

Republic of Haiti

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Review of Haiti's Report under the International Covenant on Civil and Political Rights

**Freedom of Expression in Haiti:
Violations of the Freedom of the Press**

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I. INTRODUCTION

1. This report serves to underscore how the current state of the right to freedom of expression restricts the freedom of the press in Haiti and violates Haitian and international human rights laws. Members of the press and media in Haiti are subjected to hostility, derogation, and a lack of transparency by the Haitian government and public officials.¹

2. By some reports, members of the press and media are active and express a wide array of opinions without express government interference or restriction, with no reports of government-sponsored censorship.² Haiti ranked 47th out of 180 countries in the 2014 Press Freedom Index.³ However, many journalists complain about persistent legal and human rights violations by the Haitian government that the index may not reflect.⁴

3. Journalists report that freedom of expression in Haiti is threatened by governmental restriction on public access to information, threats and violence toward journalists, defamation lawsuits used as a tool for coercion, and the poor living and working conditions for journalists. There is troubling evidence of self-censorship by the media in fear of violent retaliation by the government. Journalists are also restricted to the limited means of communication available in Haiti.⁵

4. Members of the press and media in Haiti face widespread and deeply embedded poverty, lack of institutional support, difficulty accessing information, and the promotion of biased reporting.⁶ As a result, government and private sector coercion by means of intimidation, bribery, and the like, is commonplace in Haitian journalism due to the economic hardship that most journalists face. Government and private sector influence leads to public distrust of the members of the press.⁷

5. In order to ensure that freedom of expression in Haiti aligns with Haiti's legal and human rights obligations, we recommend that Haiti take the follow measures:

- Investigate and prosecute threats and intimidation against journalists, especially when such acts are alleged against government agents;
- Promote public policy that values freedom of the press over the protection of public officials;
- Provide transparency in the government by enforcing laws regarding access to public information and governmental deliberations; and
- Provide funding for education and training for journalists, including on professional and ethical standards.

II. HAITI'S NORMATIVE & INSTITUTIONAL FRAMEWORK

A. Constitutional Requirements for Freedom of Expression and Access to Information

6. Pursuant to Article 28 of Haiti's Constitution of 1987, every Haitian citizen has the right to express his or her opinion on any matter freely and by any means he or she chooses.⁸ This extends to members of the press who are also explicitly protected from

any authorization or censorship, except in cases of war.⁹ Journalists are not compelled to reveal their sources. However, they are responsible for verifying the authenticity and accuracy of the information they publish.¹⁰ The Constitution provides that all offenses involving the press and abuses of the right of expression come under the code of criminal law.¹¹

7. The right to information is guaranteed by the Haitian Constitution of 1987 and serves as a fundamental component of the right of freedom of expression.¹² Article 40 of the Constitution obligates the state “to publicize in oral, written and televised press in the Creole and French Languages all laws, orders, decrees, international agreements, treaties, and conventions on everything affecting the national life, except for information concerning national security.”¹³

B. International Human Rights Obligations for Freedom of Expression

8. Under the Haitian Constitution, international treaties, once ratified, become a part of the legislation of Haiti and abrogate any pre-existing, conflicting laws.¹⁴ Haiti acceded to the International Covenant on Civil and Political Rights (“ICCPR”) on February 6, 1991, and submitted its first report on November 29, 2012.¹⁵

9. Several international human rights treaties grant the right of freedom of expression to Haitian citizens.¹⁶ Article 19 of the ICCPR states that the right to freedom of thought and expression includes the freedom to seek, receive and impart information and ideas of all kinds through any medium of one’s choice.¹⁷

10. General Comment 34 on ICCPR Article 19 holds that freedom of opinion and freedom of expression are indispensable conditions for the full development of the person and are essential to society.¹⁸ They constitute the foundation for every free and democratic society and are a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.¹⁹ The Human Rights Committee also states, “the free communication of information and ideas about public and political issues between citizens, candidates, and elected representatives is essential.”²⁰

C. Current Access to Public Affairs and Information

11. Given the poverty and lack of infrastructure in Haiti, the majority of communication is accessed through the radio.²¹ Over 375 FM stations operate without a license, many of which are affiliated with political organizations or parties.²² While more than 90 percent of the Haitian population has access to a radio, access to television and the internet are restricted to roughly 10 percent of the population.²³ Newspaper distribution is limited as well due to an adult literacy rate of 48.7 percent.²⁴ There are only two daily newspapers and only several more weekly newspapers.²⁵ While almost every Haitian speaks Creole and only about 20 percent of Haitians speak French, most newspapers and some radio and television programming are conducted in French.²⁶

