



Cruel and Unusual: Incarcerated in the Haitian National Penitentiary

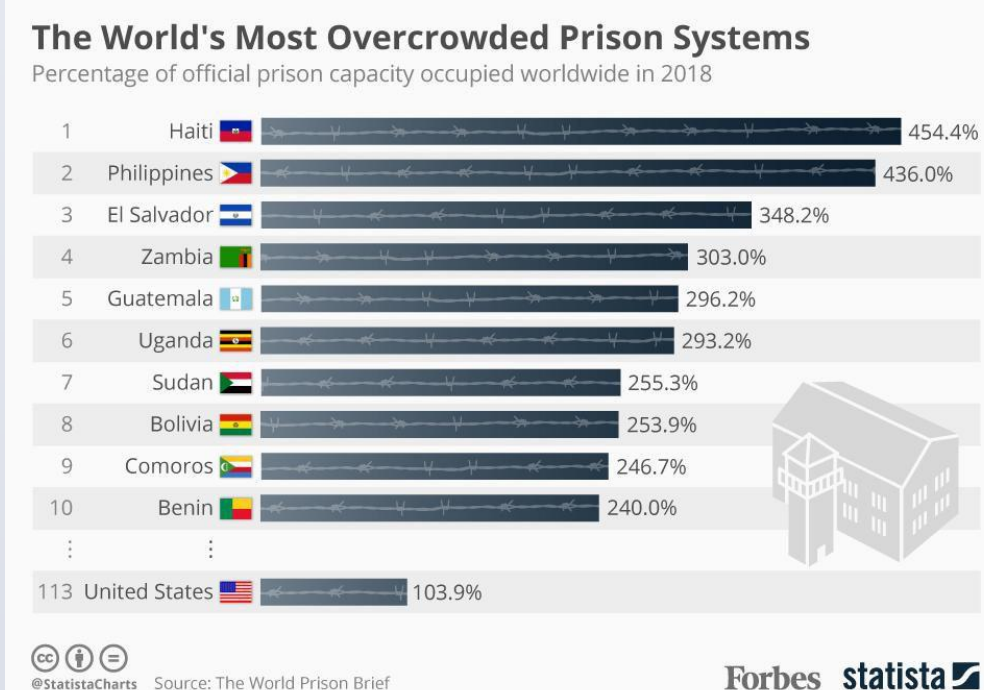
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INTRODUCTION AND BACKGROUND

Haiti has the most overcrowded prison system in the world and violates human rights norms, with over 70% of the detainees serving prolonged pretrial detention. This study asks:

- (1) What are the reasons for severe overcrowding in Haiti's prisons?
- (2) Why are so many detainees serving prolonged pretrial detention?
- (3) Why does the Haitian government continue pretrial detention when there are insufficient prison facilities?



METHODS

- Interviews with former and current inmates housed at the Haitian National Penitentiary and with human rights attorneys based in Haiti
- Two case studies: One person who served time 20 years ago and one person who is currently incarcerated at the National Penitentiary
- Site visits to the National Penitentiary
- Incorporation of data from a 2017 survey on incarcerated individuals housed at the National Penitentiary

RESULTS

Nothing has changed. Strong similarities exist for inmates' experiences whether they served time in 1993 or in 2019.



- Arrested with insufficient evidence: 80%
- Prolonged pretrial detention over one year: 100%
- Legal representation: 10%
- Means to pay for legal assistance: 10%
- Severely overcrowded prison cell: 90%
- 20-22 hours of lockdown per day: 100%
- Non-nutritious/scarcely food: 100%
- Sleep deprivation at least 2x a week: 90%
- Safe drink water: 0%
- Sufficient water for bathing and washing: 0%
- Latrines available: 0%
- Healthcare and medication when needed: 0%

Year	Number in pre-trial/remand imprisonment	Percentage of total prison population	Pre-trial/remand population rate (per 100,000 of national population)
1999	3,055	83.5%	36
2005	3,253	88.6%	35
2007	5,314	83.4%	55
2010	3,609	67.7%	37
2018	5,929	66.8%	53

Haiti: Trends for pre-trial/remand prison population

DISCUSSION

- A key reason for terrible conditions is the high number of prolonged pretrial detainees. Other reasons include the outdated, broken-down penitentiary that was never intended to hold more than 700 inmates compared to over 4,000 today.
- The judicial system does not have enough trained attorneys and judges to address all of the cases that need to be heard. The Haitian government says it does not have the financial resources to process these cases in a timely fashion.
- The Haitian government continues its practices even when there is no current capacity to process these cases. This is practice is embedded in politics, racism, and especially corruption, which has undermines the functioning of the state.

RECOMMENDATIONS AND CONCLUSIONS

- Mobilize groups to monitor and advocate for their friends, neighbors, and family members. This will offer hope that some detainees may not be lost in a system that is too broken and too corrupt for change.
- Work with the American Bar Association Rule of Law Initiatives (2018), which provides training and oversight aimed at strengthening the technical capacity of the Haitian justice sector.
- Educate the public about their human and civil rights, as well as what to do if a family member gets arrested.



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