

[REDACTED VERSION]

**Request for Precautionary Measures for Petitioner A from Camp [REDACTED]  
[REDACTED], Petitioner B from Camp [REDACTED], Petitioner C from Camp  
[REDACTED], and Petitioner D from Camp [REDACTED], on Behalf of Their Respective  
Communities, and for the Community of Camp [REDACTED]**

**Filed by:**

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## I. INTRODUCTION

1. The Bureau des Avocats Internationaux (BAI), Institute for Justice & Democracy in Haiti (IJDH), You.Me.We., the Center for Constitutional Rights (CCR), the International Human Rights Law Clinic at American University's Washington College of Law (Clinic) respectfully request that the Inter-American Commission on Human Rights (Inter-American Commission, or Commission) issue precautionary measures pursuant to Article 25(1) of its Rules of Procedure on behalf of certain internally displaced persons (IDPs) in Haiti facing the risk of imminent forced eviction and accompanying irreparable harm.
2. BAI, IJDH, You.Me.We., CCR and the Clinic make this request on behalf of four individuals who were displaced in the aftermath of the January 12 earthquake in Haiti: Petitioner A from Camp [REDACTED]; Petitioner B from Camp [REDACTED]; Petitioner C from Camp [REDACTED]; and Petitioner D from Camp [REDACTED]. We also represent the entire communities that live in each of these four camps, along with the community residing in a fifth camp: Camp [REDACTED]. The Petitioners live in and represent communities in five different settlement camps established by IDPs.<sup>1</sup> Fearing government retaliation for their participation, these Petitioners have asked to remain anonymous; therefore, they will be named as Petitioners A, B, C, and D. The undersigned organizations respectfully submit this request for precautionary measures on behalf of the named individuals and the camp communities they represent, except in the case of Camp [REDACTED], for which we request precautionary measures only for the community as a whole. These communities are at risk of serious and irreparable harm in light of the government of Haiti's direct participation in –and failure to prevent –forced evictions. The government's actions have created a serious and urgent situation that warrants precautionary measures.
3. This request asserts the existence of a serious and urgent situation in which IDP victims have suffered and continue to suffer irreparable harm and cannot obtain relief from the pertinent domestic authorities.

## II. STATEMENT OF FACTS

### A. General Conditions in IDP Camps Following the Earthquake of January 12, 2010

4. Nearly two million people lost their homes in the earthquake that struck Haiti on January 12, 2010.<sup>2</sup> Most survivors sought refuge in camps constructed of tents and

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<sup>1</sup> Internally displaced persons ("IDPs") are persons forced to flee their homes or residences as a result of armed conflict, violence, human rights violations, or man-made or natural disasters, and who have not crossed an internationally-recognized border. UN Doc. E/CN/4/1998/53/Add/2., Guiding Principles on Internal Displacement, United Nations Office for Humanitarian Affairs.

<sup>2</sup> Zenitha Prince, Haiti Recovery Inches Forward: Hurricane Season Threatens Rebuilding, Afro, June 16, 2010, <http://www.afro.com/sections/news/national/story.htm?storyid=1555>.

- tarpaulins on open land, including on highway medians, golf courses, and land in front of the collapsed National Palace.<sup>3</sup> Included in the ranks of those evicted are families with small children, single mothers, orphaned children, the elderly, people with disabilities, and other vulnerable populations most in need of aid and assistance.<sup>4</sup>
5. As of October 15, 2010, there were an estimated 1356 displacement camps in areas affected by the earthquake.<sup>5</sup> Nearly 1.4 million displaced people live in these settlements.<sup>6</sup> Less than thirty percent of the camps operate within the United Nations Camp Coordination and Camp Management system.<sup>7</sup> This leaves the majority of camps without communications or coordination with the international humanitarian community. As a consequence, most international NGOs have implemented programs in an ad hoc manner, resulting in inconsistent, overlapping, and unequal resources and programming with massive gaps in coverage.<sup>8</sup>
  6. Nearly ten months after the disaster, the government's failure to clear areas in Port au Prince has forced the displaced families to remain in the crowded tent and tarp encampments. To make matters worse, government agents and purported landowners began evicting homeless families from displacement camps within weeks after the earthquake.<sup>9</sup> According to a recent survey of six displacement camps chosen at

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*3Id*; Tent City at a Golf Club Dramatizes Haiti's Limbo, New York Times, March 21, 2010, [http://www.nytimes.com/2010/03/22/world/americas/22haiti.html?ref=deborah\\_sontag](http://www.nytimes.com/2010/03/22/world/americas/22haiti.html?ref=deborah_sontag);

*4See* Displacement Tracking Matrix: Analysis – May 11th, United Nations Camp Coordination and Camp Management, slides 12 & 13, [http://groups.google.com/group/cccmhaiti/web/displacement-tracking-matrix?\\_done=%2Fgroup%2Fcccmhaiti%3F](http://groups.google.com/group/cccmhaiti/web/displacement-tracking-matrix?_done=%2Fgroup%2Fcccmhaiti%3F) (follow “Presentation of DTM findings 11-05-10” hyperlink) (estimating the vulnerable population for UN-registered camps in Port au Prince at 7.96% and households headed by women or children at 26.78%).

