National Network for the Defense of Human Rights (RNDDH)
Haitian Women's Solidarity (SOFA)



The RNDDH and the SOFA present their report on the mutiny followed by the collective rape of detainees at the Gonaïves civil Prison

November 21, 2019

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I. INTRODUCTION

1. The National Network for the Defense of Human Rights (RNDDH) and the Haitian Women's Solidarity (SOFA), two (2) member organizations of the International Federation for Human Rights (FIDH) have learned with consternation the events occurred at the Gonaives civil prison on November 7, 2019 where an attempted escape followed by gang rape of female prisoners was recorded.

2. Faced with the gravity of the information relayed by the press, the RNDDH and the SOFA visited the ground in order to inquire about the facts. The two (2) organizations propose to share with all the persons interested in the matter, the conclusions of their investigations.

II. METHOD OF CALCULATION

3. As part of this investigation, the RNDDH and the SOFA, after consulting with the officials of the civil prisons of Saint-Marc and Gonaïves, went to the civil prison of Cabaret where they met the female prisoners who were victims of gang rapes.

III. PRESENTATION OF THE GONAIVES CIVIL PRISON

4. In 2004, in the wake of the bloody events that led to the departure of President Jean Bertrand ARISTIDE, the civil prison of Gonaïves was completely razed. Fourteen (14) years later, facing the manifest ill will of the state authorities in relation to the reconstruction of the prison, the the Institute for Agricultural and Industrial Development (IDAI), which hosted the Artibonite branch of the United Nations for Stabilization in Haiti (MINUSTAH) was redeveloped by the United Nations Mission for Supporting Justice in Haiti (MINUJUSTH) to serve as a prison.

The civil prison of Gonaives is headed by a police commissioner administrative, responsible also for the Office of the Gonaives. It only counts 2 DAP officers assigned to the prison graft.

5.The new civil prison of Gonaives located on the road of Bienac, was inaugurated on September 22, 2018. It has eight (8) small cells. Rarely supplied with power from the city, it has two (2) electric water pumps for the distribution of water. The rarity of the current of town results in a perpetual water scarcity. This is atotally inappropriate building for the custody of detainees.

6. The civil prison of Gonaïves is headed by police commissioner Philippe JUSTE, head of the Commissariat of Gonaïves, formerly converted to prison. The latter has never stopped drawing attention to the fact that he was not trained for the work to which he is subject. The prison is co-directed by Chantal DIEUJUSTE, who is considered to be the administrator of this one. Two (2) officers of the Directorate of the Penitentiary Administration (DAP) is assigned to it. And, at least two (2) agents of the Departmental Unit for the Maintenance of Order (UDMO) are present on the premises permanently. However, they do not intervene in the detention area.

IV. PREVIOUS FACTS

7. Since September 16, 2019, the country has been experiencing a serious socio-political crisis characterized by the organization, in all the geographical departments of the country, of anti-government demonstrations

demanding the departure of the ruling team. The roads are cut, burning barricades are erected there paralyzing car traffic and communication between the different cities of the country. This situation has enormous consequences on the lives of citizens as well as on the functioning of state institutions including detention centers.

8. If before the anti-government movement prisons were already facing problems of renewal of stocks of food for prisoners-se, from September 16, 2019, the situation has worsened. In effect, during a tour [1]conducted in seventeen (17) centers of detention in the country as well as in three (3) offices converted into prison, the RNDDH has noted that:

- Since September 16, 2019, some prisons have received less food thanusual. Others have not received any from the Directorate of Prison Administration (DAP), which has led prison officials to offer prisoners a food in lesser quality and quantity;

On November 6, 2019 the RNDDH has published a report on the ruptures of stocks of food in the prisons and the non-replenishment of the latter by the prison authorities.

- The daily management of the prison has been abandoned to prison officials. Some had to tap into their own resources to feed the detainees. Others were forced to buy on credit while several others had to seek help from citizens and citizens of their community, charitable organizations or non-governmental to at least offer a hot dish per day to prisoners;

- Propane gas has been depleted in most detention facilities for sometime, it is coal and wood fire that are used for the preparation of the food for the prisoners;

- Stocks of medicines, the hygienic kits as well as the cleaning products have not been renewed by the DAP;

- The RNDDH, fearing of cases of mutiny or evasion that could give rise to such a situation, had then attracted the attention of the prison authorities on the tension that prevailed already and which still reigns in the prisons.

