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Institution: Inter-American Commission on Human Rights
File Number(s): Case No. 1992
Session: Forty-First Session (11 – 27 May 1977)
Title/Style of Cause: Marc Romulus v. Haiti
Doc. Type: Resolution
Decided by: President: Dr. Andrés Aguilar
Vice-President: Dr. Carlos a. Dunshee de Abranches
Members: Prof. Tom J. Farer; Dr. Gabino Fraga; Dr. Carlos García Bauer;
Dr. José Joaquín Gori; Mr. Fernando Volio Jiménez
Dated: 27 May 1977
Citation: Romulus v. Haiti, Case 1992, Inter-Am. C.H.R., OEA/Ser.L/V/II.43, doc. 21,
corr. 1 (1977)

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WHEREAS:

[1] In a communication dated December 6, 1975, the following was denounced:

- i. That on May 19, 1974, in Port-au-Prince, Mr. Marc Romulus was detained by Government authorities and is now being held in subhuman conditions in Fort-Dimanche, Port-au-Prince, Haiti.
- ii. That since the day of his detention (1 year and 6 months ago), he has had neither a trial nor a defense attorney, and remains unable to communicate with his family or members of the clergy.

[2] The Commission, in a note dated January 12, 1976, forwarded to the Government of Haiti the pertinent parts of the denunciation and requested that it provide the appropriate information (in accordance with Article 42 of the Regulations);

[3] The Government, in a note dated January 29, 1976, replied to the Commission's request as follows:

It is my pleasure to acknowledge receipt of your communication of January 12, 1976, which contains a copy of the communication sent to the Inter-American Commission on Human Rights regarding the possible imprisonment of Marc Romulus.

I must once again warn Your Excellency to take precautions against denunciations that are unfounded and that refer to individuals who are unknown in Haiti.

[4] In a letter dated September 1, 1976, the claimant added personal data on Marc Romulus and stated that one month after his arrest, the police went to the home of his parents in search of some clothing to bring to the detainee;

[5] At its 39th session the Commission decided to forward to the Government the observations sent by the claimants.

[6] The Commission, in a note dated February 8, 1977, sent the above decision to the Government and at the same time advised the Government that the requested information was needed as soon as possible;

[7] The Government, in a note of February 24, 1977, replied as follows:

With reference to your notes of January 12, 1976, and February 8, 1977, I have the honor to inform you that Marc Romulus and Dieudonne Auguste, arrested and imprisoned by Haitian authorities, are two hardened terrorists who are responsible for the deaths of many peasants and the burning of their homes. Such individuals, apostles of violence, are a genuine threat to families, in that they sow the seeds of panic and despair.

Nevertheless, it is my pleasure to inform Your Excellency that, in accordance with instructions received from the President for Like of the Nation, the files of all individuals being held prisoners will be reexamined by the judicial authorities; the latter are now engaged in preparing a detailed report on the matter, and it may be wise to have such a document available.

Article 51.1 of the Regulations of the Commission stated the following:

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.

In its first reply to the Commission, the Government of Haiti denied the arrest of Mr. Marc Romulus, and later, the Government of Haiti acknowledged that the individual in question was being held; but the Government itself has not denied that the detainee has been held incommunicado and that two years have passed without his being brought to trial.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. In application of Article 51.1 of the Regulations, to presume confirmation of the fact that since the day of his arrest, May 19, 1974, Mr. Marc Romulus has had neither a trial nor a defense attorney and remains unable to communicate with his family or with members of the clergy.
2. To point out to the Government of Haiti that such events constitute very serious violations of the right to liberty and personal security (Article I of the American Declaration of the Right and Duties of Man); of the right to a fair trial (Article XVIII); of the right of protection from arbitrary arrest (Article XXV), and the right to due process of law (Article XXVI).
3. To recommend to the Government that it immediately releases the detainee in question or brings them to trial.
4. To recommend the Government that it punish, in accordance with Haitian law, those responsible for the events denounced, and that, within sixty days, it inform this Commission of the measures taken.
5. To forward this resolution to the Government of Haiti and to the claimant.
6. To include this resolution in its Annual Report to the General Assembly of the Organization (Article 9 (b bis), c), iii. of the Statute).

Adopted at the 539th meeting held on May 27, 1977 (41st Session), and forwarded to the Government of Haiti on September 22, 1977.