III. IMPLEMENTATION: PROMOTION AND PROTECTION OF HUMAN RIGHTS IN HAITI

A. Threats and Violence Against Journalists

12. Violence and threats of violence against journalists restrict journalists' freedom of expression.²⁷ Use of such aggression by government actors or private individuals is intended to inhibit journalists from investigating abuses, irregularities, or illegal acts of any kind committed by public officials and to ensure that investigations remain incomplete or never receive public recognition.²⁸ Intimidation and violence against journalists seeks to silence the press in its investigatory role, and keeps society from being informed about individuals or institutions engaged in abusive or illegal actions.²⁹

13. A multitude of incidents of violence and intimidation against journalists has been reported in the past few years.

- In December 2010, several journalists were harassed and mistreated during violent street protests after the announcements of the presidential and legislative elections.³⁰
- On December 8, 2010, some individuals claiming to work with then Presidential candidate Michel Martelly ransacked the local station Radio Lebon FM in Cayes and threatened the journalists after the publication of preliminary results from legislative and presidential elections.³¹
- On April 5, 2011, five journalists were fired at state-owned Télévision Nationale d'Haïti ("TNH") for allegations of unprofessionalism and making false public statements on the radio that were critical of then Presidential candidate Michel Martelly during the second round of presidential elections. Reporters Without Borders stated that the termination "seems to be a case of political persecution and, as such is a very bad start for Michel Martelly, who was proclaimed president-elect a week ago." Reporters Without Borders reported that the termination occurred shortly after a visit by the President-elect. The dismissed journalists filed a complaint with the Anti-Corruption Unit accusing TNH's director of airing biased coverage and propaganda in favor of then Presidential candidate Martelly.³²
- A journalist with a leftist weekly newspaper who has been critical of the Martelly government has received threatening calls every two to three months since President Martelly took office in May 2011. One of the callers identified himself to the journalist as Louis-Jodel Chamblain, a member of the FRAPH, a military group that was involved in the 1991 coup d'état of the government under President Jean Bertrand Aristide. On one occasion the caller threatened, "if you do not stop what you are doing, you are going to disappear—we are going to disappear you". The identity of the caller has not been verified.³³
- On May 22, 2011, agents of the Departmental Unit for the Maintenance of Order in Gonaïves ransacked and broke equipment of journalists covering the visit of President Martelly following a fire in the Gonaïves public market.³⁴

- On June 22, 2011, hosts of the radio show “They Said It” on Radio Prévention in Petit-Goâve, Ernest Joseph and Wolf “Duralph” François, were arrested and imprisoned on charges of defamation, disturbing public order, and destruction of public property. Police officers sealed the entrance to the radio station and confiscated the transmitter and other equipment, which are owned by Joseph. Reporters Without Borders released a statement calling the arrest an abuse of authority and form of censorship. Upon his release from prison almost a month later, François complained that the poor conditions of his detention aggravated his health, resulting in pneumonia and a kidney condition. He also said that prisoners beat him in his cell. While both journalists have been released, charges remain pending against them.³⁵
- On March 5, 2012, Jean Liphète Nelson, director of Radio Boukman and director-general of NGO Hands Together was murdered. Radio Boukman had been launched in 2006 and was the only news media based in Cité Soleil, a poor shantytown in Port-au-Prince. Four other people were in the car with Nelson when he was shot. One of the other passengers was killed and another one was wounded in both legs. The motive for the killing has not been officially determined, but the Office of the Special Rapporteur for the Freedom of Expression issued a press release requesting that Haitian authorities investigate the possibility that the death was tied to the journalists’ professional activities and urging them to conduct a thorough investigation to clarify the circumstances of the crime, to identify and punish those responsible, and to ensure just compensation for the victims’ next of kin. Four weeks prior to the killing, Nelson had been kidnapped and threatened.³⁶
- On March 17, 2012, a government employee shot a journalist, but the local mayor is obstructing the government investigation and prosecution. Wendy Phele, a 21-year old correspondent from Radio Télé Zénith, was shot by the Mayor of Thomonde’s body guard while attending a speech by the mayor. He survived the shooting. The prosecutor made arrangements with the mayor to talk to the accused bodyguard, and after questioning, was prepared to arrest him, but the Mayor refused to allow the arrest, and his people threatened the prosecutor. SOS journalists, Reporters Without Borders and other groups pressured the Ministry of the Interior to remove the Mayor from office to prevent him from obstructing justice, arguing that failure to do so made the Ministry complicit in the attempted assassination. They also launched a public campaign against a number of Haitian governmental authorities who they considered enemies and “predators” of the freedom of the press.³⁷
- On September 20, 2012, three journalists from the newspaper Le Nouvelliste were arrested for not surrendering their video and still photography equipment at the request of police officers who threatened to erase their footage. The three journalists were Natasha Bazelais, Jean Marc Abelard, and Jeanty Augustin, who were filming at the scene of an accident. The journalists are being charged with disturbing the peace.³⁸
- On February 9, the press team from Radio Télévision Caraïbes (RTVC) was reportedly ejected from a public event at the Sans Souci Palace. The journalists