9. The situation was no different in the Gonaïves civil prison which also faced the problems following:

- Non-resupply of food stocks,
- Food offered to inmates of lesser quantity and quality,
- Unhealthy conditions due to the non-distribution of hygienic kits and cleaning products by the DAP,

10. These various problems were aggravated by the decision of those responsible for this prison temporarily halt the visits of the parents of the inmates who, due to the configuration of the building and the lack of DAP officers for their custody, are usually kept only in the cells. They only have a few minutes to go to the toilet, bathe and do their laundry.

[1] *Impacts de la crise sociopolitique actuelle sur les conditions générales de détention,* RNDDH –Rapport /2019/No5, 6 novembre 2019, 15 pages

11. In addition, the paralysis of the judicial activities has also affected the detainees-es of this prison during the protest movement still in progress. Indeed, only nine (9) of them were auditioned during this period, by the judicial authorities. They are all returned to prison.

V. RECONSTITUTION OF THE FACTS

- **Conduct of the mutiny**

12. On November 7, 2019 on awakening, the civilian prison of Gonaïves had a staff of three hundred and twenty-nine (329)[2] inmates, broken down according to the following table:

Description:				Total
Male detainees 279,	Female detainees 9,	Minors detainees 11,	Minors detainees 1,	
Men sentenced 26,	Women sentenced 2,	Minors sentenced 1,	Minors sentenced 0,	
305,	11,	12,	1,	329,

13. By noon, the prisoners, having learned that there was no coal for cooking their food, began to complain about conditions in which they were kept and because they were hungry.

14. During the beginning of the mutiny, the agents of the DAP and the UDMO assigned to that prison did not intervene and merely locked doors giving access to the outside, in order to prevent the escape of prisoners-eras.

2 DAP officers were assigned to the civilian prison of Gonaïves against 329 inmates-es, or 1 agent for each 164 inmates.

15. The detainees fought for almost an hour on the locks of their cells until they smash them. They then broke down the door giving access to the women's cell. This operation only took a few minutes.

16. At least four (4) cells are damaged. They were hosting all men. Those of minors, the sick and women and girls have not suffered major damage. Subsequently, the detainees have set fire to the Registry of the prison, burning a part of the records that were there.

The mutiny of November 7, 2019 in the civil prison of Gonaïves has caused the death of an inmate. 3 others were
injured as well as an agent of

17. Between one (1) hour and two (2) hours of the afternoon, an escape attempt has been recorded. The agents of the UDMO, present on the places, have then launched tubes of tear gas before attempting to penetrate in the premises of the detention. However, they had to abstain because the tear gas which had been previously launched.

18. Agent II Johny MAURICE, in officer from outside, first tried to bring the order back by asking detainees to calm down. Having failed, he introduced his weapon, a 9-caliber revolver millimeters, through the fence of a window and fired in the air. The detainee Jean Bertrand ESPERANDIEU grabbed his weapon. It is used to pull two (2) projectiles in the direction of the officer mentioned above. This last, in his haste to remove his hand from the window, injured himself with wrought iron.

[2] Source: *Directorate of Prison Administration* (DAP), movement of the prison population, November 5, 2019 and NetworkNational Human Rights Defense (RNDDH). The information on the size of the prison was corroborated by responsible for the civil prison of Gonaïves.

19. The various attempts having failed, the PNH officers agreed not to intervene within the confines of detention, especially since they heard shots fired by the detainees. They did not retaliate and simply took shelter by continuing to launch towards the detention, tear gas tubes. Other officers of the National Police of Haiti (PNH) had come as a backup. The important thing for them was to prevent prisoners from escaping.

20. In the wake, inmate Rodeney LAMOUR, was killed. According to officials, he received a shot in the stomach by his fellow inmate Jean Bertrand ESPERANDIEU who had stolen the weapon of the agent Johny's MAURICE. However, he had three (3) holes in sight. He was sentenced to fifteen (15) years imprisonment for rape. Three (3) other detainees were injured.

21. Around two (2) o'clock in the morning, the detainees returned to the prison clerk's office to still fire. Having heard them, the UDMO agents once again made use of tubes of tear gas.

- **Collective rape of women and girls by prisoners**

22. On the night of November 7-8, 2019, women - as well as the minor of fifteen (15) years - incarcerated in the civil prison of Gonaives were raped. It has even been reported to the RNDDH and SOFA that some prisoners are beaten over who would pass before others.

Some of the victims of gang rape lost consciousness due to use of tear gas in the space of detention. The minor of 15 years was raped by five inmates.

23. If the press reports that all the women were raped, at the place of detention, only ten (10) told the RNDDH and the SOFA that they had been victims of gang rape.

