations have called out the failings of the de facto government and international community to uphold their human rights obligations to Haitians.<sup>iii</sup> The unprecedented levels of institutional corruption and gang violence have destabilized the country and rendered the justice system unfunctional.<sup>iv</sup> This corruption has had a crippling effect on Haiti's justice system and prisons—grinding trials and judicial access to a halt. The result: individuals, including children, languish in prison for months or years without ever seeing a judge—long beyond even the maximum sentence the alleged offenses carry. Additionally, the re-emergence of cholera and the collapse of critical services and access to basic necessities like food, water, and healthcare combined with extreme levels of poverty have contributed to a rampant and alarming decline in the right to health of detained individuals in particular.<sup>v</sup>

Haiti's Office of Citizenship Protection (Office de la Protection du Citoyen d'Haïti or OPC) and Haiti-based non-governmental organizations like the *Bureau des Avocats Internationaux* (BAI) and *Réseau National de Défense des Droits Humains* (RNDDH) have drawn attention to the horrific conditions in Haiti's prisons, making forceful calls for urgent action to avoid human catastrophe.<sup>vi</sup> This report builds on those findings, providing specific data on one Haitian prison: Jérémie in the Grand'Anse Department located on Haiti's western tip. The stories shared bring to light the actual (in)human experiences of detained individuals in

Jérémie and ensure their plight is not reduced to just another prison statistic. This report confirms that Haiti has taken few, if any, steps to implement the IACtHR's binding demands. In fact, Haiti is not compliant with its own domestic laws, including its Constitution, nor with ratified international human rights treaties, and continues the practice of egregiously long pretrial detentions, no due process protections, and gross mistreatment of incarcerated individuals. These deprivations are not merely ideological; they have led to tragic deaths.

This report is a joint collaboration between students and professors at the University of California College of the Law, San Francisco's Haiti Justice Partnership, the Center for Gender & Refugee Studies, and the Catholic Law School of Jérémie (*École Supérieure Catholique de Droit de Jérémie* or ESCDROJ). The mission of this partnership is to advance the rule of law in Haiti by supporting Haiti's legal education and engaging in human rights advocacy.<sup>vii</sup> ESCDROJ is home to the Research, Analysis and Legal Assistance Clinic (*Clinique de Recherche, d'Analyse, et d'Assistance Légale de l'ESCDROJ* or CRAALE), what we believe to be the first ever in-house legal aid clinic at a law school in Haiti, which was created to address the dire legal needs of the community experiencing widespread sexual violence and prolonged inhumane prison detentions with no access to lawyers, judges, or trials.<sup>viii</sup> This report is centered around the tireless efforts of the CRAALE interns who conducted structured interviews with 122 people incarcerated in the Jérémie prison from 21-29 March 2023. These interviews represent 25% of the total number of individuals incarcerated in the prison at that time; and they include 100% of the women and children held there.

This report elucidates the due process and human rights that have been stripped away from every detained individual interviewed in March 2023. Blatant violations such as extreme overcrowding, pervasive malnutrition, frequent prison violence, and excessive pretrial detention periods—which average nearly four years without any formal charges, trials, or access to lawyers—are the norm. Especially disturbing are the severe cases of tuberculosis and cholera that are not being properly treated at all. Nearly all interviewees were suffering from intense and ongoing rashes and stomach pain at the time.

This report proceeds in four parts: First, it provides an overview of conditions at the prison including compliance, or lack thereof, with minimum standards on access to food, sanitation, and other basic necessities. Next, it catalogs due process violations and access to justice issues faced by detained persons. It follows with an analysis of Haiti's compliance with its human rights obligations. The report concludes with specific recommendations. Throughout, the report aims to give voice to the individuals languishing in the prison who, but for the efforts of CRAALE, have been all but forgotten and live without hope of vindicating their rights. All names have been changed to protect the privacy of the individuals.