were apparently required to turn off their cameras, and were removed from the premises by security officers. When reviewing this case during the hearing on the “Situation of the right to freedom of expression in Haiti” held at IACHR headquarters on March 16, 2013, the State of Haiti provided information indicating that it was not a decision meant to systematically keep the media away from public ceremonies. The government stated that the event in question was of particular importance, and because it was a public event its mission was to broadcast a positive image of Haiti to the world, and therefore it was restricted in terms of publicity. Government officials explained that the objective of the state-run television station, THN, was to show special and original images of the artistic side of the ceremony. Other media, including the RTVC television station arrived at the event in error, and the security officers blocked their access.³⁹

- On February 12, 2013, government security guards reportedly beat journalists Watson Phanor and Etzer César when the head of state visited the headquarters of their radio network.⁴⁰ The alleged government security guards accused the two journalists of being in contact with a senator who was critical of the government and of disseminating false reports about supposed beatings during carnival.⁴¹
- Radio Kiskeya correspondent Pierre-Richard Alexandre died from a gunshot wound on May 20, 2013. He had been working as a correspondent for the radio station in St-Marc, in the Bas-Artibonite region, for the past ten years, and was also the host of a daily political debate program on the Radio Delta station. The journalist had reportedly been shot on May 17, and he died days later as a result of his injuries. According to the information available, a suspect is in custody.⁴²
- On March 23, 2013, Georges Henri Honorat, the editor-in-chief of the weekly newspaper *Hàiti Progrès*, was murdered. In addition to being a journalist, Honorat was also an adviser to Laurent Lamothe, Haiti’s Prime Minister, and the Secretary General of the National Popular Party. According to the information received, Honorat was murdered by unknown persons on a motorbike who fired at him in front of his house in the Delmas district of Port-au-Prince. Employees of *Hàiti Progrès* confirmed that the weekly had previously received threats.⁴³
- During a June 2013 session of parliament, parliamentary security assaulted two journalists, severely injuring one of them.⁴⁴ While the journalists filed a complaint against the security agent, there were no further developments in the case.⁴⁵ These types of violent acts reportedly committed by the government security guards are a clear violation of the fundamental rights of individuals and severely discourage and restrict the freedom of expression.⁴⁶
- In May of 2013, a journalist for the ‘Radio Paradis’ and ‘Tele Paradis’ claimed to have received death threats from a government official after the journalist conducted a broadcast assessing the official’s and President Martelly’s first two years in office.⁴⁷ The journalist spoke during a press conference to acknowledge and denounce the death threats.⁴⁸ The Special Rapporteur for the Freedom of Expression at the Organization of American States emphasizes that direct or

indirect pressures or threats aimed at silencing the informative work of members of the media prevents the full functioning of democracy.⁴⁹

14. The Inter-American Commission on Human Rights (IACHR)'s 2013 annual report mentions several troubling cases of threats and intimidation to journalists, as well as troubles with access to public information and radio and television frequencies.⁵⁰

15. It is the duty of the Haitian government to prevent and investigate occurrences of intimidation and violence against journalists, to punish their perpetrators and to ensure that victims receive due compensation. This duty extends to acts by government actors and private person or entitles infringing on freedom of expression. In most of the case of violence against journalists listed above, the Haitian government has failed to adequately investigate, or arrest, or prosecute a suspect. The lack of justice sends a message to journalists that the government cannot or will not protect their safety.