24. In their statements, eight (8) of the victims stated that they could not identify their attackers because they were in the dark. They testify that several of them committed their crimes without able to say exactly how many men raped them. In addition, two (2) said they were in syncope at the time of the mutiny. It was when they woke up that they are reported to be naked. For her part, the minor of fifteen (15) years stated that she was raped by five (5) detainees.

25. Two (2) detainees stated that they had not been raped. One of them Believes that she was not noticed by the attackers because she was hiding under a wet mattress that was in the cell.

7 of the 10 women who claim to have been raped, are still awaiting trial. One of them is locked up since 12 years.

❖ **Socio-legal information of victims**

26. Socio-legal information on the ten (10) women and girls victims of gang rape can be summarized as follows:

- Seven (7) of them are awaiting trial;
- Two (2) are sentenced;
- Another judge, has not yet received the operative part of her judgment.

27. Four (4) of them are mothers of two (2) or more children. Two (2) were merchants before their incarceration and one (1) other farmer.

28. In addition, the age of the victims is as follows:

- One (1) of the victims is a minor;
- Four (4) are between twenty (20) and thirty (30) years of age;
- Two (2) are forty-three (43) years of age;
- Two (2) are older than fifty (50) years;
- One (1) of the victims is sixty-two (62) years of age.

29. The following table presents the above details, broken down by victim:

Age of victims	Offense	Date of confinement	Legal status	Social conditions
52 years old	Murder and complicity	2007	Awaiting trial	
29 years old	Murder	November 30, 2016	Awaiting trial	Merchant
22 years old	Complicity of rape	March 2017	No trial device	Beautician
43 years old	Murder	February 9 2018	Awaiting trial	Mother of 7 children
43 years old	Breach of trust	June 15 2018	Awaiting trial	Mother of 3 children
54 years old	Murder and complicity	April 2018	Sentenced to 3 years	
22 years old	Motorcycle theft	October 29, 2018	Awaiting trial	Mother of 2 children/ Merchant
15 Years old	Suitcase Theft	May 15, 2019	Awaiting Trial	
25 years old	Suitcase theft	May 2019	Awaiting trial	
62 years old	Complicity in theft	Unknown	Sentenced to 3 years	Mother of 8 children/ Farmer

30. The two (2) other women who had not been raped are also awaiting trial.

VI. SUMMARY OF THE INCIDENT

31. The record of this mutiny is as follows:

- Ten (10) detained victims of gang rape;
- One (1) detained killed;
- Three (3) detainees injured;
- One (1) DAP officer injured in hand;
- The imprint of the prison partially burned;
- Four (4) damaged cells.

VII. SUBSEQUENT FACTS

32. The following day, November 8, 2019, calm returned to the prison.

The weapon seized by the detained on November 7, 2019 was only recovered the day after the mutiny.

33. Judicial authorities of the city, namely, Maître Sérard GAZIUS, Commissioner of the Government of the Court of First Instance Gonaïves, Maître Estaniel REGIS Judge at the Court of Peace of the northern section of Gonaïves as well as Police authorities were present when the detention was finally opened.

34. All inmates were asked to leave the cells without their personal belongings. This operation recovered the weapon of the agent Johny MAURICE which was torn from his hands by the detained Jean Bertrand

ESPERANDIEU. And, many prisoners, passing close to the authorities present at the scene, informed them that the detained women were raped.

35. Judge Estaniel REGIS of the Court of Peace of the northern section of Gonaïves, required for the circumstance, took the opportunity to draw up the report.

36. In addition, this day, the corpse of Rodeney LAMOUR was buried by the town hall of the city of Gonaïves without the knowledge of its parents. No autopsy to determine the circumstances of his death has not been carried out.

37. Thus, on November 8, 2019, on awakening, the civilian prison of Gonaïves had a staff of three hundred and twenty-eight (328) detainees, Rodeney LAMOUR having died at the time of the mutiny.

- **Transfer of detainees**

38. On November 8, 2019, the detainees were transferred as follows: one hundred-one (101) detainees of which eleven (11) women and one (1) minor, in the Saint-Marc Civil Prison, one hundred (100) inmates, one (1) a minor in the civil prison of Mirebalais and one hundred and twenty-seven (127) prisoners in the civil prison of Hinche.

