



Institute for Justice & Democracy in Haiti  
*Bureau des Avocats Internationaux*



August 9, 2011

Inter-American Commission on Human Rights  
1889 F Street, N.W.  
Washington, D.C., 20006

Re: Sylvio Cator stadium and Camp Django – the Government of Haiti’s continuing campaign to close IDP camps without respecting the human rights of displaced communities

Dear Honorable Commissioners,

We respectfully submit this communication to update the Commission on the Government of Haiti’s escalating campaign of unlawful and violent evictions against thousands of residents in Haiti’s internal displacement camps that have occurred since our last communication to the Commission on June 15, 2011.<sup>1</sup>

We stress the urgency of our June 15, 2011 request for the Commission to reissue the precautionary measures directed to the Government of Haiti (“GOH”) on November 16, 2010 in response to the epidemic of evictions of camps of internally displaced persons (“IDPs”) and issue additional measures to assist the GOH in fulfilling its obligations under the American Convention on Human Rights to protect Haiti’s IDP population from forced evictions. We respectfully ask that the Commission act immediately to denounce the GOH’s participation in and acquiescence of forced evictions (some of which involve threats and violence), remind the Government of its human rights obligations to protect IDPs still living in camps, and recommend the Government adopt a moratorium on evictions of camps where IDPs reside until the Government implements a comprehensive plan for adequate housing for the displaced population.

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<sup>1</sup> The June 15, 2011 communication to the Commission was jointly submitted by the Institute for Justice & Democracy in Haiti, the Bureau des Avocats Internationaux, the Center for Constitutional Rights, You.Me.We., and TransAfrica Forum (“June 15 Communication”). The purpose of the June 15 Communication was to draw the Commission’s attention to the failure of the Government of Haiti to implement the precautionary measures the Commission issued on November 16, 2010, to protect displaced communities from eviction.

On July 27, 2011, agents of the Mayor of Delmas and Haitian National Police (HNP) arrested, physically assaulted and ransacked the tents of IDPs peacefully protesting an impending unlawful eviction at Camp Django, located in the Port-au-Prince suburb of Delmas. Throughout the following week, the residents were visited by police officers and officials claiming to work for the Mayor who gave them ultimatums to vacate the camp. The latter made several nighttime visits, during which they threw rocks into the camp and fired gunshots into the air until they finally scared most of the residents into leaving. After a week of threats and acts of violence by the Mayor's agents and HNP officers that terrorized the 250 families residing in Camp Django, the camp residents fled.

Similarly, on July 18, 2011, the Mayor of Port-au-Prince and HNP officers entered an IDP camp in the parking lot of Sylvio Cator sports stadium without a court order, and destroyed the tents and belongings of approximately 514 families. Those residents have also fled. The Sylvio Cator stadium is on President Michel Martelly's list of six displacement camps to be closed within President Martelly's first 100 days in office.<sup>2</sup> The United Nations Office of the High Commissioner for Human Rights condemned the manner in which the camp at Sylvio Cator stadium was closed.<sup>3</sup>

Since June 2011, the residents of an IDP camp sitting on the land of the mayor's office in the Port-au-Prince suburb of Carrefour, Camp Mairie Carrefour, have received threats of eviction by the local mayor. The residents believe that the mayor has been encouraged by the forced evictions carried out by the mayors of Delmas and Port-au-Prince.

Judging from the Haitian government's participation in and acquiescence of these acts of forced eviction and those that took place in Delmas in May 2011 – the latter of which were described in our June 15<sup>th</sup> Communication – the pattern of extrajudicial and violent evictions by agents of the Haitian government is likely to continue.

### **Camp Django**

The Bureau des Avocats Internationaux (BAI) learned the following information through interviews of camp residents. The 250 families seeking refuge at Camp Django received threats of eviction from three different individuals purporting to own the land on which Camp Django sits.

Mayor Wilson Jeudy's eviction campaign against Camp Django started when a group of men claiming to work for the Mayor and wearing t-shirts that read the "Mairie de Delmas" (The Office of the Mayor of Delmas) came to the camp on Saturday, June 25, 2011 and harassed camp

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<sup>2</sup> Jacqueline Charles, *Martelly faces myriad challenges as he begins term as Haiti president*, MIAMI HERALD (May 14, 2011) available at <http://www.miamiherald.com/2011/05/14/2217144/martelly-faces-myriad-challenges.html>.