B. Quality of the Journalist Profession

16. Basic improvements in journalistic training are just beginning to gain traction. Haiti's state universities have begun to offer investigative journalism courses, and the private Quisqueya University has a master's program in journalism.⁵¹ Independent training programs like the Investigative Fund for Journalism in Haiti provide money and mentoring to journalists. However, additional comparable programs are needed for the Haitian media to strengthen the journalistic profession in Haiti.⁵²

17. While millions of dollars from the U.S. Agency for International Development went to a Haitian branch of Internews, a non-profit agency that trains and supports journalists in the developing world, its Haitian journalists were only allowed to cover humanitarian issues and are not allowed to cover any political issues.⁵³

C. Restrictions on Access to Public Information

18. The ability to access information held by the State is fundamental to the right of freedom of expression.⁵⁴ The IACHR states that freedom of expression "represents, in short, the means that enable the community, when exercising its options, to be sufficiently informed. Consequently, it can be said that a society that is not well informed is not a society that is truly free."⁵⁵ Haiti's Constitution of 1987 obligates the State to publicize in Creole and French Languages all laws, orders, decrees, international agreements, treaties, and conventions on everything affecting the national life.⁵⁶

19. The IACHR reports that the "State of Haiti provided information which indicated that the government would be providing 'now, more than ever, rapid access to public information,' and that the country's major decisions, with the exception of strategic security issues, are discussed under the watchful eye of the press."⁵⁷ The State's comments are very encouraging, but much work needs to be done by state agencies to ensure transparent access to information.

20. Haitians, especially journalists, have difficulty accessing public information held by public institutions.⁵⁸ The government creates difficulties for journalists to locate public contracts and audits through the refusal of requests for information by State agents

who do not believe they are required to follow the laws set out in the Haitian Constitution of 1987.⁵⁹

21. A report published by the University of San Francisco Law School details journalist accounts of government stonewalling of public information.⁶⁰ According to one journalist, the Haitian government gives preferential treatment to the international press and affords fewer opportunities to the local press.⁶¹ One ministry immediately granted an interview with a French journalist, while ignoring 12 phone calls and a letter from local Haitian journalists attempting to get a similar interview.⁶² Two journalists recounted their experience when attempting to access the National Palace in Port-au-Prince for a press conference.⁶³ The journalists were required to fill out a form asking for the names and addresses of the journalists' spouses, children and neighbors.⁶⁴ This requirement suggests that the government is giving preferential treatment to specific journalists within the local press and media.⁶⁵ A foreign journalist living in Haiti reported being banned from the National Palace after he published reports that were critical of President Martelly.

D. Use of Defamation Laws

1. Criminal Offense in Haiti

22. Defamation remains a criminal offense in Haiti, which conflicts with Article 19 of the ICCPR as disproportionate punishment compared to the important role that freedom of expression plays in a democratic system.⁶⁶ The Human Rights Committee has denounced laws punishing insult or contempt of public officials that restrict freedom of expression because facilitating open dialogue regarding matters of public concern are indispensable for the functioning of a democratic society.⁶⁷

23. Journalists accuse the government of restricting their freedom of the press by using defamation allegations as a tool to prevent members of the press from publishing or broadcasting reports that are critical of government actors or public officials.⁶⁸

- In January 2012, the online news website Defend Haiti based in Orlando, Florida, which caters to the English-speaking Haitian Diaspora, received a “cease and desist” letter from a lawyer representing the Government of Haiti. The letter accused the publication of waging a “smear campaign against the Haitian government” and demanded that their website retract an article or face a government claim for redress for injury. Defend Haiti responded to the accusations in writing and has not received any further communications on the matter. The news agency’s founder said that, after receiving the letter, he stopped reporting on the issue that was the subject of the government’s complaint. The founder said that journalists in Haiti have reported being harassed, and he was worried that his family in Haiti might be threatened.⁶⁹
- In February 2012, First Lady Sofia Martelly sued the newspaper Haiti Liberté for defamation. Haiti Liberté had documented a clash between President Martelly’s security detail and students of the State University of Haiti (UEH). President Martelly attempted to attend a UEH symposium on ethnology and nation-building policy, to which he had not been invited. When UEH students refused to allow Martelly into the event, a clash between the students and Martelly’s supporters

broke out that ultimately ended in Haiti's National Police setting off tear gas and firing gunshots into the air. At least four students were injured and there was damage and vandalism done to the university. The First Lady filed a defamation lawsuit in Haitian court against Haiti Liberté asking it to recant and take down its article on the UEH clash. Haiti Liberté responded to the summons, and Mrs. Martelly has not taken further action.⁷⁰