- **Medical care of prisoners victims of group rape**

39. On November 10, 2019, the Health Through Walls (HTW) / Aids Health Foundation (AHF), examined the twelve (12) female inmates of Gonaives were detained in the civil prison of Saint-Marc and then put them on antiretroviral prophylaxis. In addition, a delegation composed of several women's organizations including the Platfòm Fanm Òganize pou Devlope Atibonit (PLAFODA), the SOFA and a representative of the Ministry to the Women's Affairs and Women's Rights, Artibonite branch, also provided support in kits hygienic, clothing, underwear, blankets, detergents and water treated to inmates victims of gang rape.

40. On November 13, 2019, women as well as the minor have been transferred to the civil prison of Cabaret.

- **Current status of detainees**

41. Not having been authorized to retrieve their personal belongings, the detainees were transferred with only the clothes they were wearing, without clothes or spare underwear.

Some of the victims of group rapes display of behaviors unusual, according to their fellow inmates.

42. Victims are now far from their families and no longer have contact with them. Moreover, they are particularly affected by the raped incident. Already, some of them, according to their fellow inmates, exhibit unusual behaviors. The minor, for her part, complains of severe pain. Others say they feel stressed.

43. In addition, the victims show signs of anguish, of emotional shock and anxiety disorders. Some claim to have sleep disorders.

VIII. COMMENTS AND RECOMMENDATIONS

44. On 7 November 2019, the civil prison of Gonaïves was unable to feed the inmate-se. This is because there was no propane gas or charcoal for cooking food. It is the circulation of this information in the detention space that has constituted the element triggering the mutiny.

45. However, the data collected in October 2019 by RNDDH relating to the stock-outs of food in prisons as well as presentiments from prison officials who were struggling to prison space because of their inability to provide prisoners with quality food and quantity, foreshadowed the worsening of the situation. Thus, RNDDH and SOFA consider that the mutiny registered at the Gonaives civilian prison was to be expected and could certainly have been avoided.

46. RNDDH and SOFA deplore the fact that the prison authorities preferred to deny the reality, to make every effort to replenish the prisons with food, gas propane, drugs and hygiene kits.

47. However, the chilling facts that occurred at the Gonaives Civil Prison where women as well that the minor girl were left to graze inmates to be raped in turn, reveal the failure of state authorities to take responsibility for ensuring the safety of detainees. It is therefore a flagrant case of non-assistance to a person in danger. In this sense, RNDDH and SOFA recall that the Internal Regulations of the Penitentiary Institutions make of the head of the establishment the person in charge of the security of the prison he runs.

48. Indeed, Article 138 states: The head must focus on the establishment of the best possible means of ensuring the safety of persons and public safety within the establishment. It is directly responsible for compliance with the regulatory procedures as defined. It makes immediately account to the Directorate of the Penitentiary Administration of any difficulties arising in this regard via the Zone Coordinator" Similarly, section 139 states that "Prison security is intended to prevent violence against persons, detainees and persons, suicidal behavior, the relevant refusal movements of obedience, mutiny and riots, escapes, degradation of state and personal property.

49. The RNDDH and the SOFA stress to all that rape in prison, or any other form of sexual violence, perpetrated by prison staff or inmates, constitutes a form of torture against the victims because it is the full responsibility of the state authorities to ensure the safety and protection of detainees. They must also ensure that the deprivation of liberty of prisoners is compatible with respect for human dignity.

50. RNDDH and SOFA recall that it is not only today that they require state authorities to construct separate buildings for women and girls as well as the separation of women and girls in detention. Indeed, since the 2000s, the RNDDH and the feminist organizations have been questioning the authorities on the fact that the penitentiary institutions can not in any case constitute zones of lawlessness for women prisoners. These organizations consistently advocate for the rights of imprisoned women and girls, with the aim, among other things, to draw the attention of state authorities to the dangers of guarding persons of the different genders in the same space

51. There is no doubt that if the authorities at the highest level of the State had respected the principle of separation of persons detained by age, sex and offense, women as well as the minor of fifteen (15) years held in the civil prison of Gonaives would not have been victims of gang rapes.

53. While condemning, with the utmost severity, the rapes perpetrated in the Gonaives civilian prison, the RNDDH and the SOFA consider that all the events that occurred at the said prison stem from the irresponsibility and negligence of the authorities at the highest level of the 'State. And that is why RNDDH and SOFA require state authorities and DAP officials to:

- The conduct of a top-down investigation to identify all the detainees involved in this case with a view to sanctioning them according to the law;
- The medical, psychological and social care of female prisoners who have been gang raped at the Gonaïves civil prison;
- The construction of separate prisons to accommodate exclusively women in conflict with the Law;
- The renewal of stocks of food, propane gas, medicines, hygiene kits and cleaning products in all prisons in the country.