*5* Displacement Tracking Matrix: Analysis –October 15, United Nations Camp Coordination and Camp Management, [http://cccmhaiti.googlegroups.com/web/DTM\\_SUMMARY\\_IDPs\\_15\\_october\\_2010.pdf?gda=2uFmQFcAAACK-Tc7XQZwImTubkanfGdfI0K6MHYTrX8XWv19pBM\\_GA09jnxLnAVls2IARQ00Ohb1xrbBbcWvcyG2NzBYrU\\_5mYZqzEd7hr7z69NT6lftdMXleHbr-qQzBoYYWXY0JTQM](http://cccmhaiti.googlegroups.com/web/DTM_SUMMARY_IDPs_15_october_2010.pdf?gda=2uFmQFcAAACK-Tc7XQZwImTubkanfGdfI0K6MHYTrX8XWv19pBM_GA09jnxLnAVls2IARQ00Ohb1xrbBbcWvcyG2NzBYrU_5mYZqzEd7hr7z69NT6lftdMXleHbr-qQzBoYYWXY0JTQM).

*6Id*.

*7*“Haiti: Trapped in the Emergency Phase,” Refugees International, October 6, 2010, available at [http://www.refugeesinternational.org/sites/default/files/100710\\_haiti\\_still\\_trapped.pdf](http://www.refugeesinternational.org/sites/default/files/100710_haiti_still_trapped.pdf)

*8Id*.

*9See* Haut-Turgeon, Haiti: The Camp That Vanished and the Priest Who Forced Them Out, Inter-Press Service, March 9, 2010, <http://www.mediahack.org/2010/03/haut-turgeon-haiti-the-camp-that-vanished/>; Memorandum re: Forced IDP Relocations, TransAfrica Forum, April 12, 2010, <http://www.transafricaforum.org/files/Memo%20on%20Forced%20IDP%20Relocations%20041210.pdf> (“Where the estimated 500 community members [forced out of Caradeux Delmas 75 Refugee Camp] went to is unknown. The only answer that was given was that they were, ‘now living on the streets.’”); Alexis Erkert Depp, Call To Stop Forced Evictions Of Haiti’s Earthquake Victims, June 9, 2010, <http://ottawa.mcc.org/stories/news/call-stop-forced-evictions-haitis-earthquake-victims> (“In mid-April, [Violene Gedeon, a 49 year-old mother of six children,] lost everything that she managed to salvage in the earthquake except a pair of bed sheets when the Haitian National Police arrived at Camp Canaan with heavy machinery. They told camp residents to leave because their shelters were about to be demolished. According to Gedeon, they received no advance warning, no opportunity to dismantle their temporary homes and no information as to where they should move to. She has an injury which she says she received from falling on a nail as she tried to run from the bulldozers.”); Charles Arthur, Haiti: Earthquake Victims Face New Trials With Forced Evictions, <http://www.thefreelibrary.com/HAITI:+EARTHQUAKE+VICTIMS+FACE+NEW+TRIALS+WITH+FORCED+EVICTIONS.-a0225099633>

random, forty-eight percent of surveyed families have been threatened with or subjected to forced eviction.<sup>10</sup> According to another survey, 19 of 106 – or 17 percent of camps – had been closed and the communities evicted.<sup>11</sup> Forced eviction is defined as the permanent or temporary removal against their will of individuals, families, and/or communities from their homes and/or lands, which they occupy without the provision of or access to appropriate forms of legal or other protection.<sup>12</sup> This definition includes forced removal from IDP camps.

7. As shown by the Petitioners' accounts and interviews with other camp residents, government agents and purported property owners evict residents using force and coercive strategies that exploit the residents' vulnerability.<sup>13</sup>
8. In addition, the government agents and alleged property owners often lack legal grounds under Haitian and international law to evict IDP communities from their camps. Given their inherent vulnerability, IDPs are entitled to special protection from eviction under international law. Only in rare circumstance are evictions of internally displaced communities lawfully permitted, and even then the government must

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(“[P]olice forcibly remove[d] some 7,000 people from the Sylvio Cator national soccer stadium over the weekend of April 10-11. Thousands more were subsequently forced out of Camp Sipot in Delmas 31 and Camp Refugee in Caradeux Delmas 75. Contrary to the guidelines on the treatment of internally displaced people issued by the UN Office for the Coordination of Humanitarian Affairs (OCHA), no alternative accommodation was provided.”)

<sup>10</sup> “We’ve Been Forgotten”: Conditions in Haiti’s Displacement Camps Eight Months After the Earthquake, The LAMP for Haiti Foundation, Institute for Justice & Democracy in Haiti, Bureau des Avocats Internationaux (BAI), Lawyers Earthquake Response Network, and University of San Francisco School of Law, Center for Law and Global Justice, at 20, September 20, 2010.

<sup>11</sup> “Unstable Foundations: Impacts of NGOs on Human Rights for Port au Prince’s Internally Displaced Persons,” Professor Mark Schuller, at 2, October 4, 2010.

<sup>12</sup> See Committee on Economics, Social and Cultural Rights, General Comment 7, Forced Evictions, and the right to adequate housing (Sixteenth Session, 1997), reprinted in *Compilation of General Comments and recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/Gen/1/Rev.6 at 45, (2003).