- In April 2012, two journalists who were fired from TNH for unprofessionalism and making false public statements on the radio that were critical of then Presidential candidate Martelly were sued for defamation by the director of TNH. They are facing a jail sentence of three years and 50 million Goudes (1.25 million American dollars) in damages. As of July 2012, the law was pending in the Court of Appeals.⁷¹
- In September 2012, Haiti's prime minister sued a journalist, Leo Joseph, in U.S. court for defamation over Joseph's reports on the sale of a telecommunications company acquired by the Haitian government. The journalist had been publishing since 1971 and serves Haiti's diaspora communities in New York, Florida, Montreal, and the Caribbean. The lawsuit said that the newspaper falsely and maliciously reported that the Prime Minister, a former telecommunications executive, orchestrated the sale of the company, and that the Prime Minister fixed the \$25 million sale price and stands to receive the "lion's share" of the proceeds.⁷² In October of 2013, Joseph reached a settlement with the prime minister in which Joseph was required to submit a declaration from his source to the court denying that the source gave Joseph the information.⁷³

24. The Haitian government's use of defamation as a criminal offense is in direct contradiction to article 19 of the ICCPR, which empowers the press and media to participate in and/or exercise control over the conduct of public officials. The Human Rights Committee has stated that, "the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential."⁷⁴ The IACHR has stated that "the open and wide-ranging public debate, which is at the core of democratic society, necessarily involves those persons who are involved in devising and implementing public policy..." and added that "since these persons are at the center of public debate, they knowingly expose themselves to public scrutiny and thus must display a greater degree of tolerance for criticism."⁷⁵

2. Coercion to Self-Censorship

25. Use of threats—specifically threats of fines and the revocation of broadcasting licenses—to pressure journalists into self-censorship is counter-productive to the goals of Haitian and international human rights laws and norms.⁷⁶ The Haitian Constitution protects journalists from censorship in general.⁷⁷ The Human Rights Committee has stated, that free communication "implies free press and other media able to comment on public issues and to inform public opinion without censorship or restraint."⁷⁸

26. On April 8, 2014, Reporters Without Borders reported that the National Telecommunications Council ("CONATEL") issued a notice condemning radio stations that broadcast false information that disturbs public order and destabilizes Haiti's

institutions.⁷⁹ In CONATEL's condemnation, they reminded the press and media that the Haitian State has a monopoly on telecommunications services in citing the Decree of October 12, 1977, which requires respect for public order among other things.⁸⁰ CONATEL's actions threatened freedom of the press and may affect the work of Haitian journalists.⁸¹ CONATEL threatened to impose fines and/or revoke the broadcasting licenses of any media outlet that caused trouble to normal life and society.⁸² While the Minister of Communications, Réginald Delva, distanced himself from CONATEL's condemnation and promised to speak with CONATEL's leaders, the condemnation of journalists criticizing the government resonated in the press and media community.⁸³

IV. CONCLUDING RECOMMENDATIONS

- A.** Under leadership of the Ministry of Justice, law enforcement and prosecutors should prevent and investigate instances of threats and violence against journalists, punish the perpetrators, and ensure that victims receive due compensation;
- B.** Government actors and public officials must refrain from using threatening and intimidating tactics against members of the press and media community;
- C.** Living and working conditions for journalists should be improved;
- D.** The quality of the profession of journalism and the public perception of journalists in Haiti should be protected by
 - 1.** Providing funding to public universities in order to provide classes on the ethical and moral responsibility associated with journalism;
 - 2.** Providing legitimate whistleblower protection to allow exposure of bribery and government coercion on the press and media;
- C.** Parliament should amend the Haitian Penal Code to bar criminal prosecutions for cases of defamation;
- D.** The Ministry of Communication should improve methods for information delivery so that they are consistent with the demography of the citizens of Haiti;
 - 1.** Provide more news mediums that are conducted in Creole;
 - 2.** Ensure that quality news coverage is received by all sectors of the Haitian population;
- E.** The Ministry of Communication should promote public policy that values freedom of the press over the protection of public officials by requiring all public agencies to make every effort to ensure easy, prompt, effective and practical access to public information; and
- F.** The international community and donor countries should provide the Haitian government and civil society with financial and technical support to ensure that all of the above goals are met.

