

**OPENING STATEMENT**

Good afternoon Ladies and Gentlemen of the Commission,

We are here today to examine the merits of the case of Mr. Fleury against the State of Haiti. In the course of these proceedings, we will present evidence that the State of Haiti has grossly violated its obligations under the American Convention on Human Rights, ratified by Haiti in 1979.

This man sitting before you, Mr. Lysias Fleury has been on a long and difficult journey since June 24 of 2002. Mr. Fleury is a human rights activist who has dedicated his career to the protection of Haitians' civil liberties. Mr. Fleury's commitment to human rights advocacy led him here before you today. He seeks from the Haitian government reparations for his unlawful arrest, detention and torture perpetrated by the Haitian National Police, and is asking you to put an end to the climate of impunity which allows this abusive behavior to continue.

We have previously submitted affidavits of direct witnesses, Mr. Fleury's wife, brother-in-law and co-detainee showing that, on the evening of June 24 2002, five armed men came to Mr. Fleury's house and arrested him on a frivolous and uninvestigated accusation. Over the next seventeen hours, in violation of his rights to humane treatment and personal liberty under Articles 5 and 7 of the Convention, members of the Police subjected Mr. Fleury to torture and cruel treatment, beating, kicking and slapping Mr. Fleury to the point where his left arm broke and his eardrum was punctured, as his medical records will show. In further violation of Mr. Fleury's moral integrity under

Article 5 of the Convention, the police officers forced him to clean up one detainee's defecations with his bare hands.

For these acts, the offenders have paid nothing. They have not been arrested; they have not been tried nor punished. Mr. Fleury has identified these offenders during a meeting organized by the General Inspector. No further investigation has been made. Mr. Fleury met with members of various government delegations under both Mr. Aristide and Mr. Preval administrations. They have all promised to correct this gross injustice. Yet, over five years later, his assailants are able to roam free, emboldened by the impunity of their acts. They continue to harass and intimidate Mr. Fleury and his family as retribution for his pursuit of justice against them. This constant harassment denied Mr. Fleury his right to a normal and healthy family life, protected under Article 11 of the Convention. Indeed, as Mr. Fleury will testify, he was not able to return home with his family following his release from jail.

Mr. Fleury has tried repeatedly to work with the government and judicial system in Haiti. Numerous letters and complaints to local authorities as well as national politicians have resulted in nothing. Mr. Fleury's last resort was to file a petition with this Commission to have his grievances with the Haitian government recognized. The Haitian government has yet to comply with, or even to respond to, the Provisional Measures issued by the Inter-American Court on Human Rights on June 7, 2004 and again on December 2, 2004.

Unfortunately, the case of Mr. Fleury does not stand alone in the history of human rights violations and impunity perpetrated by members of the police. This Honorable Commission reported in 2005 *numerous accounts of abuse of force and extra-judicial*

*killings by police” suggesting “an unwillingness or inability to contain the violence by using adequate security measures or to arrest suspects and proceed with their prosecution.”* It further notes that *“the violence has also affected human rights defenders, journalists, and other particularly vulnerable groups, in many instances for political reasons.”* As recent as August 2007, yet another human rights defender, Lovinsky Pierre Antoine, was kidnapped. To this day, his whereabouts remain unknown.

Today, we hope the pattern of impunity ends so that every human rights activists in Haiti continue their necessary efforts without fear that one night, police officers will knock at their door and for no reason but their dedication to the protection of civil liberties, arrest them, and subject them to torture.

Thank you.