<sup>13</sup> See TransAfrica Forum, *supra* note 7, (“The [Caradeux Delmas 75] Refugee Camp community members reported that they did not receive warning before the large Conseil Nationale Equipements (CNE) bulldozers and graders came to their community with Haitian National Police escorts late on Sunday evening 04APR10, shortly after 7:00pm. With consistency, numerous individuals reported that the uniformed officers first threatened the families with violence if they did not leave their homes immediately. The assessment team was informed that anyone who argued was then forced out with violence. The use of batons was reported, and firearms were discharged into the air. The residents then reported that their homes were destroyed, first by the officers and then by the Haitian Government Bulldozers.”); See Beverly Bell, *Growing Protests As UN Attacks Haitian Refugee Camp*, June 2, 2010, <http://upsidedownworld.org/main/haiti-archives-51/2519-growing-protests-as-un-attacks-haitian-refugee-camp> (On May 23, “at about 3:00, MINUSTAH troops began firing in the internally displaced people’s camp in the downtown parks around Champs de Mars, where many thousands of people are crowded into tight quarters. The firing continued for hours, according to residents interviewed for this article and other reports. Camp residents reported that babies and small children choked on the gas and passed out, as did at least two women with preexisting heart conditions. Three doctors with Partners in Health at the University Hospital reported treating at least six victims of rubber bullet rounds. Two children were wounded in the face, one of them requiring about ten stitches, according to one of the doctors. When the attack began, camp residents, including many elderly and infirm people, and babies and small children fled. ‘I saw one woman running with her twins that are three or four months old,’ said Eramithe Delva. ‘She had one in each arm, and with every step as she ran they banged against her chest. Is this what they want for us?’ Many spent the night in the streets, for fear of returning to the camp.”) (citing sources as “Information gathered from author interviews as well as first-person testimony collected by Melinda Miles, KOMPAY, and reported in a May 25 email to the author; and by Ansel Herz, Inter Press Service, reported in ‘U.N. Clash with Frustrated Students Spills into Camps,’ May 25.”).

provide IDPs an alternate place to live that meets international standards, and due process protections such as consultation and adequate notice of eviction.<sup>14</sup>

9. In most cases of eviction, the Government of Haiti has not provided an alternate location in which the evicted residents can live.<sup>15</sup> Even when the Haitian government does provide new sites for evicted communities, the sites are often uninhabitable and often lack basic services.<sup>16</sup> Moreover, the government usually does not meet the requirements of protective legal standards which require government agents to notify residents of an impending eviction and to carry out the eviction in a lawful manner.<sup>17</sup> This practice leads the residents to rely on rumors for information about pending evictions and makes it impossible for them to determine when, and whether, they will be evicted.<sup>18</sup>
10. Additionally, since February 2010, private individuals who claim ownership of the land currently being used for some IDP camps have blocked aid agencies from providing necessary resources – such as food, drinking water, medical care, and sanitation facilities – to residents targeted for eviction in an effort to force them to leave the property.<sup>19</sup> Because only five percent of land title in Haiti had been recorded with the government before the earthquake, it is uncertain whether the alleged landowners who attempt to evict IDP communities even have any legal right to the

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<sup>14</sup> Every person has the right to be free and protected against arbitrary displacement. Displacement is prohibited in cases of natural disasters unless the health and safety of the populations requires their evacuation. IDP Guidelines, Principle 6(2)(d).

<sup>15</sup> See Haut-Turgeau, Haiti, *supra* note 9.

<sup>16</sup> See Schuller, *supra* note 8, (“According to government officials who preferred to remain anonymous, the government offered each of the six groups [they were trying to remove from St. Loius de Gonzague camp] 20,000 gourdes and promised help finding open land. Three of the six groups toured the land this past week; instead of 14 hectares [the Haitian government promised], the dispersed sites only include 3. Leaders estimate that 2,500-3,000 people instead of the full 11,000 can stay there. All tracts of land are still unsuitable: none have water sources or latrines.”).

<sup>17</sup> See April 12 statement of Lucille Grosjean, spokeswoman for Action Against Hunger: “We are shocked at the way the [evictions from SylvioCator Stadium] happened. There is no planning. There is no solution offered to the people who lived in the stadium.” (Agence France-Press story) (reported at Terra Daily as “Haiti Evacuates Quake Victims Camp, Faces Critics”) (available at [http://www.terradaily.com/reports/Rainy\\_season\\_to\\_spark\\_minor\\_disasters\\_for\\_Haiti\\_ICRC\\_999.html](http://www.terradaily.com/reports/Rainy_season_to_spark_minor_disasters_for_Haiti_ICRC_999.html)).

<sup>18</sup> See Beverly Bell, Haiti: Government Destroys Refugee Camps, May 10, 2010, <http://www.towardfreedom.com/americas/1954-haiti-government-destroys-refugee-camps> (“Residents of the camp in the Champs de Mars park have been hearing rumors for weeks that they will be forced to evacuate and move to Corail, but they claim no one has told them anything definitive about their fate.”); see also Another Account: Information on Camp Evictions, BagayDwol Journal, April 14, 2010, <http://bagaydwol.wordpress.com/2010/04/14/another-account-information-on-camp-evictions/> (recounting how misinformation and rumors keep IDPs in constant worry about when and whether a forced eviction will come).

<sup>19</sup> United Nations Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin: Issue No. 5, at 2, June 19, 2010, [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/MINE-86KR32-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/MINE-86KR32-full_report.pdf/$File/full_report.pdf) (“As per instructions from the government[,] food distributions by WFP [World Food Programme (United Nations)] in those camps [at Gonaves] have halted and some are lacking safe water.”); see also Mark Schuller, Haiti’s Resurrection: Promoting Human Rights, April 5, 2010, [http://www.huffingtonpost.com/mark-schuller/haitis-resurrection-promo\\_b\\_525104.html](http://www.huffingtonpost.com/mark-schuller/haitis-resurrection-promo_b_525104.html) (“According to several neighborhood leaders [associated with the Saint Louis de Gonzague camp], including Jean-Manno Paul with Regroupment des Victims de 12 Janvier (Network of Victims of January 12), the school director kept the Red Cross and Medecins Sans Frontières from providing services. On Saturday, a group of Cuban doctors sat sheepishly in the entrance, waiting for authorization. According to the community leaders, this policy of starving people wasn’t working, so Belanger and the school administration stepped up their efforts, calling in the mayor and police of Delmas to issue an order to vacate.”).

land.<sup>20</sup> Many IDPs are compelled to leave their camps on account of this inhumane treatment and those who remain do so because they have nowhere else to go.