Given the continued deterioration of the Haitian criminal justice system and the extreme deficiencies in the living conditions at the Jérémie prison, the undersigned organizations call for the immediate closure of the Jérémie prison as it is unfit for humans. At the very least, other steps must be immediately taken to reduce overcrowding, address the humanitarian catastrophes, and begin to restore the rights of Haitians who have been incarcerated behind bars indefinitely with no official charges, no opportunity to defend themselves, and all while suffering atrocious and inhumane conditions. The substandard state of Jérémie's prison demands exigent and far-reaching measures.

## **I. Individuals Detained at the Jérémie Prison Report Deteriorating Conditions that Threaten Their Physical and Mental Health and Safety**

The March 2023 survey of 122 women, men, and boys (there were no girls incarcerated at that time) found alarming conditions of overcrowding, and lack of nutrition and healthcare access at the Jérémie prison. It also provided concerning insight into the violence experienced by many of those incarcerated.

Prior investigations, including by ESCDROJ and partners, have assessed conditions in the Jérémie prison and the needs of those detained there.<sup>ix</sup> These studies have included information from interviews with judges, police, the chief prosecutor, the prison warden, and U.N. officials; but they lacked data collected from those incarcerated, themselves. This survey uses the previous findings as a baseline and supplements earlier efforts through interviews with 122 individuals, providing an update and fuller picture of the current conditions at the prison.

### **A. Overcrowding has reached a tipping point**

Horrible overcrowding at the Jérémie prison, and many other prisons throughout Haiti, has long been an issue. The building that houses the Jérémie prison was converted from a private home and had an official capacity of only 60-70 incarcerated individuals.<sup>x</sup> In 2012, the prison had exceeded that maximum significantly with a population of 264 individuals. Cells meant for at most 10 instead held as many as 60 individuals.

Unfortunately, overcrowding has only worsened over the intervening decade due to a variety of factors including a dysfunctional court system discussed in section II below. The Jérémie prison has grown substantially, with the population in March reaching an alarming 470 individuals.<sup>xi</sup> While the prison complex has expanded slightly since 2012, it is still far too small to accommodate growth that amounts to an eight-fold exceedance of original capacity. Cells continue to be overloaded, with cells so densely crowded that not everyone is able to lie down at once. This information mirrors recent findings regarding Haitian prisons which found that the average incarcerated male has only 0.57 square meters of

space in their cell, while women and boys are similarly forced to stay in overcrowded cells with 1.37 square meters and 0.88 square meters available to them, respectively.<sup>xii</sup> International minimum standards require 4.00 square meters<sup>xiii</sup> of space per person—more than seven times what the average adult male has in the Jérémie prison.

<b>Jérémie Prison Demographics as of 21 March 2023</b>	
Men	438
Women	19
Boys	13
Girls	0
<b>Total</b>	<b>470</b>

## **B. Inadequate sanitation and sleeping facilities**

Incarcerated persons at the Jérémie prison are subjected to inhumane living conditions, including inadequate access to beds, showers, and bathrooms. Previous investigations uncovered that mattresses were not permitted for sleeping in men’s cells due to the insecure aluminum roof, which would allow detained individuals to escape were mattresses stacked. Individuals were sometimes given cardboard to lie on. In the most densely-packed cells where there was not enough room for everyone to lie down at the same time, people were forced to squat or take turns sleeping. This survey re-confirmed such information, with only a small number of respondents having access to anything to sleep on.

As with the earlier studies, the March 2023 survey revealed similarly poor sanitary conditions. Most individuals reported access to a very basic shower and some minimal hygiene products like a toothbrush or soap, but it is unclear whether all individuals do so. While there are some toilets at the prison, incarcerated individuals are not able to use them at all times during the day and are forced to use buckets in their cells at other times. Small windows and poor ventilation exacerbate the situation. (See image of shower facilities on the following page.)

“I would like to ask you to help me so that I can be freed. I’m young, sick and cannot get the care I need in prison.”

