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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1808
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Nicolas Gaetjens v. Haiti
Doc. Type:	Report
Decided by:	President: Dr. Andrés Aguilar (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina)
Dated:	6 - 24 October 1975
Citation:	Gaetjens v. Haiti, Comm. 1808, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1808, presented through a communication of March 17, 1974, denounces the status of human rights in Haiti, where the Government allegedly continues to ignore the recommendations made by the Inter-American Commission on Human Rights with regard to respect for those rights and, moreover, continued to commit many acts of repression against a number of citizens between 1973 and March 1974, including summary execution of political opponents, torture and other serious violations of the rights upheld in the American Declaration. The claimant also asked to be heard by the Commission in order to provide further information on the matters denounced in his complaint.

[2] This hearing took place during the thirty-second session (April 1974) and the complainant provided the Commission with new information and data for its examination of the case, reiterating that, as regards Nicolas Gaetjens, who had disappeared in Haiti in 1964, there were indications that he was still alive and was detained and in solitary confinement in the Forth Dimanche Prison in Port-au-Prince.

At that session the Commission decided to write to the Government of Haiti requesting information on the facts reported and transmitting to it the pertinent parts thereof, in accordance with Articles 42 and 44 of the Rules of Procedure.

[3] In implementation of this decision, a note was sent to the above-mentioned Government on June 3, 1974.

[4] In a note dated June 18, 1974 (POL/NAL/159), the Government of Haiti replied to this request, stating that the above-mentioned report had been transmitted to the competent authorities of the Administration so that they could supply the pertinent information.

[5] The Commission began its examination of this case at its thirty-fourth session (October 1974), noting that the Government of Haiti had still not provided the information requested.

Consequently, it decided to repeat to that Government a request for the provisions of such information, warning it of the time limit established in Article 51 of the Rules of Procedure and the rule of the presumption of the truth embodied in that provision.

[6] In implementation of this decision, the Commission wrote to the Government of Haiti on December 17, 1974. This decision was also communicated to the complainant on November 25, 1974.

[7] In a note dated January 8, 1975 (No. 144) the Government of Haiti replied to the Commission's note by informing it of the measures taken by the Government to grant amnesty to 31 political prisoners; to pardon 29 of them; to commute the death sentences of 29 prisoners, changing their sentences to 20 years imprisonment at hard labor; to reduce the sentences of 72 political prisoners to 10 years at hard labor, and other measures that are allegedly aimed at improving the status of human rights. The Government provided additional information on May 7, 1975, in regard to the alleged arrest and disappearance of Mr. Nicolas Gaetjens, a Haitian citizen, said to have occurred in 1963 or 1964, to the effect that the name of that individual does not appear in the records of individuals arrested in that country.

[8] The Commission continued to examine case 1808 during its thirty-fifth session (May 1975), and decided to appoint Professor Manuel Bianchi as rapporteur without prejudice to transmitting to the Government of Haiti a general note on the measures taken by Haiti with regard to political prisoners; the drafting of said note was entrusted to Dr. Aréchaga.

The rapporteur presented a draft note which was considered during that same session; in view of the various changes in style and substance suggested, the rapporteur was instructed to prepare a new draft note that would make reference to the cases previously studied by the CIDH, stating to the Government of Haiti that bearing in mind the good will of the Government, it should take measures to implement the recommendations already made by the CIDH with regard to those cases and that it should report on the measures it takes.

It was also decided to address a general note to the Government of Haiti based on the draft prepared by Dr. Justino Jiménez de Aréchaga, with some changes, and to authorize the Executive Secretary to publish the complete text of the notes sent to the Government of Haiti should the Government of Haiti make them public in their entirety.

The rapporteur presented a revised draft note on the case (1808), on the basis of which the Commission decided, during that session, to transmit a note to the Government of Haiti, using the text drafted by Professor Manuel Bianchi.

[9] In conclusion, the Commission, pursuant to the decisions adopted in May 1975, addressed a note to the Government of Haiti on August 12, 1975.

[10] During its thirty-sixth session (October 1975), the Commission considered the report of the rapporteur, Professor Manuel Bianchi, and based on the recommendations made by the rapporteur, and with the changes approved by the Commission, decided to address the Government of Haiti to inform it of the decision reached during that session and to request the claimant to provide more exact information as to the bases for the denunciations and any events that serve to corroborate his accusations on the death of Mr. Nicolas Gaetjens.

[11] Pursuant to that decision, the Commission addressed the Government of Haiti through a note dated October 24, 1975. A copy of that note was transmitted to the Haitian Mission to the OAS on October 28 of that year. The claimant was informed of the decision taken through a letter dated January

12, 1976.