<sup>3</sup> See *UN human rights officials voice concern at closure of displaced camp in Haitian capital*, UN NEWS CENTRE (July 21, 2011) at <http://www.un.org/apps/news/story.asp?NewsID=39115&Cr=haiti&Cr1>.

residents. One of the Mayor's agents slammed a door into the stomach of a pregnant woman – causing her to fall against the floor on her back – after she refused him entry into her tent since her husband was not home. The Mayor's agents told the residents they would be back the following Monday to raze their tents to the ground. They also told the population that they would destroy their camp in a manner worse than “what happened at Carrefour Aéroport,” referring to the violent unlawful eviction of a displacement camp at that location by the same mayor and local police less than a month before (described in our June 15<sup>th</sup> Communication). No one came the following week to evict the camp, but the families continued to live in fear of a forced eviction.

On Tuesday, July 27, 2011, three police officers and agents of the Mayor came to the camp to offer 5,000 *gourdes* (US \$125) to each family to leave the camp. Camp residents protested the offer, claiming it was insufficient to secure alternative housing. They told the Mayor's agents that they would leave if the government identified an alternative place for them to live.

Camp residents report that when they refused the payments, one of the Mayor's agents warned that they would return that night to set their tents on fire. Around 1 a.m. the next morning, flaming objects were thrown into the camp from outside its surrounding wall, damaging some of the tents.

Approximately eight hours later, at around 9:00 a.m. Wednesday morning, two truckloads of police officers and one of the Mayor's agents returned to the camp. Camp residents were just outside the camp protesting the acts of aggression and forced eviction by government agents when the HNP and Mayor's office arrived. HNP officers attacked the peaceful demonstrators by hitting them with their batons and boots, and arresting them. Several victims required medical attention. One family's tent – that of the camp leadership's spokesperson, who had spoken out publicly against the Mayor's past threats against the camp – was ransacked by police officers as they searched for her to arrest her. The Mayor's agent and police officers were unaccompanied by a judicial officer, nor did they present any judicial order to evict the residents as required under Haitian law.

On Friday, July 29, 2011, HNP officers returned to the camp with officers from the United Nations stabilization mission, MINUSTAH, and told the residents they would have to leave the camp by the following Monday. When the Mayor's agents and HNP officers returned again on Monday, August 1, the camp residents had organized a much bigger protest, with the help of four other camps, blocking a major road and drawing the attention of domestic and foreign journalists.<sup>4</sup> Seeing that they could not use force in the presence of the media, the Mayor's agents told the residents that they would return the next day. However, they returned that same night, sometime between 8pm and 11pm; they threw rocks into the camp and fired gunshots into the air. Many families fled in fear. The following two days, Tuesday, August 2 and

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<sup>4</sup> Trenton Daniel, *Protest over evictions in Haiti blocks traffic*, THE MIAMI HERALD (Aug. 2, 2011) available at <http://www.miamiherald.com/2011/08/01/2340687/protest-over-evictions-in-haiti.html>.

Wednesday, August 3, brought more visits by the Mayor's agents, until all of the families were scared into leaving the camp. By Thursday, August 4, 2011, Camp Django was empty.

At least twenty families (approximately 100 people) from Camp Django relocated to another displacement camp on the outskirts of the Port-au-Prince metropolitan area on state-owned land. They are far away from markets, hospitals, and schools. It is unclear where most of the other families have gone, but many are living on the streets. Residents told BAI attorneys that they resisted the eviction attempts for so long, despite the escalating violence, because they had nowhere else to go.

## **Camp Sylvio Cator**

### ***Background***

The IDP camp housed at Sylvio Cator stadium began facing violent threats of eviction in April 2010. On April 9, 2010, HNP officers entered the stadium without warning and unlawfully evicted the 7,335 people that had sought safety there after the earthquake. In addition to the lack of notice of the eviction, the government did not present the residents with a court order, nor were the evicted residents relocated to alternate shelter. According to interviews by human rights observers from International Action Ties, several IDPs reported suffering physical violence, theft, and destruction of property by HNP officers, followed by continuing verbal threats.<sup>5</sup> Most of these families were displaced into the parking lot of the stadium.