- *Jean*, a 21-year-old young man accused of stealing a telephone who has been detained for over a year



### C. Inadequate food puts individuals at risk of hunger and malnutrition

Insufficient access to nutritious food has been an ongoing problem at the Jérémie prison.<sup>xiv</sup> But according to those surveyed in March, malnutrition is an even more serious problem than previously understood. Individuals are served by bucket in their cells (see image on subsequent page). Gang activity has blocked the regular transportation of goods, causing the prison to run out of food stock. And the variety of food has also decreased as global food shortages deepen; now only corn and rice are offered. This food is insufficiently nutritious, leaving many stricken with hunger and susceptible to other health conditions, such as rashes. Nearly half (45%) of those interviewed reported going to bed hungry. Civil society organizations have had to step in and supplement with donations, though it's not sufficient.

"I go to sleep hungry every day. I have no parents or other visitors to support. Please take my case into consideration."

- *Paul* is an 18-year-old orphan who was arrested on charges of stealing rice in January 2023; he has yet to appear before a judge or consult with an attorney

Incarcerated persons also reported an egregious lack of access to potable water. As is discussed in greater detail below, the number of cholera cases—a waterborne illness—has surged.

### D. Minimal access to healthcare and prevalence of contagious diseases

This survey has exposed widespread health issues present in the Jérémie prison. The majority interviewed suffered from some kind of untreated medical conditions, with 37 individuals reporting the need for urgent care. Among the less severe conditions, the vast majority of respondents (70%) reported contracting the illness while in detention, with 22% suffering from all-over-body rashes. Fewer than 20% of respondents had received treatment for their medical conditions. The clinic in the prison is primarily equipped to provide emergency first aid, not to treat more serious illnesses.

Both cholera and tuberculosis were more common than anticipated. Of the 122 people interviewed, 15 had been diagnosed with cholera and eight had tuberculosis.<sup>xv</sup> Of the 15 diagnosed with cholera, six appear to have contracted the disease while incarcerated, as they reported being first diagnosed multiple years into their respective protracted terms of detention at the Jérémie prison. All of those who reported testing positive for cholera attested to receiving at least some kind of treatment at some point, though

"Please help me get released. I'm sick."

- *Ronald* is a 48-year-old man who was imprisoned in 2020 on accusations of stealing a small bag of rice; he contracted tuberculosis in the prison and has yet to see a judge or speak with an attorney or receive medical attention

the dates of their most recent treatment varied wildly: from a few days to six years. Two individuals could not remember the last time they received treatment. Reports indicate treatment was inconsistent for those suffering from tuberculosis. What is clear is individuals forced into exceedingly close proximity are provided virtually no protection against—and inconsistent and insufficient treatment for—two highly communicable diseases within the Jérémie prison.

### **E. Widespread violence against incarcerated individuals**

The survey was able to capture the ubiquity of violence against incarcerated individuals in Jérémie. A startling 93% of individuals interviewed had personally witnessed at least one act of violence in the prison, and 32% had themselves suffered physical harm while incarcerated. Moreover, nearly half of respondents had also been harmed during their arrest. Respondents reported that the abuse had been perpetrated both by prison officials and by fellow prisoners. These figures are especially notable given the likelihood of underreporting due to a fear of retaliation and limited confidentiality at points during the interviews.<sup>xvi</sup>

“I was beaten by a prison official for accidentally splashing water on him while I showered. I have not spoken to a judge since arriving in 2021.”

- *Martin*, a 22-year-old man accused of stealing a motorcycle incarcerated for nearly two years

Very few interviewees reported the abuses they suffered for fear of retaliation, particularly where the aggressor was a prison official. For the very few who complained about the harms to prison officials, in a few instances the aggressor was reprimanded but no official administrative measures or follow up action was taken to hold any aggressor accountable.