11. The United Nations responded to the humanitarian crisis created by the forced evictions by negotiating a three-week moratorium on evictions with the Haitian government, lasting from April 22 until May 13, 2010.<sup>21</sup> However, there are no reports of the government publically acknowledging the moratorium. Additionally, reports of unlawful evictions continued to surface during this period<sup>22</sup> and human rights observers continue to document unlawful evictions that have occurred since the end of the moratorium.<sup>23</sup> According to one estimate, since March 2010, 28,000 people have been evicted and 144,000 people have been subject to threats of eviction.<sup>24</sup> The five camps described in this request are not the only camps facing eviction or a threat of eviction.<sup>25</sup>

## **B. Specific Conditions of Five IDP Camps**

12. In May and July of 2010, a team of human rights lawyers from BAI, IJDH and You.Me.We (“Investigators”) visited approximately twelve displacement camps to investigate claims of unlawful evictions and inhumane treatment. They documented a range of human rights violations implicating the right to life, the right to humane treatment, the right to privacy, the right to protection of the family, the rights of the child, the rights of women to live lives free of violence, as well as the rights to property, judicial protection, and due process. These violations have inflicted irreparable harm upon the individuals and communities that have already been victims of forced eviction. They also indicate the fact that residents of the following five IDP camps, who have experienced many of the violations listed above, fact a

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20 Haiti After the Quake: Six Months and Counting, *supra* note 8.

21 *See* Moratorium on Forced Evictions, Center For Economic and Policy Research, April 23, 2010, <http://www.cepr.net/index.php/relief-and-reconstruction-watch/moratorium-on-forced-evictions/>.

22 *See* AnselHerz, As “Temporary” Camps Linger, Tensions Rise with Haitian Landowners, June 9, 2010, <http://www.ipsnews.net/news.asp?idnews=51774> (“The Haitian government and U.N. agreed in April to a temporary moratorium on forced evictions of camps. They say no landowner should push people from land unless there is an alternative space that meets minimum humanitarian standards. ‘We made the decision together. But applying it was another story,’ Interior Minister Paul Antoine Bien-Aimé told IPS in an interview. ‘We haven’t communicated anything to the population so far.’ It is not clear if a moratorium is still in effect. It does not seem to matter because nothing is enforced. ‘We’re very much in a gray zone in terms of what’s actually being enforced and what isn’t,’ said Ben Majekodunmi, deputy chief for the human rights section of Haiti’s U.N. peacekeeping force, known as MINUSTAH. He said peacekeepers cannot enforce a moratorium on evictions and that local Haitian authorities appear unaware of the measure. ‘This is a massive problem that cannot be addressed on a case-by-case basis. We have to have a policy,’ Majekodunmi told IPS.”) (emphasis added).

23 *See* *infra*, section II(b).

24 Deborah Sontag, “In Haiti, Rising Call for Displaced to go away” (October 4, 2010) at [http://www.nytimes.com/2010/10/05/world/americas/05haiti.html?pagewanted=1&\\_r=1&sq=haiti&st=cse&scp=4](http://www.nytimes.com/2010/10/05/world/americas/05haiti.html?pagewanted=1&_r=1&sq=haiti&st=cse&scp=4)

25 “We’ve Been Forgotten”: Conditions in Haiti’s Displacement Camps Eight Months After the Earthquake, The LAMP for Haiti Foundation, Institute for Justice & Democracy in Haiti, Bureau des Avocats Internationaux (BAI), Lawyers Earthquake Response Network, and University of San Francisco School of Law, Center for Law and Global Justice, at 20, [September 20, 2010];

serious risk of irreparable harm. The following factual accounts are drawn from the investigators' findings.<sup>26</sup>

**A. Camp [REDACTED]  
Represented by Petitioner A**

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[REDACTED] 33  
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26 See Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures.

27 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶8.

28 *Id.*

29 *Id.* at ¶9. See also, Update on Forced Evictions from International Action Ties, Haiti Response Coalition, April 19, 2010, <http://www.haitiresponsecoalition.org/news/updates/> (An International Action Ties "mobilization team arrived on site and met with committee members. It was confirmed that CNE heavy equipment was moving earth where IDP emergency shelter had been during prior visits to the community camp. ... The CNE bulldozer leveling trucked in earth was documented in photograph, and through video along with images of emergency shelters that had been destroyed in the process. In addition to the destruction of the IDP shelters, the heavy machinery filled in the trenches that had been dug for the latrines being installed by HAVEN."); see also TransAfrica Forum, *supra* note 7.

30 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶10.

31 *Id.* at ¶10-12.

32 *Id.* at ¶11.

33 *Id.*

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<sup>34</sup>*Id.* at ¶13.

<sup>35</sup>*Id.*

<sup>36</sup> Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶14.

<sup>37</sup>*Id.* at ¶15.

<sup>38</sup>*Id.* at ¶16.

<sup>39</sup>*Id.* at ¶17.

<sup>40</sup>*Id.*

<sup>41</sup>*Id.*

<sup>42</sup>*Id.* at ¶18.

<sup>43</sup> Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶19.

<sup>44</sup>*Id.* at ¶20.

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18. [REDACTED] 47  
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19. [REDACTED] 51

20. [REDACTED] 52  
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[REDACTED] 55

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45 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶21.

46*Id.*

47*Id.* at ¶22.

