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## **Legal Observation of Public Freedoms**

### ***Bureau des Avocats Internationaux (BAI)***

#### **Report**

**Time period: September 2022**

#### **A-Context**

During the popular mobilizations against the high cost of living, insecurity, and the increase in the price of petroleum products, which began at the end of August, with the guidance of Me Mario Joseph, the head of the BAI, the BAI's Civil Liberties observers assisted various activists who were exercising their public freedoms and were arrested by the Haitian National Police (PNH) in several police stations in the Port-au-Prince jurisdiction. The following is a summary of the assistance work carried out in the different police stations of Delmas 33, Pétion-Ville and Port-au-Prince.

Within the framework of the BAI's program of legal observation of public freedoms, we assisted 27 defendants, all activists, apprehended during the popular mobilizations in the jurisdiction of Port-au-Prince. Sixteen of them were held at the Delmas police station, six at the Pétion-ville police station and four at the Port-au-Prince police station. However, many activists were arrested with the intention of intimidating them and were released shortly afterwards following our intervention and pressure from other activists.

#### **B-Data on the assisted defendants:**

##### **At the Delmas 33 police station, we have provided assistance to:**

1-"A", 24 years old, apprehended on Friday September 16, 2022 in Delmas 17. Reason for arrest: Vandalism, Public disorder. (Kept in custody).

2-"B", 31 years old, apprehended at Delmas 30 on September 16, 2022. Reason for arrest: Arson on the public road (in custody).

3-"C", 19 years old, arrested on September 16, 2022. Reason for arrest: Vandalism. (Kept in custody).

4-"D", 31 years old, arrested in Delmas, on September 16, 2022, Reason for arrest: Looting.

5-"E", 16 years old, apprehended at Delmas 17, on September 16, 2022. Reason for arrest: Vandalism. (In custody).

6-"F", 31 years old, apprehended on the trail (lower Delmas) on September 16, 2022. (In custody).

7-"G", 31 years old, apprehended on the trail (bas Delmas), apprehended on September 16, 2022, (In custody).

8-"H", 16 years old, apprehended on September 16 on the trail (bas Delmas). Reason for arrest: Looting, arson.

9- "I", 27 years old, apprehended on September 16, 2022. Reason for arrest: Vandalism. (File in progress).

10-"J", 35 years old, arrested in Delmas, on September 16, 2022, Reason for arrest: Looting (In custody).

11-"K", 16 years old, arrested on Friday September 16, 2022 at Delmas 17. Reason for arrest: Vandalism.

12-"L", 33 years old, apprehended on Friday September 16, 2022 at Delmas 17. Reason for arrest: Vandalism

13-"M", 30 years old, apprehended on Friday September 16, 2022 at Delmas 17. Reason for arrest: Public disorder

14-"N", 17 years old, apprehended on Friday September 16, 2022 at Delmas 17. Reason for arrest: Vandalism

15-"O", arrested on Friday September 16, 2022 at Delmas 17. Reason for arrest: Looting

16-"P", 17 years old, apprehended on Friday September 16, 2022 at Delmas 17. Reason for arrest: Burglary

17-"Q", 17 years old, apprehended in Delmas, reason for arrest: Looting

**At the Port-au-Prince police station, we have provided assistance to:**

1-"R", 35 years old, apprehended on September 15, 2022 in Bourdon. Reason for arrest: Burglary. (Released on September 20, 2022 by Commissioner Eunide of the Port-au-Prince Prosecutor's Office).

2-"S", 26 years old, apprehended in Lalue on September 15, 22, merchant. Reason for arrest: Vandalism. (Released on September 20, 2022 by Commissioner Eunide of the Port-au-Prince Prosecutor's Office).

3-"T", 27 years old, apprehended on September 15, 2022. Reason for arrest: Burglary. (Released on September 20, 2022 by Commissioner Eunide of the Port-au-Prince Prosecutor's Office).

4-"U", apprehended on Thursday September 15, 2022. Reason for arrest: Criminal association. (Released on September 20, 2022 by Commissioner Eunide of the Port-au-Prince Prosecutor's Office).

**At the Pétion-Ville police station, we have provided assistance to:**

1- "V", arrested on September 14, 2022. Reason for arrest: Throwing a stone at the police, looting (File pending).

2- "W", 31 years old, lives in Fort National, iron worker, apprehended in Fermathe on September 8, 2022. Reason for arrest: Criminal association. (File in progress)

3-"X", born on January 1, 19997, apprehended on September 14, 2022, on the grounds of Public disorder (Ongoing).

4-"Y", 22 years old, arrested on September 14, 2022. Reason for arrest. File in progress.

5-"Z", 24 years old, apprehended in Pétion Ville, on Sept. 14. Reason, Public disorder (Case pending).

6-"AA", 24 years old, apprehended on Sept. 16, on the grounds of public disorder (Case pending).

7-"AB", 19 years old, apprehended in Pétion Ville, on Sept. 14. Reason. (case pending).

Observations: In terms of actions, we contacted the heads of the stations, the judicial service, and the inspection service in the police stations. In the same way, magistrates and deputy prosecutors of Port-au-Prince, have been mobilized on the cases of the activists apprehended while they were exercising their public freedoms. Four (4) defendants have already been released by the Public Prosecutor's Office, because the facts are neither consistent nor concordant.

## **Challenges faced:**

It is quite difficult to make the trips as the streets are barricaded, burning tires litter the public roads, and in many places we hear shooting. There are no public transport vehicles. It is very difficult to find a motorcycle driver. The motorcyclists are demanding exorbitant prices for travel because not only are the routes difficult but also the prices are high because of the increase in the price of petroleum products by the current government.

## **Proposal**

It is suggested that the BAI continue to accompany the Haitian population, which since the beginning of September has been mobilizing throughout the country and even abroad, in search of its sovereignty, social justice and self-determination.

Similarly, the *Bureau des Avocats Internationaux* must follow up on the cases of assistance provided to activists exercising their public freedoms, who have been illegally apprehended. The majority of them are still being held in the above-mentioned police stations on the orders of the judiciary. It is known that many of them will be transferred to the Peace Courts, others to the Public Prosecutor's Office of Port-au-Prince, and still others will probably be referred to the Investigation Cabinet, to the Criminal Court .... As the judicial authorities are accustomed to do. If we remember the legal observation work carried out by the BAI in previous years.

In any case, we should use the means at our disposal as lawyers defending public freedoms to prevent the activists from being transferred to the civil prison of Port-au-Prince, in subhuman conditions of detention.

**Delivered to the Head of the BAI, Me Mario JOSEPH, on September 20, 2022**

Me Ricardo DUTREUIL  
collaborator

Me Montus JOACHIM  
Collaborator

Me Canon SHADONY  
Collaborator