## **II. Prolonged Detentions of Individuals at the Jérémie Prison Denies Due Process**

Both domestic and international law provide the right to due process for individuals accused of criminal infractions in Haiti. In particular, Article 24-1 of the Haitian Constitution requires that individuals should not be arbitrarily arrested, prosecuted, or detained. And Article 26 explicitly provides that individuals should not be detained for more than 48 hours unless the individual has appeared before a judge, who ultimately determines the legality of the arrest. In cases where the arrest is unlawful, the individual should be released immediately in line with the Haitian constitution and provisions in international human rights treaties discussed below.<sup>xvii</sup> Haiti's Criminal Procedure Code also provides for the right to a speedy trial within four months.<sup>xviii</sup>

Astoundingly, only eight people interviewed reported speaking with a judge within the constitutionally-guaranteed 48-hour requirement and only 45 (or 37%) had ever spoken with a judge at any point after their arrest. Of those who had seen a judge, most had still never been formally charged or remained uncertain about the exact charges they are accused of committing. Only one individual interviewed was actually convicted of an offense. Moreover, though perhaps unsurprisingly given these dismal findings, only 11 interviewees ever had an opportunity to speak with an attorney about their charges.

The 122 people interviewed have spent, on average, almost four years waiting to appear before a judge to determine the legality of their arrest. Detained in horrendous prison conditions for years waiting to be charged, let alone tried, many individuals have languished in prison for periods longer than the maximum length of time associated with their alleged offense. For instance, 40% of alleged offenses among interviewees are for petty theft or non-violent offenses like stealing a cellphone or food—which often carry no more than a six-month correctional or misdemeanor sentence. Yet the average jail time already served while awaiting trial for those accused of these non-violent offenses currently averages over three years.

One 24-year-old male was accused of stealing a telephone in July 2021 and has never seen a judge or spoken with an attorney while remaining detained at Jérémie for almost two years. Another 29-year-old male was arrested for stealing cosmetics in 2019 and also has yet to speak with a judge or attorney even though he has been detained for almost four years. In September 2020, a 48-year-old male was detained for stealing one bag of rice and has never seen a judge for the accusation in the three years since. Their stories are not unique but commonplace at the Jérémie prison. People are accused and arrested, never to see a judge, never to receive official charges, never to be tried: just waiting in extremely overcrowded conditions, contracting diseases, for years. Even if guilty, these men, as with so many others, have served well beyond the time required for stealing a telephone or a bag of rice. Their constitutional due process rights have been completely violated; they

have been given no opportunity to seek justice or fight their charges. As such, the Jérémie prison and the Haitian criminal system have taken away their voice, their rights, and their freedom without any due process whatsoever.

### **III. Conditions at the Jérémie Prison Constitute Human Rights Violations the Government of Haiti and International Community Must Remedy**

Enforcing human rights and establishing conditions under which justice can be preserved are fundamental purposes of the international legal framework. Since the creation of the United Nations, numerous agreements have sought to recognize and protect the inherent dignity and inalienable rights of all people. It is the responsibility of each member state and the international community collectively to enforce these rights, particularly for those people most vulnerable to abuse. Treaties on the rights of women, children, persons with disabilities, the criminally accused, and incarcerated persons reaffirm this special commitment.

Although Haiti has ratified several human rights treaties that take force through and compliment domestic protections,<sup>xix</sup> detained individuals in Haitian prisons continue to endure extreme conditions that violate their human dignity and put their lives at risk on a daily basis. In the 2008 case of former Prime Minister Neptune, who was wrongly incarcerated, the IACtHR found that his unhygienic and unsanitary cell, lack of access to proper sanitation facilities, restrictions on movement, and constant threat to his security and life, constituted inhumane treatment in violation of Article 5 of the American Convention on Human Rights and demanded Haiti repair his harms as well as create a plan for improving conditions generally.<sup>xx</sup> Unfortunately, prison conditions in Haiti, and particularly in Jérémie, have only worsened dramatically since then.

“I would like to take care of my family and three children. Please help me because prison is awful and I have no one to help free me.”

- *Christophe*, a thirty-two-year-old man accused of stealing a bag of rice, oil, and salmon incarcerated since 2020

As of March 2023, 470 individuals were locked up in overcrowded cells in Jérémie prison and forced to endure constant and relentless violations of their human rights. This situation amounts to a severe breach of international treaties ratified by Haiti as well as several other non-binding instruments developed within the U.N. framework to protect the dignity of incarcerated people.<sup>xxi</sup> The chart below provides a brief analysis of some of the main human rights violations found in the Jérémie prison.