48*Id.*

49*Id.*

50*Id.*

51 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶5.

52 Factual Declaration of Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶6.

53*Id.*

54*Id.* at ¶7.

55*Id.* at ¶7.

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[REDACTED] 57  
[REDACTED] 58

**B. Camp [REDACTED], Represented by Petitioner B**

21. [REDACTED] 59  
[REDACTED] 60

22. [REDACTED] 61  
[REDACTED] 62  
[REDACTED] 63  
[REDACTED] 64

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56 Factual Declaration of Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶5.

57*Id.*

58*Id.*

59 [REDACTED]  
<http://myayiti.com/2010/04/tensions-rise-between-haitian-quake-victims-landowners/> Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶24.

60*Id.*

61 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶25-26.

62*Id.* at ¶27.

63*Id.*

64*Id.* at ¶28.

[REDACTED] 65  
[REDACTED] 66

23. [REDACTED] 67  
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[REDACTED] 74  
[REDACTED] 75  
[REDACTED] 76  
[REDACTED] 77

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65 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶29.

66*Id.*

67 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶30.

68*Id.*

69 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶31.

70*Id.* at ¶32.

71*Id.*

72*Id.*

73*Id.*

74*Id.*

75*Id.*

76*Id.*

77 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶33.

24. [REDACTED] 78 [REDACTED] 79 [REDACTED] 80 [REDACTED] 81 [REDACTED] 82

25. [REDACTED] 83 [REDACTED] 84 [REDACTED] 85

26. [REDACTED] 86 [REDACTED] 87 [REDACTED] 88 [REDACTED] 89 [REDACTED] 90

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78*Id.*

79*Id.*

80*Id.*

81*Id.*

82 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶34.

83 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶35.

84*Id.*

85*Id.*

86*Id.*

87*Id.*

88*Id.*

89*Id.*

90*Id.*

[REDACTED] 91

**C. Camp [REDACTED], Represented by Petitioner C**

27. [REDACTED] 92 [REDACTED] 93 [REDACTED] 94

28. [REDACTED] 95 [REDACTED] 96

29. [REDACTED] 97 [REDACTED] 98 [REDACTED] 99 [REDACTED] 100 [REDACTED] 101 [REDACTED] 102

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91 Factual Declaration of Kathleen Bergin and Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶36.  
92 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶16.  
93 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶17.  
94*Id.*  
95 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶18.  
96*Id.*  
97 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶16.  
98 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶19.  
99*Id.*  
100*Id.*  
101*Id.*  
102*Id.*

30. [REDACTED] 103  
[REDACTED] 104 [REDACTED] 105

31. [REDACTED] 106  
[REDACTED] 107 [REDACTED]  
[REDACTED] 108 [REDACTED] 109

32. [REDACTED] 110  
[REDACTED] 111 [REDACTED]  
[REDACTED] 112

**D. *Camp* [REDACTED], Represented by Petitioner D**

33. [REDACTED] 113  
[REDACTED] 114

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103 Factual Declaration of Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶20.

104*Id.*

105*Id.*

106 Factual Declaration of Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶21.

107*Id.*

108*Id.*

109*Id.*

110 Factual Declaration of Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶22.

111*Id.*

112*Id.*

113 Factual Declaration of Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶24.

114*Id.*

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[REDACTED]

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115 Factual Declaration of Nicole Phillips in Support of Petitioners' Request for Precautionary Measures, ¶25.

116*Id.* at ¶26.

117*Id.*

118*Id.*

119*Id.*

120*Id.* at 27.

121*Id.*

122*Id.* at ¶28

123*Id.*

124*Id.*

[REDACTED]

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[REDACTED]

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**E. Camp [REDACTED]**

38.

[REDACTED]

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125 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶29; *See* Vanishing Camps and Gunpoint, Failure to Protect Haiti’s Displaced, International Action Ties, July 14, 2010, [http://www.internationalactionties.org/IAT\\_vanishing\\_camps\\_report\\_haiti.pdf](http://www.internationalactionties.org/IAT_vanishing_camps_report_haiti.pdf).

126*Id.* at ¶29.

127 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶29.

128*Id.* at ¶30.

129*Id.* at ¶30.

130*Id.*

131*Id.* at ¶31.

132*Id.*

133*Id.*

134*Id.* at ¶12.

135*Id.*

136 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶9.

[REDACTED] 137  
[REDACTED] 138  
[REDACTED] 139  
[REDACTED] 140

39. [REDACTED] 141

40. [REDACTED] 144  
[REDACTED] 147  
[REDACTED] 148  
[REDACTED] 149

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137*Id.*  
138 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶10.  
139*Id.*  
140*Id.*  
141 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶11.  
142 See Herz, supra note 17.  
143*Id.*  
144 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶12.  
145 Herz, supra note 17; Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶12.  
146*Id.*  
147 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶13.  
148 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶13.  
149 Factual Declaration of Nicole Phillips in Support of Petitioners’ Request for Precautionary Measures, ¶13.

[REDACTED] 150 [REDACTED] 151

41. [REDACTED] 152 [REDACTED] 153 [REDACTED] 154 [REDACTED] 155 [REDACTED] 156

**III. THE NEED FOR PRECAUTIONARY MEASURES**

42. Under Article 25(1) of its Rules of Procedure, the Commission is authorized to order an OAS member state to implement precautionary measures to prevent irreparable harm to people in the context of a serious and urgent situation.<sup>157</sup> Precautionary measures are warranted for the Petitioners and their communities because they have suffered serious abuses, are in urgent need of protection, and will fall victim to irreparable harm if the Commission does not order the Haitian government to act. While the Petitioners are not required to demonstrate their exhaustion of domestic remedies when requesting precautionary measures, it is important to note that they are unlikely to receive redress from agents of the Haitian government because the justice system in Haiti remains significantly impaired as a result of the earthquake and government officials are the very individuals placing IDPs at serious risk of irreparable harm. Under these circumstances, the Commission – through an order for precautionary measures – is the Petitioners’ only hope for pressuring the government to end forced evictions and their attendant violence, threats, and mistreatment.

