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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1731
Session:	Twenty-Ninth Ordinary Session (16 -27 October 1972)
Title/Style of Cause:	Kesner Blain, Roland Chassagne and others v. Haiti
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Prof. Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela); All members attended the twenty-ninth session.
Dated:	14 March 1973
Citation:	Blain v. Haiti, Comm. 1731, Inter-Am. C.H.R., OEA/Ser.L/V/II/29, doc. 41 rev. 2 (1972)
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[1] Communication No. 1731, of November 26, 1971, denounces the following acts:

1. The arbitrary arrest of Haitian citizens who had returned to the country on vacation, as in the case of several professors and students who came from France and African countries in July 1971.
2. Torture of political prisoners held at "Fort Dimanche," including, among others, Col. Kesner Blain and Mr. Roland Chassagne, who, since April 1963, have been crowded into cells without adequate ventilation, fed on corn meal and water, and deprived of medical care. Many of the prisoners are ill with tuberculosis.
3. The "amnesty" decreed by the government in April 1971 has not been applied, as its object was to try to improve the image of the country and its government before international public opinion.

[2] As this communication did not fulfill the requirements established in Articles 38 and 54 of the Commission's Regulations, in a letter of December 14, 1971, the Secretariat requested that it be completed appropriately.

[3] In a letter dated January 20, 1972, the petitioners supplied additional information, with particular reference to the situation of Mr. Roland Chassagne who had been arrested on April 26, 1963 by the so-called "Tonton Macoutes," and whose whereabouts are unknown.

[4] The Commission examined this communication at its Twenty-Seventh Session (February-March 1972) and appointed Prof. Manuel Bianchi as rapporteur. In accordance with his recommendation, the Commission addressed the Government of Haiti in a note dated March 29, 1972, requesting information on the acts denounced in this case (Articles 42 and 44 of the Regulations).

[5] In a note of May 9, 1972 (No. 166), the Government of Haiti replied, categorically rejecting the denunciation, which it described as "unfounded" and "truculent" and invented by Haitian exiles with

object of discrediting the government of that country before international public opinion. With reference to Mr. Roland Chassagne, the Government of Haiti stated the following:

"We request that the Commission note that the files of the Judicial Police contain no reference to the arrest of any person of that name on April 26, 1963. The wild imagination of these individuals, who are resented by the Haitian voters, in their insatiable thirst for power and easy pleasures, does not hesitate to create fictitious persons whom it seeks to convert into victims, with the evident intention of harming the good name of the Haitian Government abroad. The Commission should no longer play the game of these political Pharisees who, in order to achieve their ambitions, do not hesitate to use any means in order to harm the country of their birth."

[6] Inasmuch as, in its note, the Government of Haiti referred to Case No 1716 (Joseph Nicolas Gaetjens) as if it were dealing with Case No 1731, the Commission addressed a note to that government on June 6, 1972, mentioning the mistake that had occurred and reiterating its request for information pertaining to Case No 1716, mentioned previously.

[7] Also, in conformity with its Regulations, the Commission transmitted to the petitioners the pertinent parts of the information supplied by the Government of Haiti.

[8] In letters dated July 15 and 19, 1972, the petitioners broadened their complaint with information on the situation regarding human rights in Haiti (which was already available to the Commission, as it pertained to names mentioned in the report on the situation regarding human rights in Haiti, as well as additional information on the case of Mr. Chassagne.

[9] At its twenty-ninth Session (October 1972), the Commission again considered Case No 1731 in the light of the new information, and decided to reiterate its request to the Government of Haiti for the corresponding information, extending by 60 days the 180-day period established in Article 51 of its Regulations, at the end of which, in conformity with paragraph 1 of that article, the occurrence of the events denounced in the communication of November 26, 1971 would be presumed to be confirmed.