<p>Prohibition against torture and cruel, inhuman, or degrading treatment or punishment<sup>xxii</sup></p>	<p>Severe overcrowding, poor ventilation, dire hygiene conditions, and very limited access to beds for sleeping are prevalent. Virtually all (96%) of those interviewed reported having witnessed violence with several cases being perpetrated by prison officials.</p>
<p>Right to life<sup>xxiii</sup></p>	<p>Detained individuals’ lives are constantly at risk due to violence and lack of medical assistance. RNDDH reports that between January and October of 2022, two people died while in custody at the Jérémie prison.<sup>xxiv</sup></p>
<p>Right to personal liberty and security<sup>xxv</sup></p>	<p>Several individuals accused of minor offenses are being held in pretrial detention indefinitely without having had the opportunity to see a judge or an attorney. An example of this is a 48-year-old who was imprisoned in 2020 for stealing a small bag of rice. He has neither had access to legal representation nor spoken to a judge since then.</p>
<p>Right to the highest attainable standard of health<sup>xxvi</sup></p>	<p>Of the persons interviewed, 74% reported having a medical condition, but many did not receive adequate treatment. Of the medical conditions reported, 44% were severe including cholera and tuberculosis as well as fevers, stomach pains, urinary tract infections, and rashes. Two women that described being “breast sick” were receiving no medical attention or cancer screening.</p>
<p>Prohibition against gender-based discrimination and violence<sup>xxvii</sup></p>	<p>Out of the 14 women interviewed, 5 reported having experienced violence. Of these, 4 women stated that the harm was inflicted by a prison official, while the fifth did not disclose the source of the harm.</p>
<p>Rights of Detained Children to Humane Treatment and Age-Appropriate Care, Including Family Contact and Visitation<sup>xxviii</sup></p>	<p>A 17-year-old incarcerated for stealing a phone, declared that he was unable to have contact with his parents or guardians. He also revealed that he had experienced violence at the hands of a prison official due to his young age.</p>

## **IV. Recommendations**

Binding legal instruments such as those described above obligate the Haitian state to respect the human rights of all individuals in its jurisdiction, and entail special duties for those incarcerated in its charge. Despite such legal safeguards, the conditions in the Jérémie prison unequivocally deny minimum basic standards and affront human dignity. Given the current governance crisis in Haiti, the authors of this report are acutely aware of the challenges facing local authorities and other stakeholders. To that end, these recommendations focus on immediate actions that should be prioritized and that can be taken even in the absence of resolution of those larger structural issues.

### **1) Close the Jérémie prison:**

The conditions in the Jérémie prison have fallen so far below acceptable conditions, the only solution is to discontinue use of the facility for human beings. There is simply no way to ensure human rights are respected given the abysmal state of affairs.

### **2) Reduce overcrowding:**

Immediate action must be taken to address overcrowding. At the very least the following individuals should be liberated with haste: a) minors; b) individuals who have been detained beyond the maximum sentence for their alleged charge; c) individuals who have not appeared before a judge within the prescribed 48-hour period; and d) individuals charged or convicted with non-violent offenses.

### **3) Supply adequate food, sanitation, and healthcare:**

Without urgent steps to provide adequate food, improved sanitation, and access to healthcare, lives are at stake. For example, the Ministry of Public Health and Population of Haiti should immediately distribute tuberculosis vaccines to prison authorities.

### **4) Investigate and remove abusive prison officials:**

The relevant government agency must investigate instances of alleged misconduct on the part of prison officials and other agents of the state. Guidelines and trainings on expected behavior on the part of prison officials should also be incorporated.

