

BUREAU DES AVOCATS INTERNATIONAUX

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Press Statement

The Bureau des Avocats Internationaux (BAI), in its primary mission of defending the rights of the vulnerable, which are inalienable rights, non-derogable and inherent to all persons, and in its specific mission of representing victims of cholera imported by MINUSTAH, of representing women and girl victims of rape, victims of sexual assault and of other abuses of rights, vehemently denounces the systematic violations of civil liberties and civil rights of the Haitian people, perpetrated by the Government of Martelly and Paul; whether in Archaie during protests against the Presidential decree of July 22, 2015, creating a new town called "Arcadins" that threatened to destroy local livelihoods by limiting access to the sea, or across the country during protests against the results of the October 25th presidential elections which were characterized by irregularities, ballot stuffing and massive fraud.

The BAI reminds the Haitian authorities, and the Command of the National Police of Haiti (PNH) in particular, that civil liberties are rights which have been guaranteed both by the 1987 Constitution of the Republic of Haiti (articles 31, 31.2) and by the international agreements signed and ratified by Haiti, including the Universal Declaration of Human Rights (Article 21(1)), the Inter-American Convention on Human Rights (Articles 15), the International Covenant on Civil and Political Rights (Article 21), The International Convention on the Elimination of all Forms of Racial Discrimination (Article 5(d)(ix)), The International Convention on the Rights of the Child (Article 15), and the Convention on the Rights of Human Rights Defenders (Articles 5, 12). Rights to freedom of peaceful assembly and expression are thus guaranteed and protected by national laws and regional and international instruments.

Severe violations were relayed in the national press, observed by Magistrates of the Peace in the Commune of Archaie, and documented by the human rights organization Réseau Nationale de Defense des Droits Humaines (RNDDH), and by the BAI itself, as legal representatives of victims arising from the actions of the Government of Martelly and Paul, taken against the local population following protest movements against the Decree of 22 July 2015 establishing the new Commune of Arcadins. The HNP, including through the Intervention Corps for the Maintenance of Order (CIMO), the Departmental Unit for the Maintenance of Order (UDMO), and the hooded Brigade of Operation and Departmental Intervention (BOID), perpetrated horrific crimes on the population of Archaie for the simple act of claiming their rights to public expression. People have been killed, others injured by bullets, houses and vehicles burned, banana crop fields razed, and motorcycle used as incendiary devices, their tanks punctured and set on fire, all while the police forces looted shops

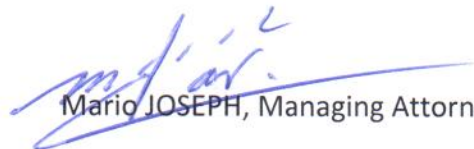
of small traders and consumed their goods without payment, and engaged in acts of vandalism.¹ Local residents of Arcahaie have not committed any offense, and even if they had, the correct course of action would have been to initiate proper legal proceedings to condemn their acts. Instead, the commune has been collectively punished and systematically terrorized by the state itself. There are those who take nostalgic pleasure in these practices, but these actions evoke a past that must not be recalled.

The government's actions repressed political expression and assembly further in the aftermath of the announcement of the results of the elections of 25 October 2015, which were protested by citizens for their invalidity due to irregularities, ballot stuffing and electoral fraud. The Haitian people took to the streets to demand their right to vote and to democratic expression when the HNP, as in Arcahaie, and in the almost total disrespect of the 1987 Constitution, Haitian laws, and conventions signed and ratified by Haiti, continued to violate the rights of the population to peaceful demonstrations, through police brutality and illegitimate use of force and intimidation to harass the local population. There persists a parallel system of repression following that the popular denunciation of the illegal Decree of Arcadin, and the popular denunciations of electoral fraud and ballot stuffing which characterized the elections of both August 9 and October 25, 2015.

In sum, the BAI denounces the current leaders of the Haitian State for not meeting their international obligations, and that treat Haitians not like humans but like chattel.

In the appeal to respect human rights in general and public freedoms in particular, there remains much to be done before the "human rights of the people" are binding on the Haitian State, which has shown itself to be a predator par excellence. However, as for the victims, they must now be prepared to file a complaint before the competent authorities in both domestic and international tribunals to seek justice and reparations through the good offices of the Bureau des Avocats Internationaux (BAI), to seek redress for the harm that has been done to them.

For BAI :


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Rose-Marie Belle Antoine, Chair, Inter-American Commission on Human Rights

¹ Extraits de *Rapport d'enquête sur la situation de tension à l'Arcahaie*, Réseau National de Defense des Droits Humains, 14 October 2015.