150*Id.*

151*Id.* at ¶12.

152*Id.* at ¶14.

153*Id.*; [REDACTED]

154*Id.* at 15.

155*Id.*

156*Id.*

157 Rules of Procedure for the Inter-Am.C.H.R., art. 25.1 (“In serious and urgent cases, and whenever necessary according to the information available, the Commission may, on its own initiative or at the request of a party, request that the State concerned adopt precautionary measures to prevent irreparable harm to persons.”).

**A. The Petitioners and Other Similarly-Situated Camp Residents Are Suffering Abuses that Implicate Their Inter-American Human Rights**

43. The facts above present an extensive list of attacks, injuries, and other forms of mistreatment inflicted by Haitian state actors upon the Petitioners and their communities. In the cases in which government officials did not directly commit abuses against camp residents, their passive presence during violent activities and/or their failure to respond to camp residents' pleas for protection demonstrate their acquiescence to the violence perpetrated by private citizens against the residents.
44. The Haitian government has prevented communities from obtaining resources necessary for the camp residents' survival – including food, water, medical care, and sanitation services – from evicted IDPs and those threatened with eviction. For example, after evicting many of the residents of [REDACTED], the government failed to provide humanitarian aid in the location where the community resettled. The Government of Haiti has also allowed private actors to commit similar abuses. At [REDACTED], for example, the purported landowner prevented food and water deliveries from entering the camp and enlisted the HNP to intimidate camp residents. These actions demonstrate the government's failure to respect the lives of IDPs as required by Article 4 of the American Convention on Human Rights ("American Convention").
45. Haiti has also failed to protect IDPs' physical integrity and has subjected them to cruel, inhumane, and degrading treatment. In [REDACTED], the government allowed private citizens to threaten and attack the camp. Later, the HNP itself attacked camp residents, arbitrarily arrested a man, and evicted much of the camp community. The HNP also cooperated with a private individual to threaten the residents of [REDACTED]. In [REDACTED], the HNP ignored residents' police reports and provided little added security when the camp was attacked by [REDACTED]. At [REDACTED], the Haitian government promised to broker a deal with the purported landowner to allow IDPs to remain but failed to complete the process and did not respond when the alleged owner locked residents in and food and water deliveries out. Under these circumstances, it is clear that the Haitian government has not respected IDPs' physical integrity or treated them in a humane manner, as required by Article 5 of the American Convention.
46. Additionally, Haiti has failed to respect the privacy and dignity of each IDP by arbitrarily interfering with IDPs' ability to enjoy their homes. Each case of forced eviction or threat of eviction discussed here undermines IDPs' wellbeing and makes it impossible for them to begin the process of rebuilding stable lives after the earthquake. Particularly severe examples of the government's affronts to dignity are the evictions at [REDACTED], in which state-owned

- bulldozers demolished tents while young, elderly, and disabled residents were still inside. Moreover, each government agent who destroyed a shelter or forced an IDP to abandon his or her settlement made it impossible for an individual or family to enjoy their home. The government has also enabled private individuals to violate IDPs' privacy rights. At [REDACTED], for example, government agents knew that [REDACTED] were invading the camp late at night, slashing tents, and assaulting women and girls. By failing to provide adequate security for the camp, despite residents' repeated calls for help, government agents allowed these attacks on IDPs' homes and dignity to continue in direct contravention of the provisions of Article 11 of the American Convention.
47. Haiti has systematically failed to afford special protection to displaced children when carrying out and permitting forced evictions. In fact, the government's actions have often had a disproportionate impact on the young, such as when government bulldozers began to demolish [REDACTED] while children were still inside their tents. Accordingly, forced evictions implicate Article 19 of the American Convention because the Haitian state has not developed any protective mechanisms for children in IDP camps and has disregarded children's safety.
48. The Haitian government has also deprived IDPs of their personal property, including tent homes and other belongings, without compensation or due process of law. Additionally, the government has perpetrated or condoned other forms of property theft, such as when government agents took [REDACTED] residents' possessions away in a dumpster and when they refused to protect the community in [REDACTED] that cut through tent homes to take residents' belongings. These incidents demonstrate the government's willingness to take IDPs' property and its passivity in the face of private theft, actions which implicate Article 21 of the American Convention.
49. Additionally, Haiti has failed to provide judicial protection or any legal process to IDPs who have been forcibly evicted. Government agents and private individuals acting with government support have evicted the residents of [REDACTED], [REDACTED] without the use of legal mechanisms or any attempt whatsoever to offer due process of law. They threaten to do the same to the communities living in [REDACTED]. Evicted IDPs and those threatened with eviction have no recourse in the courts to protest violations of their fundamental human rights or to obtain remedies for these violations. Despite the disarray of the Haitian court system, the government retains its obligation to provide due process of law and judicial protection under Articles 8 and 25 of the American Convention.
50. Further, the actions of the Haitian state in forcibly evicting IDPs and permitting forced evictions by private actors have also implicated rights protected under the Inter-American Convention on the Prevention, Punishment, and Eradication of

Violence against Women (“Convention of Belem do Para”) by failing to protect women from violence. The government has failed to prevent private individuals from committing specific acts of violence against women, such as the sexual violence against women and girls in [REDACTED], described above.