### **5) Set up a psychological support program to ensure mental health:**

The general conditions of incarceration, illness, malnutrition, unsanitary conditions, and other factors described in this report inevitably affect prisoners' mental health. When interviewing them, we observed their absent gaze and incoherent speech. Such

psychological support should help these individuals on gaining their freedom and reintegrating into society and reducing recidivism in the long term.

## **6) Staff training and capacity building:**

It is obvious from the perspective of many guards, once you get into prison, you lose your rights as a human being. Providing training to prison staff—including administrators, guards, and support personnel—in human rights and effective management techniques would change that perception to the benefit of the detainees and then the society as a whole. Urgent steps must be taken to foster a culture of professionalism, respect, and accountability among the prison staff, including providing the staff with adequate resources and humane conditions for work.

## **7) Establish a national plan to improve prison conditions:**

The Inter-American Court issued a binding ruling providing a detailed blueprint for Haiti to meet minimum human rights obligations for due process and humane treatment.<sup>xxix</sup> Among the directives: establishing “a plan and an action program” including “a timetable of activities.” Relevant institutions must take steps to that end.

## **Acknowledgments**

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## Endnotes

<sup>i</sup> See, e.g., [Lavira v. Att’y Gen.](#), 478 F.3d 158, 170 (3d Cir. 2007).

<sup>ii</sup> [Yvon Neptune v. Haiti](#), Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 18o (May 6, 2008), para. 171.

<sup>iii</sup> Bureau des Avocats Internationaux (BAI) and Institute for Justice & Democracy in Haiti (IJDH), [Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2022](#) (Dec. 2022) (“BAI/IJDH Dec. 2022”).

<sup>iv</sup> *Id.*

<sup>v</sup> *Id.*

<sup>vi</sup> Office de la Protection du Citoyen d’Haïti (OPC) [Office for the Protection of the Citizens of Haiti], [Haïti / Mauvaises Conditions de Détention: Les Parents des Prisonniers Décédés Doivent s’associer pour Attaquer l’État par Devant des Instances Internationales](#) [Haiti/ Poor Conditions of Detention: Relatives of Deceased Prisoners Must Join Forces to Attack the State Before International Bodies] (Sep. 2022); Réseau National de Défense des Droits Humains (RNDDH) [National Network for the Defence of Human Rights], [Dysfonctionnement des systèmes judiciaire et pénitentiaire: Le RNDDH plaide pour le respect des droits aux garanties judiciaires](#) [Dysfunction of the Judicial and Penitentiary Systems: RNDDH Advocates for the Respect of the Rights to Judicial Guarantees], (Nov 11, 2022).

<sup>vii</sup> UC Law SF Haiti Justice Partnership, <https://www.uchastings.edu/academics/centers/hastings-to-haiti> (last visited May 29, 2023).

<sup>viii</sup> Kate Bloch and Roxane Dimanche, [Human Rights from the Ground Up: Building the First Law School Legal Aid Clinic in Haiti](#), 20 U. Pa. J.L. & Soc. Change 217 (2017).

<sup>ix</sup> See, e.g. Memorandum from Seton Hall Law School (2012) (on file with authors); BINUH, [N’ap Mouri: Rapport sur les Conditions de Détention en Haïti \[N’ap Mouri: Report on Conditions of Detention in Haiti\]](#). (2021).

<sup>x</sup> Seton Hall Memo, *supra* note ix.

<sup>xi</sup> Since the initial publication of this report, CRAALE has had some victories in achieving liberation of some prisoners through habeas petitions and long-awaited trials. But these efforts have only scratched the surface.

<sup>xii</sup> BINUH, *supra* note ix.

