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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 42/82; Case No. 2652
Session:	Fifty-Fifth Session (1 – 9 March 1982)
Title/Style of Cause:	Nefort Victome and Thomas Victome 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:	Victome v. Haiti, Case 2652, Inter-Am. C.H.R., Report No. 42/82, OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)
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BACKGROUND:

1. In a communication dated November 10, 1977, the Inter-American Commission on Human Rights received the following denunciation:

Nefort Victome, rural education teacher, 36 years of age at the time of his arrest, widower, three children, his wife, Claire Maire Geffard was arrested in 1968 at Petite Riviere de l'Artibonite. She died in 1972 at St. Marc prison under unknown circumstances.

Nefort Victome was arrested on the Monday of Holy Week in April, 1969, in the company of several friends from the Cazale region: Jeremie Eliazair, Roger Mehu, Philippe Dulaurier and others. His arrest was effected by: Marc Delva, the magistrate of Duvalierville; Arnold Pierre, National Security Volunteer (VSN); Lieutenant Odige; Aurelus Honore, VSN Commander for Cazale region and Sintervil Duperville, Sectional Chief for the rural police at Cazale.

Thomas Victome, Port-au-Prince-Leogane truck driver; 32 years of age at the time of his arrest; married, two children.

In the month of April, 1969, Thomas Victome went to the movie at Delmas and he was never seen again. Arnold Pierre, a well-known member of the VSN, informed Mrs. Idaide Victome, the mother of Thomas, then imprisoned at Duvalierville, that her son had been captured.

2. In a note dated March 20, 1978, the Commission addressed the Government of Haiti and transmitted to it the pertinent parts of the denunciation and requested from it the appropriate information, although no reply has been received.

3. By means of a note dated January 3, 1979, the Commission wrote to the Haitian Government once again and requested the information that it had sought in the note of March 20, 1978. The Commission has also not received any reply to this communication.

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 repeated requests for information made by the IACHR in connection with the case of the arbitrary arrest of the Victome brothers, Nefort and Thomas, 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. 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.

3. 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.

4. 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 November 10, 1977, relating to the arbitrary arrest and lack of due process of Nefort and Thomas Victome.

2. To declare that these facts constitute a grave violation of the following rights protected in the American Convention on Human Rights: right to personal liberty (Article 7); and right to a fair trial (Article 8).

3. To recommend to the Government of Haiti:

- a) that it provide for the immediate release of Messrs. Nefort Victome and Thomas Victome;
- b) that it provide for a full and impartial investigation to determine who is responsible for the facts denounced;
- c) that in accordance with Haitian laws, it punish those responsible for the facts denounced;
- 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 the Annual Report to the General Assembly of the Organization of American States.