According to news reports, one year later, on April 6, 2011, HNP officers visited the camp again, harassed IDPs and hit at least one man with the butt of a rifle.<sup>6</sup> The stadium owners had shut off the water supply to the IDPs to pressure them to leave the stadium. While the IDPs were told that homes were found for a limited number of families, a reporter found that the location cited for these homes was in a slum area of Port-au-Prince, where the IDPs were not welcome, and by that time, no shelters had been built there for the families.<sup>7</sup>

### ***The mayor of Port-au-Prince unlawfully evicted the Sylvio Cator camp in July 2011.***

During the second week of July 2011, the Mayor of Port-au-Prince, Muscadin Jean-Yves Jason, visited the camp with armed security, including HNP officers and the Mayor's personal security. The remaining families were informed that they must leave the camp by the end of the

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<sup>5</sup> Mark Snyder & Markenson Bellevue, *Paying off the Internally Displaced: Haiti's Acceptable Forced Evictions?*, BRI KOURI NOUVEL GAYE (July 19, 2011), <http://brikourinouvelgaye.com/2011/07/19/paying-off-the-internally-displaced-haitis-acceptable-forced-evictions/>.

<sup>6</sup> Ingrid Arnesen and Nicholas Casey, *Haitian Refugees Caught in Stadium Standoff*, WALL STREET JOURNAL (April 6, 2011) available at <http://online.wsj.com/article/SB10001424052748703712504576245213280944284.html>.

<sup>7</sup> *Id.*

week.<sup>8</sup> The first round of removal of camp residents took place on Friday, July 15. The Mayor told residents who did not leave that day that they would have to leave by the following Monday. As added pressure to leave the stadium's parking lot, the director of the stadium once again disconnected the water lines, leaving the residents without potable drinking water.

According to interviews of individual camp residents conducted by advocates from the BAI on July 19, 2011, the Mayor's office and stadium director offered to build houses for those camp residents who owned their own land. (It has been estimated that 80% of those rendered homeless by the earthquake were renters or occupiers of homes without any formal land title.<sup>9</sup>) For camp residents who did not own any land, the Mayor promised 10,000 *gourdes* (US \$250) and relocation to another site facilitated by the Mayor's office. BAI advocates learned from members of the camp's leadership committee that the money was reportedly coming from both the Martelly administration and the local Mayor's office.

Charles Delson, the spokesperson of the camp committee, told a reporter that the IDPs were only able to leave their camp if there were "accompanying measures that allow[ed] displaced people to live in dignity [...]"<sup>10</sup> Members of the camp committee told BAI advocates that they viewed the eviction as a "solution" imposed by the Mayor's office without any real participation by the camp residents. They had not heard of President Martelly's plan to close the camp at Sylvio Cator stadium within his first 100 days.

According to the BAI's interviews, the camp committee had counted 514 families remaining in the camp at the time of the July eviction. The Mayor's list had only 442 families on it, but camp residents explained that the Mayor did not make public the number of families on their list or their identities. The mismatch between the lists and lack of transparency meant that families' shelters were destroyed who never received any compensation.

***The relocation facilities provided to some families from Sylvio Cator do not meet minimum levels of salubrity or security.***

Of the 514 families, less than 100 families were offered relocation from Sylvio Cator stadium to a small patch of land designated by the government for their resettlement located within walking distance of the stadium. Many more resettled there. But families who arrived at the relocation site found a rubbish-strewn field equipped with a small number of tents. The tents were not rainproof, stood no more than 4 feet tall, and were only big enough to sleep a maximum of 2-3 persons, while the average family size is 5. The government charged displaced people one-tenth of their relocation allowance for their new shelter.

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<sup>8</sup> *Friday, the displaced of camp Sylvio Cator will be evacuated*, HAITI LIBRE (July 13, 2011) at <http://www.haitilibre.com/en/news-3370-haiti-social-friday-the-displaced-of-camp-sylvio-cator-will-be-evacuated.html>.

<sup>9</sup> WALTER KÄLIN, REPRESENTATIVE OF THE SECRETARY-GENERAL ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS, HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS IN HAITI: MEMORANDUM BASED ON A WORKING VISIT TO PORT AU PRINCE 2 (12-16 October 2010), available at <http://ijdh.org/archives/15472>.

<sup>10</sup> *Id.*

The field offered no potable water, sanitation facilities, or security. A dilapidated house flooded with a foot of filthy water and trash is in the middle of the field. The conditions are ripe for the spread of cholera, an epidemic whose rate has tripled in recent months in Haiti,<sup>11</sup> along with other water-borne diseases.

