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| Institution: | Inter-American Commission on Human Rights |
| File Number(s): | Report No. 46/82; Case No. 3519 |
| Session: | Fifty-Fifth Session (1 – 9 March 1982) |
| Title/Style of Cause: | Charles Saint-Julien 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: | Saint-Julien v. Haiti, Case 3519, Inter-Am. C.H.R., Report No. 46/82, OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983) |
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BACKGROUND:

1. In a communication dated January 4, 1979, the Inter-American Commission on Human Rights received the following denunciation:

Mr. Saint-Julien Charles, the former mayor of the town of Fort-Liberte, a notary living and domiciled at 240 Rue Saint-Jean, Fort-Liberte, Haiti, West Indies, was arrested during the night of August 5-6, 1963, by government forces and was never seen again by his family or his friends. Government officials both in Haiti and in the United States of America have stolen from us more than \$4,000 for his release, but this day has never arrived. The Notary Office was pillaged and plundered by persons who said they were public law enforcement agents. No legal measures were taken to protect his records either during his arrest or after. Mr. Saint-Julien Charles never appeared before a jury of his peers nor was he ever being charged of any crime, either misdemeanor, infraction or felony. In any event, he is still held in the private jails of Mr. Duvalier.

2. In a note dated January 22, 1973, the Commission transmitted the pertinent parts of the petition to the Haitian Government and requested it to furnish all information considered appropriate.

3. Since no reply to that communication was received, a new request for information was sent in a note to the Government of Haiti on September 28, 1981, which also mentioned the eventual application of Article 39 of the Regulations of the Commission. No reply to that letter has been received.

WHEREAS:

1. The term provided for in Article 31 of the Regulations of the Commission has lapsed and to date the Government of Haiti has not replied to the request for information made by the IACHR in its note of January 22, 1979, and reiterated in a communication of September 28, 1981, making it necessary to

presume that there are no further remedies under domestic law which must be exhausted (Article 46 of the American Convention) in accordance with the procedures established in the same 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 1 of the American Convention on Human Rights reads:

Article 1. Obligation to Respect Rights

1. 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.

5. 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 January 4, 1979, relating to the arbitrary arrest, torture and lack of due process of Mr. Saint-Julien Charles, and the pillaging and plundering of his notary office.

2. To declare that these facts constitute a grave violation of the rights to humane treatment, personal liberty, fair trial and private property, Articles 5, 7, 8 and 21, respectively, of the American Convention on Human Rights.

3. To recommend to the Government of Haiti:

- a) that it provide for the immediate release of Mr. Saint-Julien Charles;
- b) that it provide for a full and impartial investigation to determine who is responsible for the violation;
- c) that in accordance with Haitian laws, it punish those responsible for the violation;
- d) that it inform the Commission within a term of ninety days of the measures it has taken to put the foregoing recommendations into practice.

4. To communicate this resolution to the Government of Haiti and to the petitioner.

5. To include this resolution in its Annual Report to the General Assembly of the Organization of American States.