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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1716
Session:	Twenty-Ninth Ordinary Session (16 -27 October 1972)
Title/Style of Cause:	Joseph Nicolas Gaetjens 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:	Gaetjens v. Haiti, Comm. 1716, Inter-Am. C.H.R., OEA/Ser.L/V/II/.29, doc. 41 rev. 2 (1972)
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[1] Communication No. 1716 of July 8, 1971 denounces that Mr. Joseph Nicolas Gaetjens, a Haitian citizen, arrested arbitrarily on July 8, 1964, in the city of Port-au-Prince, had disappeared without any information to the effect that he had been presented before any Judicial authority of that country.

[2] The Commission, in a note dated July 9, 1971 requested the corresponding information from the Government of Haiti (Articles 42 and 44 of its Regulations).

[3] At its Twenty-Sixth Session (October-November 1971) the Commission considered this complaint on the basis of the fact that the 180-day period stipulated in Article 51 of its Regulations for the Government of Haiti to supply the corresponding information had not expired. However, given the nature of the case, at that session the Commission decided to reiterate its request to the Government of Haiti for that information and to postpone consideration of the denunciation until its next session. It addressed that government to that effect in a note dated November 26, 1971.

[4] At its Twenty-Seventh Session (February-March 1972) the Commission again considered this case, noting that the Government of Haiti still had not replied to the requests of July 9 and November 26, 1971, for information. Consequently, it decided to reiterate, once again, the request to that government for the corresponding information, mentioning that the period established in Article 51 of its Regulations for supplying it had already expired.

[5] In accordance with this decision, the Commission addressed the Government of Haiti in a note dated March 30, 1972.

[6] At its Twenty-Ninth Session (October 1972) the Commission again considered the status of this case, noting that the Government of Haiti had not yet replied to its repeated requests that it supply such information as it deemed appropriate, and that the period established in Article 51 of its Regulations and

the subsequent extensions had expired.

Therefore, in conformity with paragraph 1 of the aforementioned article, the Commission decided at that session to presume that the occurrence at the events denounced in the communication of July 8, 1971, relative to the arbitrary arrest and subsequent disappearance of Mr. Joseph Nicolas Gaetjens was confirmed.