The resettlement site is located in Martissant, a slum neighborhood of Port-au-Prince. The United Nations peacekeeping mission in Haiti known by its French acronym, MINUSTAH, executed a “show of force” operation in Martissant a week before the resettlement.<sup>12</sup> Some members of the community living around the site are angry about the resettlement of the Sylvio Cator camp residents to their neighborhood. They indicated to human rights monitors their frustration that the government did not consult with them before resettling additional IDPs in the area. The hostility toward the Sylvio Cator IDP community could further harm them, particularly since the neighborhood is aware of the amount of compensation given to each family. While 10,000 *gourdes* is insufficient to access adequate housing, it is enough to attract thieves.

### **Influence of Government-sponsored Forced Evictions on Private Actors**

Human rights lawyers and advocates at the BAI have noted that the escalation of government-sponsored evictions has been accompanied by a spike in evictions by private actors purporting to own non-state lands housing IDP camps. On [REDACTED].

[REDACTED] was one of the Petitioners in our November 2, 2010 Request for Precautionary Measures to the Commission against the Government of Haiti to stop the epidemic of illegal evictions in displacement camps. [REDACTED].

On July 28, 2011, the purported landowner of Camp Village de Leon, in Cité Militaire, described in our June 15<sup>th</sup> Communication, came to the camp and made violent threats against the residents there. He claimed to have the support of the local mayor.

During a midnight raid on July 3, 2011, the purported landowner, accompanied by thugs and police officers, completely destroyed the tents of around 30 families in Camp Eric Jean-Baptiste in the Port-au-Prince suburb of Carrefour. Since then the more than 500 families still remaining in the camp have been living in fear of further violence.

The purported landowners at Camp Chériez, in Canape Vert, and Camp Solino Medilien, in Delmas, have also sent representatives to verbally threaten the IDPs to leave their camps since our June 15<sup>th</sup> Communication.

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<sup>11</sup> *Cholera Triples in Haiti – An Appeal for Help from Partners in Health*, HAITI-CUBA-VENEZUELA ANALYSIS (July 19, 2011), <http://hcvanalysis.wordpress.com/2011/07/19/cholera-triples-in-haiti-an-appeal-for-help-from-partners-in-health/>.

<sup>12</sup> Meeting of the United Nations Inter-Agency Standing Committee’s Camp Coordination and Camp Management Cluster in Haiti (CCCCM), July 19, 2011.

## **The Government of Haiti's active participation in violent, extrajudicial evictions of IDPs violates its obligations under the American Convention on Human Rights.**

As a party to the American Convention, Haiti must conform to the United Nations Guiding Principles on Internal Displacement, as the Inter-American Commission on Human Rights adopted the Guiding Principles as the authoritative instrument when interpreting human rights law as applied to communities of displaced persons.<sup>13</sup> According to Principle 7, the Government is responsible for exploring all feasible alternatives “to avoid displacement altogether.” And if and when IDPs are to be displaced, the displacement and its effects must be minimized, and the displacement must be “effected in satisfactory conditions of safety, nutrition, health and hygiene” and meet the requirements for notice, transparency, and IDP participation.<sup>14</sup> The Government's evictions of Camp Sylvio Cator and Camp Django did not meet any of these requirements.

In carrying out and allowing forced evictions of IDPs, the Haitian government has committed a range of human rights violations under the American Convention, 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. The Government's actions have also encouraged and sanctioned private individuals who threaten and harass IDPs to leave lands they purport to own, bypassing the judicial system in violation of Haitian law and the American Convention's principles of due process and equal treatment under the law regardless of status.

### ***Compensation offered at Camps Django and Sylvio Cator amounts to economic coercion, not a durable housing solution.***

The compensation offered by the Port-au-Prince and Delmas mayors to displace Camps Sylvio Cator and Django, respectively, failed to conform with the American Declaration of the Rights and Duties of Man<sup>15</sup> and the requirements for durable solutions to displacement, as called for by the United Nations' Guiding Principles on Internal Displacement.<sup>16</sup> When offered isolated payments, IDPs believe they have no choice because they will either be kicked out by force without any money or they can leave with the money. A population suffering without access to healthcare, potable water, and other services will accept the money in the short-term out of desperation - lacking the power to insist on sustainable solutions.

