

IACHR Hearing on Unlawful Forced Evictions in Haiti: Testimony of Jennifer Goldsmith

I am Jennifer Goldsmith, a student in American University's Washington College of Law International Human Rights Law Clinic. The actions and inaction of the Haitian government that you have just heard amount to violations of the rights of Haiti's IDPs under the American Convention, including the rights to life, humane treatment, property, privacy, judicial protection, due process, the family and the child.

As to the right to life, Article 4, the Inter-American Court has concluded that the status of "displaced" is a *de facto* situation of lack of protection in which the State has a positive obligation to adopt preferential measures. Forced evictions of internally displaced communities by means of "attacks or other acts of violence," especially when perpetrated by State agents, are a blatant violation of the right to life.

Furthermore, under Article 5, the right to humane treatment, IDPs who are deprived of their liberty have the right to conditions that respect their personal dignity. This means that the State must ensure living conditions that safeguard the fundamental rights of IDPs, such as ensuring that bare necessities are not purposefully withheld from camps.

In *The Case of the Ituango Massacres v. Colombia* the Inter-American Court found that the right to property, Article 21 is violated when any property is destroyed, including any personal property no matter its value. The right to property is connected to the right privacy when family dwellings are destroyed. , Article 11(2) "protects an individual's private life and home from arbitrary or abusive interference. It recognizes that there is a personal sphere that must be protected from interference by outsiders and that personal and family honor and the home must be protected against such interference." This private sphere is violated when HNP officers drag people out of their tents and destroy their tents.