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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 43/82; Case No. 2653
Session:	Fifty-Fifth Session (1 – 9 March 1982)
Title/Style of Cause:	Jean Julme v. Haiti
Doc. Type:	Resolution
Decided by:	Chairman: Mr. Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Luis Demetrio Tinoco Castro; César Sepúlveda.
Dated:	09 March 1982
Citation:	Julme v. Haiti, Case 2653, Inter-Am. C.H.R., Report No. 43/82, OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)
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## BACKGROUND:

1. On December 6, 1977, the Inter-American Commission on Human Rights received the following denunciation:

M. Jean Julme, a native-born Haitian, was arrested on September 13, 1977, in Haiti, and deported on September 26, 1966. In the airplane the police gave him a passport and an airplane ticket to France. He had to stop in Martinique to obtain the necessary papers to rejoin his wife and children who had resident status in the United States. He no longer has resident status since he lost it while he was in prison.

2. In a note dated March 20, 1978, the Commission transmitted the pertinent parts of the denunciation to the Haitian Government and requested it to furnish all the information that it considered appropriate.

3. In a letter dated April 3, 1978, the Government of Haiti acknowledged receipt of the communication of March 20, 1978, and stated that matters of visa and residence in the United States were not within its competence and that consequently, Mr. Julme should go to the Consulate of the United States of America.

4. Since the reply of the Haitian Government confines itself to stating that it is not competent to take up visa problems in the United States, and did not refer to the arrest and later deportation of Mr. Jean Julme, the Commission decided to address the Government of Haiti once again and to request it for information on the case in question, which it did in a communication of January 3, 1979, whose pertinent parts are as follows:

On behalf of the Inter-American Commission on Human Rights, I have the honor to request Your

Excellency to kindly forward to the Commission information on the following aspects of the case referred to above:

- 1) information pertaining to the facts alleged in the first paragraph of the pertinent parts of the communication in reference, copy of which is attached hereto; and
  - 2) if Mr. Jean Julme was arrested and deported, we would like to be informed of the legal provisions under which these measures were taken.
5. The Government of Haiti did not reply to this new request for information even though the request was repeated in another note of September 28, 1981, in which it was also warned of the eventual application of Article 39 of the Regulations of the Commission if the information was not received within a reasonable time.

**WHEREAS:**

1. The term provided in Article 31 of the Regulations of the Commission has lapsed and to date the Government of Haiti has not replied to repeated requests for information made by the Commission in connection with the case of arbitrary arrest and later deportation of Mr. Jean Julme, facts which make it necessary to presume that there are no other remedies under domestic jurisdiction to be exhausted (Article 46 of the American Convention) in accordance with the procedures established in that Convention.

2. It is inferred from the failure of the Government of Haiti to reply to the Commission's request for information that it is out of order to hold a hearing for a friendly settlement as provided for in Article 42 of the Regulations of the Commission.

3. Article 39 of the Regulations of the Commission reads:

Article 39

The facts reported in the petition whose pertinent parts have been transmitted to the government of the state in reference shall be presumed to be true if, during the maximum term set by the Commission under the provisions of Article 31 paragraph 5, the government has not provided the pertinent information, as long as the other evidence does not lead to a different conclusion.

4. Article 22.5 of the American Convention on Human Rights stipulates that no one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it.

5. Article 1 of the American Convention on Human Rights reads:

Article 1. Obligation to Respect Rights

a. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth or any other social condition.

6. The Republic of Haiti is a State Party to the American Convention on Human Rights.

Therefore, in view of the foregoing information and the considerations made, and since the Commission does not have other information that would lead it to conclude otherwise, on the grounds of Article 39 of its Regulations,

**THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

RESOLVES:

1. To presume to be true the facts denounced in the communication of December 6, 1977, relating to the case of Mr. Jean Julme, arrested and deported from Haiti in September, 1977.
2. To declare that these facts constitute a grave violation of the following rights protected in the American<sup>2</sup> Convention on Human Rights: right to personal liberty (Article 7); right to a fair trial (Article 8); and freedom of movement and residence (Article 22).
3. To recommend to the Government of Haiti:
  - a) that it take all pertinent measures to ensure that, if Mr. Jean Julme desires to return to his country, the necessary permits and guarantees be granted to him;
  - b) that it provide for a full and impartial investigation to determine who is responsible for the violation;
  - c) that in accordance with Haitian law, it punish those responsible for the violation;
  - d) that it report to the Commission within a term of ninety days about the measures it has taken in connection with the pertinent parts of the foregoing recommendation.
4. To communicate this resolution to the Government of Haiti and to the petitioner.
5. To include this resolution in its Annual Report of the General Assembly of the Organization of American States.