51. Rather than attending to the needs of impoverished displaced women, the government has forcibly evicted them from their camps, threatened them with eviction, and allowed private parties to do the same. These acts have disproportionately affected disabled, elderly, and young women, who find it more difficult to escape the violence associated with forced and threatened evictions and for whom relocation presents a formidable challenge. This situation indicates the government’s indifference to the vulnerabilities of female IDPs in contravention of the government’s obligations under Articles 3, 7, and 9 of the Convention of Belem do Para, among others.
52. This extensive list of fundamental rights is implicated in the Haitian government’s pattern of abuse in evicting IDPs, threatening eviction, and allowing private individuals to do the same. The plight of the residents of the five camps described here is unmistakably serious and the abuses that they have endured make them even more vulnerable to related abuses of a similar or more severe nature.
53. The Haitian government should look to the United Nations Guiding Principles on Internal Displacement (“Guiding Principles”) and the Principles on Housing and Property Restitution for Refugees and Displaced Persons (“Pinheiro Principles”) for guidance on how to interpret the human rights guaranteed by the American Convention to IDPs in a post-disaster context.<sup>158</sup> These documents further clarify and elaborate on the human rights and state obligations regarding IDPs that are contained in relevant treaties and are directly relevant and instructive with respect to the situation outlined above.
54. Under the Guiding Principles, "national authorities have the primary duty and responsibility" to protect IDPs and must respect their obligations under international law to prevent and avoid displacement.<sup>159</sup> National authorities are also prohibited from displacing people in a manner that violates their rights to life, dignity, liberty and security.<sup>160</sup>

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<sup>158</sup> Representative of the Secretary-General, *Report on the Guiding Principles on Internal Displacement, delivered to the Commission on Human Rights*, U.N. Doc. E/CN.4/1998/53/Add.2 (Feb. 11, 1998) [hereinafter U.N. Guiding Principles]; Special Rapporteur on Housing and Property Restitution, *Final Report on the Principles on housing and property restitution for refugees and displaced persons, delivered to the Commission on Human Rights*, U.N. Doc. E/CN.4/Sub.2/2005/17 (June 28, 2005) [Pinheiro Principles].

<sup>159</sup> Guiding Principles at Principle 3 and 5.

<sup>160</sup> Guiding Principles at Principle 8.

55. Moreover, Pinheiro Principle 8 emphasizes the need for States to “adopt positive measures aimed at alleviating the situation of refugees and displaced persons living in inadequate housing.” Pinheiro Principle 5.4 calls on states to ensure “that individuals, corporations, and other entities within their legal jurisdiction or effective control refrain from carrying out or otherwise participating in displacement.” The Haitian government should look to the Guiding Principles and Pinheiro Principles for direction on the best ways to support vulnerable IDP communities and protect their fundamental human rights in a post-disaster context.

**B. The Petitioners and Other Similarly-Situated Camp Residents Face an Urgent Situation Because They Will Likely Suffer Continued Abuses**

56. The government has evicted the residents of [REDACTED] [REDACTED] to previously-unoccupied land nearby. A combination of police officers and private citizens has also evicted many of the residents of [REDACTED]. The former residents of [REDACTED] live in precarious situations in locations that often lack access to essential services, such as food, water, and medical care. Many residents also lost their belongings or saw them be destroyed during their evictions.

57. Residents of [REDACTED], fear that the government will either inflict the same harm on them or allow others to do so. The Haitian government has a demonstrated, continuous practice of forcibly evicting IDPs, violently threatening them with forced eviction, and allowing private individuals to do the same, even when an official moratorium on evictions is in place. The camp residents, therefore, are in urgent need of the Commission’s assistance in persuading the Haitian government to stop forcibly evicting IDP communities and to prevent private parties from engaging in forced evictions.

**C. The Petitioners and Other Similarly-Situated Camp Residents Will Suffer Irreparable Harm If Preventative Action is Not Taken**

58. Evicted IDPs suffer a considerable list of harms. In various cases, government agents and purported landowners have destroyed residents’ homes; stolen their belongings; violently attacked them; arbitrarily arrested them; and withheld food, water, medical care, and sanitation services from them. As a result, camp residents have no choice but to live on the streets or in sparse settlements that the government or private parties are potentially targeting for eviction. Each case of forced eviction detailed above exhibits some of these abuses. It is foreseeable, therefore, that IDPs who face an ongoing threat of eviction will suffer the same or similar forms of irreparable harm.

59. Residents whom the government or private parties have threatened with eviction have already been subject to armed attacks, the withholding of food, water, medical care,

and sanitation services; and unsafe living conditions. In many cases, these residents have already suffered irreparable harm at the hands of, or with the acquiescence of, their government. Haiti has demonstrated its willingness to fulfill its threats of forced eviction in the past and there is no reason to expect that it will not do so in the cases detailed here. Therefore, if the Commission declines to grant precautionary measures, the IDPs will continue to suffer the irreparable harms characteristic of living with the threat of forced eviction and will likely suffer the irreparable harms associated with eviction, as well.

#### **D. The Government is Obligated To Protect IDPs Who Have Settled on Private Land from the Harm Posed by Forced Evictions**

60. In some instances, private individuals who purport to own the land where certain camps are located have forcibly evicted IDPs living in the camps. However, it is difficult, if not impossible, to determine who owns the land or has a superior right to occupy it. Just five percent of the country's land was recorded before the earthquake and many of those records were destroyed in the disaster. Land disputes between private individuals, or between private individuals and the government, are common and further complicate the question of rightful land ownership. Until these ownership disputes are resolved, IDPs remain vulnerable to forced evictions by individuals who themselves have not established a lawful right to the land.

