

EXTERNAL

AI Index: AMR 36/03/95

This is a limited UA. Please restrict appeals to 10 per section

UA 275/95

Ill-treatment/Legal Concern

21 December 1995

HAITI Children in detention at Fort National Prison, Port-au-Prince

Amnesty International is concerned at reports that children aged between 12 and 17 have been beaten by guards in Fort National Prison on at least two occasions in the past month. Many of them are also believed to be held there illegally.

On 28 November 1995 four guards belonging to the *Administration Pénitentiaire Nationale (APENA)*, National Penitentiary Administration, reportedly beat 20 minors at Fort National Prison after they had started fighting amongst themselves. The following day a doctor from the Medical Unit of the joint United Nations/Organization of American States International Civilian Mission in Haiti (MICIVIH) visited the prison and examined the 20 minors. He found that they exhibited a considerable number of lesions. A MICIVIH investigation of the incident concluded that disproportionate and improper force had been used by the APENA personnel, who, as well as beating some of the detainees, had reportedly released teargas into an overcrowded cell and fired a warning shot into the air.

On the night of 7 December, thirteen minors from the same prison escaped. Two who were recaptured shortly afterwards alleged that they were beaten by guards upon being returned to the prison.

The situation has been brought to the attention of the Minister of Justice, who is responsible for prison administration, but it is not clear what action, if any, has so far been taken against those responsible for the beatings or their superiors.

A joint investigation carried out by representatives of MICIVIH, APENA and the UN Development Program, has revealed that many women and children detained at Fort National are being held without any justification and that often their files are completely empty. This is a general problem in most Haitian prisons and MICIVIH has urged public prosecutors and investigating judges to visit prisons at least once a month to remedy the situation. It has also called on the Haitian Government to adopt a code of ethics for APENA personnel and to establish clear procedures, based on international standards, for maintaining prison discipline.

BACKGROUND INFORMATION

Conditions in Haitian prisons have improved markedly since October 1994 when President Jean-Bertrand Aristide returned to the country to resume his presidential term which had been interrupted by a military coup in 1991. Although Amnesty International has continued to receive occasional reports of beatings, it is clear that the type of systematic torture that was characteristic of the military government of General Raoul Cédras is no longer prevalent. With the assistance of the international community, the government of President Aristide has embarked on a program of prison reform and sanitary conditions, food supplies and health care are said to have generally improved in most places.

However, overcrowding resulting from delays in the administration of justice, has become a serious problem in recent months resulting in serious tensions and occasional riots in some prisons as well as several escapes. APENA, a

civilian agency located within the Ministry of Justice, was established in May 1995. According to MICIVIH, APENA has insufficient staff to cope with the increasing prison population and the existing personnel have received only two weeks' training.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French or your own language:

- expressing concern at reports that minors held at Fort National Prison have been beaten by guards on at least two occasions since 28 November;
- requesting an immediate halt to such practices and that anyone suspected of having carried them out or ordered them to be carried out be immediately suspended pending the results of an independent investigation into the allegations;
- requesting that all prison personnel be under strict instructions to act at all times in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners;
- requesting that an immediate investigation be carried out into the legal situation of all minors and women held at Fort National and that all those found to be detained illegally be immediately released.

APPEALS TO:

Minister of Justice

M. René Magloire

Ministre de la Justice

Ministère de la Justice

Cité de l'Exposition

Port-au-Prince, Haiti

Telex: 20166 justice

Fax: +509 23-9407 (this is the number for the Ministry of Foreign Affairs - please ask them to forward the message to the Minister of Justice)

Telegrams: Ministere Justice, Port-au-Prince, Haiti

Salutation: Monsieur le Ministre/Dear Minister

Appeals regarding ill-treatment only:

Director of Prisons

M. Pierre Elysée

Directeur de l'Administration Pénitentiaire

Nationale (APENA)

Ministère de la Justice

Cité de l'Exposition

Port-au-Prince, Haiti

Telex: 20166 justice

Telegrams: Directeur APENA, Ministere Justice, Port-au-Prince, Haiti

Salutation: Monsieur le Directeur

Director of Fort National Prison

Madame le Directeur

Prison de Fort National

Port-au-Prince, Haiti

Telegrams: Directeur, Prison Fort National, Port-au-Prince, Haiti

Salutation: Madame le Directeur

Appeals regarding legal situation only:

Public Prosecutor for Port-au-Prince

Maître Jean-August Brutus

Commissaire du Gouvernement
Parquet de Port-au-Prince
Port-au-Prince, Haiti

Telegrams: Commissaire Gouvernement Brutus, Parquet, Port-au-Prince, Haiti
Salutation: Monsieur le Commissaire du Gouvernement

COPIES TO:

Human rights organization
Plateforme haïtienne des droits humains
3 avenue de Travail No.11
Port-au-Prince, Haiti

Créole newspaper
Libète
BP 13441
Delmas, Haiti

and to diplomatic representatives of Haiti accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 1 February 1996.