<sup>xiii</sup> See, e.g., Eur. Ct. H.R., [Ananyev and Others v. Russia](#), App. Nos. 42525/07 & 60800/08, at ¶¶ 144-45, 148 (Jan. 10, 2012), holding in part that each detained person “must have an individual sleeping place in the cell” and must have “at least three square metres of floor space” to her/his self: the absence of either resulting in a “strong presumption that the conditions of detention amount[] to degrading treatment [...] in breach of Article 3”;<sup>3</sup> see also, Eur. Ct. H.R., [Case of Torregiani & Others v. Italy](#), App. Nos. 43517/09, 46882/09, 55400/09, 57875/09, 61535/09, 35315/10 & 37818/10, May 27, 2013, at ¶ 76; see also, Inter-Am. Comm’n H.R., [Report on the Use of Pretrial Detention in the Americas](#), OEA/Ser.L/V/II., Doc. 46/13, ¶ 291 (Dec. 30, 2013); U.S. Dep’t of State, Bureau of Democracy, H.R. & Lab., [Report on International Prison Conditions](#), n.10 (2012).

<sup>xiv</sup> These issues pervade all of Haiti’s prisons and are uniquely pronounced in rural areas like Jérémie. See, e.g., Danica Coto, [Haitians are dying of thirst and starvation in severely overcrowded jails](#), Associated Press (June 8, 2023).

<sup>xv</sup> Tuberculosis infections have only increased since initial publication of this report.

<sup>xvi</sup> All interviewees provided informed consent to be interviewed consistent with best practices.

<sup>xvii</sup> See generally, U.S. Dep’t of State, Bureau of Democracy, H.R. & Lab., Country Reports on Human Rights Practices: Haiti (2022) at 9-10 (“The law requires prosecutors to routinely visit detention centers and police stations to provide for proper treatment of detainees and respect for arrest procedures [...] these visits rarely occurred.”).

<sup>xviii</sup> The Code provides: “Le juge instructeur saisi d’une affaire a un délai de deux mois pour en mener l’instruction et communiquer les pièces de l’information au Ministère public et un délai d’un mois pour l’émission de l’ordonnance de clôture, ce, sous peine de prise à partie.” CODE D’INSTRUCTION CRIMINEL, tit. II, art. 7 [“The investigating judge hearing a case has two months to conduct the investigation and communicate the information to the Public Prosecutor’s Office and one month to issue the closure order, failing which he will be taken to task.” CODE OF CRIMINAL PROCEDURE, tit. II, art. 7].

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<sup>xix</sup> Haiti has ratified the following U.N. treaties: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Optional Protocol on the sale of children, child prostitution and child pornography. Furthermore, Haiti has ratified the following regional treaties: the American Convention on Human Rights (ACHR), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (“Convention of Belem do Pará”), and the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

<sup>xx</sup> *Neptune v. Haiti*, *supra* note ii, para. 138.

<sup>xxi</sup> Relevant non-binding instruments are the U.N. Standard Minimum Rules for the Treatment of Prisoners (“the Nelson Mandela Rules”), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (“the Bangkok Rules”), and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“the Beijing Rules”).

<sup>xxii</sup> ICCPR, art. 7; ACHR, art. 5. *See also* ICCPR, art. 10 (right to humane treatment in detention).

<sup>xxiii</sup> ICCPR, art. 6; ACHR, art. 4.

<sup>xxiv</sup> RNDDH, *supra* note vi, para. 103.

<sup>xxv</sup> ICCPR, art. 9; ACHR, art. 7.

<sup>xxvi</sup> ICESCR, art. 12; CRPD, art. 25 (right to equal access to healthcare for people with disabilities).

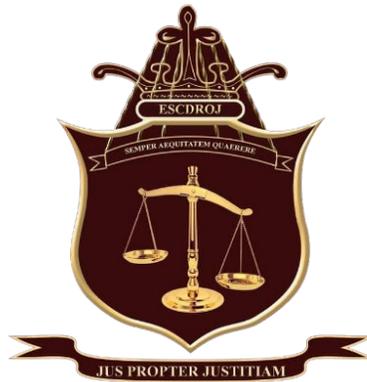
<sup>xxvii</sup> CEDAW, arts. 1-2; Convention of Belem do Pará arts. 3, 4, 7.

<sup>xxviii</sup> CRC, arts. 37(c), 40; Beijing Rules.

<sup>xxix</sup> *Neptune v. Haiti*, *supra* note ii, paras. 171, 179, 183.



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