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<sup>13</sup> Inter-Am. Comm'n on Human Rights, Third Report on the Human Rights Situation in Colombia, ¶ 10, OEA/Ser.L/V/II.102 (Feb. 26, 1999).

<sup>14</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, principle 7 (June 2001) (“UN Guiding Principles”).

<sup>15</sup> American Declaration of the Rights and Duties of Man, O.A.S. Res. XXX, International Conference of American States, 9th Conf., OAS/Ser.L/V/I.4 rev. 13, art. 11.

<sup>16</sup> UN Guiding Principles, *see* note 14, principle 28; *See also* Walter Kaelin, “Framework on Durable Solutions for Internally Displaced Persons”, February 9, 2010, U.N. Doc. A/HRC/13/21/Add.4 *available at* [http://www.brookings.edu/~media/Files/rc/reports/2010/0305\\_internal\\_displacement/0305\\_internal\\_displacement.pdf](http://www.brookings.edu/~media/Files/rc/reports/2010/0305_internal_displacement/0305_internal_displacement.pdf).

Several families from the Sylvio Cator camp who received the offered compensation told BAI advocates that the amount would not meet their families' housing needs in the short term, but they accepted the payments because they saw no better option. The residents at Camp Django risked police beatings by refusing the mayor's offer because they knew that if they accepted the payments and left the camp, they would be living on the streets in even more vulnerability.

The small sums of money offered in these programs are not able to secure IDPs sustainable housing solutions, given skyrocketing rents and a dearth of low-income housing options. As described in our June 15<sup>th</sup> Communication, government officials admitted that the money offered in a similar program implemented by the mayor of Pétionville was generally inadequate for a family of five to find housing in the Port-au-Prince metropolitan area. The amount offered in the Pétionville program (US \$500) was double the amount offered at Sylvio Cator and quadruple the amount offered at Camp Django. Limited investigations following IDPs who received payments in the Pétionville program have shown that given their desperate situation, some IDPs immediately spent the money they received on healthcare and other urgent needs. As a result, they were forced to move into other camps or pitched tents amongst the rubble of houses destroyed by the earthquake.<sup>17</sup> Payments unaccompanied by comprehensive assistance to find adequate housing amount to economic coercion.

### **Conclusion**

For the aforementioned reasons, we respectfully request that the Commission take urgent action to protect Haiti's IDP population from forced evictions by denouncing the Government of Haiti's participation in and acquiescence of forced evictions of IDP camps and by issuing the recommendations requested in our June 15<sup>th</sup> Communication:

- (1) adopt and publicize a moratorium on evictions of camps of internally displaced persons until a comprehensive return and resettlement plan is adopted and implemented that protects the human rights of Haitians displaced following the earthquake;
- (2) ensure that persons who were illegally evicted from camps are re-housed at locations that meet minimum levels of salubrity and security;
- (3) guarantee internally displaced persons effective recourse before tribunals and other competent authorities;

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<sup>17</sup> Trenton Daniel, *Many leaving Haiti's earthquake settlement camps*, ASSOCIATED PRESS (Apr. 1, 2011) available at <http://www.cbsnews.com/stories/2011/04/01/ap/latinamerica/main20049774.shtml>.



- (4) implement effective security measures to safeguard the physical security of camp residents, guaranteeing special protection to women and children;
- (5) train law enforcement personnel on the rights of displaced persons, in particular the right to not be forcibly evicted;
- (6) ensure international agents of cooperation access to camps of internally displaced persons by supporting ongoing communication between international humanitarian aid actors and the responsible government agency;
- (7) educate government ministry officials, mayors, judges, and the police on the meaning of a forced eviction as defined in General Comment 7 by the United Nations Committee on Economic, Social and Cultural Rights, why they are illegal, to not carry out evictions until displaced persons are returned and resettled in adequate housing, and to follow the United Nations Guiding Principles on Internal Displacement, particularly Principle 7 concerning the secondary displacement of IDPs;
- (8) work with the international community to build the capacity of the government to protect internally displaced persons, including seeking resources and technical expertise as needed;
- (9) encourage government and international agencies responsible for rubble removal and housing repair and creation to work expeditiously to resolve the housing crisis and build the capacity of the EPPLS to ensure the housing needs of IDPs are met; and
- (10) identify an agency responsible for implementation of the precautionary measures and recommendations, including the responsibility to educate government actors at the local and national level on the precautionary measures.

We thank you for considering this communication.

Sincerely,



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