ANNEX I: ENDNOTES

- ¹ Freedom House, *Freedom in the World 2013 – Haiti*, (Apr. 10, 2013), available at <http://www.refworld.org/docid/51710494f.html> [hereinafter *Freedom in the World 2013*].
- ² United States Department of State, *2013 Country Reports on Human Rights Practices - Haiti*, (Feb. 27, 2014), available at <http://www.refworld.org/docid/53284ad014.html> [hereinafter *2013 Country Report*].
- ³ Reporters Without Borders, *World Press Freedom Index*, (2014), available at <https://rsf.org/index2014/en-index2014.php>.
- ⁴ *2013 Country Reports*, *supra* note 2.
- ⁵ *Id.*
- ⁶ Freedom House, *Freedom of the Press 2013 - Haiti*, (Oct. 10, 2013), available at <http://www.refworld.org/docid/52677bb512.html> [hereinafter *Freedom of the Press 2013*].
- ⁷ *Id.*
- ⁸ LA CONSTITUTION DE LA REPUBLIQUE D'HAÏTI, art. 28-3 [hereinafter HAITI CONST. 1987].
- ⁹ *Id.* at art. 28-1.
- ¹⁰ *Id.* at art. 28-2.
- ¹¹ *Id.* at art. 28-2.
- ¹² *Id.* at art. 40.
- ¹³ *Id.* at art. 40.
- ¹⁴ *Id.* at art. 276-2.
- ¹⁵ International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), Dec. 16, 1966, S. Exec. Rep. 102-23, 999 U.N.T.S. 171 (ratified by Haiti on Feb. 6, 1991) (published by decree on Jan. 7, 1991).
- ¹⁶ Organization of American States, *American Convention on Human Rights “Pact of San Jose, Costa Rica” (B-32)*, art. 13, (Nov. 22, 1969) available at http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm [hereinafter *ACHR*]; International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), U.N. Doc. at art. 13 (Mar. 23, 1976) available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [hereinafter *ICCPR*]; Universal Declaration of Human Rights, F.A. Res. 247 (III) A, U.C. Doc. A/RES/217(III), at art. 19 (Dec. 10, 1948) available at <http://www.un.org/en/documents/udhr/>.
- ¹⁷ *ACHR*, *supra* note 16, at art. 14; *ICCPR*, *supra* note 16, at art 13.
- ¹⁸ U.N. ICCPR, 102nd Session, Human Rights Committee, General Comment 34, at ¶ 2, CCPR/C/GC/34 [hereinafter *Human Rights Committee Comments*]
- ¹⁹ *Id.* at ¶¶ 2-3.
- ²⁰ *Id.* at ¶ 13.
- ²¹ *Freedom in the World 2013*, *supra* note 1; University of San Francisco School of Law, *Freedom of the Press in Haiti: The Chilling Effect on Journalists Critical of the Government*, at 2 (Sept. 27, 2012), available at <http://www.ijdh.org/2012/09/topics/politics-democracy/freedom-of-the-press-in-haiti-the-chilling-effect-on-journalists-critical-of-the-government/#.U141Pq1dUwI> [hereinafter *Freedom of the Press in Haiti*]
- ²² *Freedom of the Press 2013*, *supra* note 6.
- ²³ *Freedom in the World 2013*, *supra* note 1; *Freedom of the Press in Haiti*, *supra* note 21, at 2.
- ²⁴ Amnesty International, *Annual Report 2012 – Haiti*, (2012) available at <http://www.amnesty.org/en/region/haiti/report-2012#section-22-6>.
- ²⁵ *Freedom in the World 2013*, *supra* note 1; *Freedom of the Press in Haiti*, *supra* note 21, at 2.
- ²⁶ *Freedom in the World 2013*, *supra* note 1.
- ²⁷ See *ICCPR*, *supra* note 14, at art. 19.
- ²⁸ *Human Rights Committee Comments*, *supra* note 18 at ¶ 23.
- ²⁹ See *Id.*
- ³⁰ *Freedom of the Press in Haiti*, *supra* note 21, at 6
- ³¹ *Id.* at 5
- ³² *Id.*
- ³³ *Id.*
- ³⁴ *Id.*
- ³⁵ *Id.*

