

## **Illegal Detention and Inhumane Treatment Await Criminal Deportees in Haiti - April 7, 2009**

### **ALTERNATIVE CHANCE/CHANS ALTENATIV**

Treatment of Criminal Deportees Arriving in Haiti

April 7, 2009

Partial list of concerns recorded by Alternative Chance (based on Alternative Chance June 11, 2008 letter to the United Nations High Commission on Refugees (UNHCR) in response to their inquiry addressed to Alternative Chance.

Submitted by Michelle Karshan, Executive Director, Alternative Chance/Chans Alternativ, [www.alternativechance.org](http://www.alternativechance.org), [altchance@aol.com](mailto:altchance@aol.com)

- **Illegal Detention.** The majority of Criminal Deportees returned to Haiti from the United States and Canada are detained in police station holding cells at the DCPJ police administrative building. In the absence of criminal charges in Haiti, this practice is a violation of Haitian and international laws and human rights treaties. A Haitian court ruling in September 2006 found this practice to be illegal under Haitian laws yet the Government of Haiti continues this practice.
- **Inhumane Treatment in Detention.** Criminal Deportees are detained in horrific conditions and receive NO food, NO drinking water, and NO medical or mental health care (even when the Haitian government is aware of the severity of the person's medical or mental health condition via observation or the medical file transferred to the Haitian police by the US government at the time of deportation.) They are not afforded any due process or attorney representation. Criminal Deportees with no family or source of food are NOT provided any nourishment while in detention.
- **Haiti's Police Withhold Vital Medical Information.** At the time that a seriously ill (medically or mentally) Criminal Deportee is deported to Haiti their medical file is supposed to be transferred with them. Often the medical file is not transferred OR if the medical file does arrive with the Criminal Deportee the Haitian police seize the file and throw it in a drawer refusing to ever make it available to the deportee or his/her doctor/hospital/clinic. (Recently a woman with HIV/AIDS, diabetes, hypertension/cataracts was deported, detained and became seriously ill. When Alternative Chance asked the Haitian police to share the woman's extensive medical file from the US with the hospital or doctor, the police refused. Instead time consuming, limited and costly medical tests had to be performed to make diagnoses and there was no medication history available to the patient or doctors. This woman died seven months after being deported to Haiti.)
- **Police Withhold Vital Medications.** The US is supposed to transfer two weeks worth of medications for those persons who are seriously medically or mentally ill and were on medications while detained in immigration prison in the US. In many instances these

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medications are not transferred OR only an insufficient supply OR the Haitian police seize the transferred medications and withhold them from the Criminal Deportees.

- **Illegal Restriction of Free Movement.** The Haitian government interdicts all newly deported Criminal Deportees from obtaining passports and exiting Haiti for a period of eight months while they are required to sign in weekly with the Haitian police. In the absence of an interdiction arising from pending criminal charges or an ongoing criminal investigation, this interdiction is a violation of Haiti's laws and 1987 Constitution as well as international standards of freedom of movement.
- **Non-Criminal Deportees continue to be detained.** Occasionally the Haitian government continues to detain arriving deportees who have no criminal convictions but were mere illegal entrants or overstays. For example, a mentally ill non-criminal deportee was held in detention without mental health care or medications for one month although his family had been in touch with the police for his release.
- **Refugees and Political Asylum.** The US is deporting Haitian nationals for criminal convictions, minor violations, or illegal status who were originally granted political asylum and refugee status. Many of these persons still face the same dangers recognized at the time the US granted them asylum status.

Please refer to our earlier description of Criminal Deportee detention conditions included in Haiti: Information on Conditions in Haitian Prisons and Treatment of Criminal Deportees (2nd Response) dated February 12, 2002 published by the United States Bureau of Citizenship and Immigration Services. The length of detention has decreased and the Criminal Deportees are currently detained at the DCPJ judicial police administration building.

Haiti: Information on Conditions in Haitian Prisons and Treatment of Criminal Deportees (2nd Response) dated February 12, 2002

See The United Nations Standard Minimum Rules for the Treatment of Prisoners at

Brief summary of The United Nations Standard Minimum Rules for the Treatment of Prisoners

In full

The United Nations Standard Minimum Rules for the Treatment of Prisoners

Michelle Karshan, Executive Director  
Alternative Chance/Chans Alternativ  
70A Greenwich Avenue, #373  
New York, New York 10011

Answering service: 212-613-6033  
Internet FAX: 1-212-202-3992

<http://www.alternativechance.org/Illegal-Detention-and-Inhumane-Treatment-Await-Criminal-Deportees-in-Haiti-April-7-2009>

In Haiti: 011509-3-490-0782

In US: 347-281-2958

Skype: Michelle.Karshan

Email: [altchance@aol.com](mailto:altchance@aol.com)