61. Moreover, the Government of Haiti is obligated to protect the rights of all IDPs, including those who settle on privately-held land. The American Convention requires Haiti to provide due process of law and judicial protection to IDPs whenever they are dispossessed of their shelters. This obligation is particularly important in the context of forced evictions from private land because the potential for abuse is so grave.

62. The Haitian government, therefore, remains responsible for its actions against the camp residents, including those living in camps located on private land, and cannot use forced eviction as a substitute for the legal settlement of land disputes and the lawful relocation of IDPs.

#### **D. The Petitioners and Other Similarly-Situated Camp Residents Are Unable to Secure Government Assistance**

63. Haiti's judicial system was weak even before the earthquake, as noted in the Commission's 2006 Report,<sup>161</sup> and the government is not capable of offering the Petitioners and their communities access to the courts or due process of law to redress the grievances associated with forced eviction. Furthermore, even if the judicial system was functional, the government's role in forced evictions leaves the Petitioners and their communities with no reason to believe that legal remedies available to them *de jure* would be accessible *de facto*.

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<sup>161</sup>Haiti: Failed Justice or the Rule of Law? 2006 Report of Inter-American Commission of Human Rights, available at <http://www.iachr.org/countryrep/HAITI%20ENGLISH7X10%20FINAL.pdf>.

64. Agents from the Ministry of the Interior, officers of the HNP, and representatives from the mayors' offices in Port au Prince, Petionville, and Croix des Bouquets have all been implicated in forced eviction campaigns, either by their direct actions or their facilitation of forced evictions committed by private citizens. Additionally, an official from the Ministry of the Interior admitted that the government had difficulty controlling forced evictions during the three-week moratorium period.<sup>162</sup> Government authorities also decline to follow a law that requires them to notify camp residents before eviction.<sup>163</sup>

#### **IV. CONCLUSION AND PRAYER FOR RELIEF**

65. The facts and arguments above demonstrate a serious and urgent situation that is causing irreparable harm to Petitioners and similarly-situated IDPs. The Government of Haiti is responsible for executing a pattern of forced evictions and for participating in or failing to prevent evictions by private individuals. IDPs in Haiti face an ongoing threat of violence, harassment, and other strong-arm tactics that result in prolonged periods of displacement, adverse health consequences, the loss of property and personal belongings, and the inability to access resources essential for their survival. As a result of action undertaken by the Government of Haiti, thousands of IDPs have been and are currently being seriously and irreparably harmed.

66. For the foregoing reasons, we respectfully request that this Honorable Commission urge the Haitian government to implement precautionary measures on behalf of the Petitioners and all similarly-situated camp residents who were displaced from their homes as a result of the January 12<sup>th</sup> earthquake. We specifically ask that the Commission recommend that the Government of Haiti:

- I. Implement and enforce a moratorium on camp evictions that prohibits the use of force or threats of force to encourage IDPs to vacate their settlements, and communicate that moratorium to IDPs and relevant stakeholders;

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162 See Beverly Bell, Haiti: Government Destroys Refugee Camps, May 10, 2010, <http://www.towardfreedom.com/americas/1954-haiti-government-destroys-refugee-camps> ("Residents of the camp in the Champs de Mars park have been hearing rumors for weeks that they will be forced to evacuate and move to Corail, but they claim no one has told them anything definitive about their fate."); see also Another Account: Information on Camp Evictions, Bagay Dwol Journal, April 14, 2010, <http://bagaydwol.wordpress.com/2010/04/14/another-account-information-on-camp-evictions/> (recounting how misinformation and rumors keep IDPs in constant worry about when and whether a forced eviction will come).

163 See April 12 statement of Lucille Grosjean, spokeswoman for Action Against Hunger: "We are shocked at the way the [evictions from SylvioCator Stadium] happened. There is no planning. There is no solution offered to the people who lived in the stadium." (Agence France-Presse story) (reported at Terra Daily as "Haiti Evacuates Quake Victims Camp, Faces Critics") (available at [http://www.terradaily.com/reports/Rainy\\_season\\_to\\_spark\\_minor\\_disasters\\_for\\_Haiti\\_ICRC\\_999.html](http://www.terradaily.com/reports/Rainy_season_to_spark_minor_disasters_for_Haiti_ICRC_999.html)).

- II. Implement and enforce a moratorium on camp evictions that prohibits the use of the denial of humanitarian aid or other coercive means to encourage IDPs to vacate their settlements without providing an alternative shelter that meets international standards, and communicate that moratorium to IDPs and relevant stakeholders;
  - III. Establish an enforcement mechanism that receives and investigates reports of wrongful evictions and related harassment against camp residents to ensure that camp residents can enforce their rights as IDPs under Haitian and international law, and communicate that mechanism to IDPs and related stakeholders;
  - IV. Provide immediate and effective security to camp residents in order to deter wrongful eviction and other forms of related harassment, especially where women, children, orphans, the elderly, persons with disabilities, and other vulnerable groups are threatened;
  - V. Ensure that special protections for children are incorporated into policies to prevent forced evictions and that special efforts are made to prevent and punish violence against women in this context;
  - VI. Provide training to relevant stakeholders, including the police and other government agents, on the rights of IDPs under Haitian and international law, particularly as they relate to forced evictions, and
  - VII. Allow access to international observers to assess and monitor camp conditions and reports of forced eviction.
67. The human rights situation facing families and communities displaced as a result of the January 12<sup>th</sup> earthquake is fragile, and swift and strong measures are needed to protect these vulnerable groups.

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