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- ³⁶ *Id.* at 6
- ³⁷ *Id.*
- ³⁸ *Id.* at 5
- ³⁹ Inter-Am. Comm'n H.R., *Annual Report of the Office of the Special Rapporteur for Freedom of Expression*, at 495 (2012) available at http://oas.org/en/iachr/expression/docs/reports/annual/2014_04_22_%20IA_2013_ENG%20_FINALweb.pdf [hereinafter *IACHR Annual Report*].
- ⁴⁰ *IACHR Annual Report*, *supra* note 39
- ⁴¹ *Id.*
- ⁴² *IACHR Annual Report*, *supra* note 39, at ¶493.
- ⁴³ *IACHR Annual Report*, *supra* note 39, at ¶492.
- ⁴⁴ *2013 Country Report*, *supra* note 3.
- ⁴⁵ *Id.*
- ⁴⁶ IACHR, *Declaration of Principles on Freedom of Expression*, at ¶ 9 (2000) available at <http://oas.org/en/iachr/expression/showarticle.asp?artID=26&IID=1> [hereinafter *DPFE*].
- ⁴⁷ *2013 Country Report*, *supra* note 3.
- ⁴⁸ *Id.*
- ⁴⁹ *DPFE*, *supra* note 46, at ¶ 11.
- ⁵⁰ *IACHR Annual Report*, *supra* note 39, at ¶ 216.
- ⁵¹ *Id.*
- ⁵² *Id.*
- ⁵³ Kathie Klarreich, *Haiti Can't "Build Back Better" Without Better Journalists*, TIME, May 30, 2012, <http://world.time.com/2012/05/30/haiti-cant-build-back-better-without-better-journalists/>
- ⁵⁴ *Human Rights Committee Comments*, *supra* note 16 at ¶ 18.
- ⁵⁵ IACHR, *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism*, Advisory Opinion OC-5/85 Series A, No. 5, paragraph 70.
- ⁵⁶ HAITI CONST. of 1987, art. 40.
- ⁵⁷ *IACHR Annual Report*, *supra* note 39, at ¶ 498.
- ⁵⁸ *Freedom of the Press in Haiti*, *supra* note 21, at 8.
- ⁵⁹ *Id.* at 9.
- ⁶⁰ *Id.* at 8.
- ⁶¹ *Id.* at 9.
- ⁶² *Id.*
- ⁶³ *Id.*
- ⁶⁴ *Id.*
- ⁶⁵ *Id.*
- ⁶⁶ Code Pénal [Haitian Penal Code] art. 313 (Fr.) available at http://www.oas.org/juridico/mla/fr/hti/fr_hti_penal.pdf
- ⁶⁷ U.N. ICCPR, 102nd Session, Human Rights Committee, General Comment 34, at ¶¶ 30, 42, 47, CCPR/C/GC/34.
- ⁶⁸ *Freedom of the Press 2013*, *supra* note 3.
- ⁶⁹ *Freedom of the Press in Haiti*, *supra* note 21, at 7-8.
- ⁷⁰ *Id.* at 7.
- ⁷¹ *Id.*
- ⁷² *Id.*
- ⁷³ Latara Appleby, *Journalist Reaches Settlement in Defamation Case with Haitian Prime Minister* (Oct. 31, 2013), <http://www.rcfp.org/browse-media-law-resources/news/journalist-reaches-settlement-defamation-case-haitian-prime-minister>.
- ⁷⁴ IACHR, *Background and Interpretation of the Declaration of Principles of Freedom of Expression*, at ¶ 13, available at <http://oas.org/en/iachr/expression/showarticle.asp?artID=132&IID=1> [hereinafter *Background and Interpretation of the DPFE*].
- ⁷⁵ *Background and Interpretation of the DPFE*, *supra* note 74, at ¶ 7.
- ⁷⁶ Reporters Without Borders, *Danger of Self-Censorship After Conatel Warning to Radio Stations* (Apr. 15, 2014), <https://en.rsf.org/haiti-danger-of-self-censorship-after-15-04-2014,46154.html> [hereinafter

Danger of Self-Censorship]; HAITI CONST. of 1987, art. 28-1; *Background and Interpretation of the DPFE*, *supra* note 74, at ¶ 5.

⁷⁷ HAITI CONST. of 1987, art. 28-1.

⁷⁸ *Human Rights Committee Comments*, *supra* note 18 at ¶ 20.

⁷⁹ *Danger of Self-Censorship*, *supra* note 76.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*