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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1905
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Barbot v. Haiti
Doc. Type:	Resolution
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:	10 November 1975
Citation:	Barbot v. Haiti, Case 1905, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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Case No. 1905, presented through a communication dated January 22, 1975 denounces the arbitrary arrest of Mr. Yves Barbot in Port-au-Prince, on December 18, 1974. Mr. Barbot, a graduate in philosophy, worked as a philosophy professor in secondary education in Haiti.

The Commission, in a note dated March 3, 1975, requested the Government of Haiti to provide the corresponding information. A copy of that note was transmitted to the Haitian Mission to the OAS on March 4, 1975. The Secretariat, through a note dated March 5, 1975, informed the claimant of the measures being taken in response to his denunciation.

The Commission considered this communication at its thirty-fifth session (May 1975) noting that the Government of Haiti had not replied to the request for information filed on March 3. However, bearing in mind that the 180-day period provided for under Article 51 of the Regulations for that Government to provide the information requested had still not elapsed, it needed to postpone examination of the case until its next session.

The claimant was informed of this decision on June 26, 1975

At its thirty-sixth session (October 1975) the Commission continued to study the case, noting the expiration of the 180-day period provided for under Article 51 of the Regulations for the Government of Haiti to provide the Commission information on the events denounced. Therefore the Commission, in application of Article 51 of its Regulations, decided to presume confirmation of the matters denounced and approved the following resolution to that effect (OEA/Ser.L/V/II.36, doc.34 rev.1, of November 10, 1975):

WHEREAS:

A communication of January 22, 1975 denounced the arbitrary detention in Port-au-Prince of Mr. Yves Barbot, formerly a teacher at the St. Pierre College and other secondary educational institutions in Port-

au-Prince.

The arrest was alleged to have been made by the secret police on December 18, 1973 on Bonne Foi Street in front of the building where he had been working for the last several years.

By note of March 3, 1975, the Commission requested the appropriate information of the Government of Haiti, as provided by Articles 42 and 44 of the Regulations, and on March 5, 1975 the claimant was informed of the action taken on the complaint.

The Government of Haiti has not furnished the information requested, and Article 51 1) of the Regulations reads as follows:

Article 51

The occurrence of the events on which information has been requested will be presumed to be confirmed if the Government referred to has not supplied such information within 180 days of the request, provided always, that the invalidity of the events denounced is not shown by other elements of proof.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

To consider confirmed, through application of Article 51 of the Regulations, the occurrence of the events denounced in the communication of January 22, 1975.

To recommend to the Government of Haiti that it order an investigation of these events and that it put an end to the arbitrary detention that Ives Barbot might be undergoing and that it adopt the necessary measures to punish those responsible.

To call the attention of the Government of Haiti to the fact that these acts constitute a violation of the right to liberty and personal security and the right of protection from arbitrary arrest, set forth in Articles I and XXV of the American Declaration of the Right and Duties of Man.

To include this resolution in its Annual Report to the General Assembly of the Organization Article 9 (bis) c. iii of the Statute).

To transmit the text of this resolution to the Government of Haiti and to the claimant.

This resolution was brought to the attention of the Government of Haiti and the claimants through notes dated December 30, 1975, and January 5, 1976, respectively.