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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 43/83; Case No. 9040
Session:	Sixty-First Session (26 September – 7 October 1983)
Title/Style of Cause:	John Deeb and Family v. Haiti
Doc. Type:	Resolution
Decided by:	Chairman: Mr. César Sepúlveda First Vice Chairman: Dr. Luis Demetrio Tinoco Castro; Members: Andrés Aguilar, Tom J. Farer, Marco Gerardo Monroy Cabra; Mrs. Gilda Maciel Russomano. Mrs. Russomano joined the Commission after having been elected by the Permanent Council of the Organization to complete the term of the former member of the IACHR, Professor Carlos Alberto Dunshee de Abranches, now deceased.
Dated:	26 September 1983
Citation:	Deeb v. Haiti, Case 9040, Inter-Am. C.H.R., Report No. 43/83, OEA/Ser.L/V/II.63, doc. 10 (1983-1984)
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BACKGROUND:

1. In a communication dated January 19, 1983, the Commission received the following denunciation:

The entire Deeb family was arrested on Monday, January 17, in Port-au-Prince, Haiti, including John Deeb, a well-known member of the 'Syria Community.'

Mr. Deeb, who has retired from politics, was said to have been very sick recently and hospitalized in a clinic. The arrest of John Deeb and his family is a very serious matter that is indicative of the human rights situation in Haiti and is significant for purposes of assessing the present political crisis in Haiti.

The arrest of the Deeb family apparently was the result of an investigation conducted by the FBI in Miami to determine the whereabouts of Joel Deeb, John's son. The arrest of the Deeb family is a clear-cut case of a return to the worst practices of the Duvalier dictatorship. Blind reprisal against entire families, old people and children included, when someone is alleged to be an active opponent.

2. The Commission transmitted the pertinent parts of the denunciation to the Government of Haiti in a communication dated January 31, 1983. It requested that the government provide the corresponding information.

3. In a note dated February 28, 1983, the Government of Haiti acknowledged receipt of the January 31 communication, and said that the Foreign Ministry had begun to make inquiries with the authorities of the Haitian Government for the purpose of compiling information on the matter, which would be provided to the Commission as soon as the Department of Foreign Affairs obtained it.

4. Since the Commission did not receive the information offered, on May 31, 1983, a new communication was addressed to the Government of Haiti, repeating the request for information on the case and advising it of the possible application of Article 39 of the Commission's regulations; to date no answer has been received.

CONSIDERING:

1. That in its note of February 28, 1983, the Government of Haiti merely promises to send the information requested by the Commission, but makes no specific reference to the situation of Mr. John Deeb and his family.

2. That the time period stipulated in Article 31 of the Commission's Regulations has elapsed without the Government of Haiti's replying to the request for information made repeatedly by the IACHR in connection with the situation of Mr. John Deeb and his family; this suggests that there are no domestic remedies to be exhausted (Article 46 of the American Convention).

3. That Article 39 of the commission's Regulations reads as follows:

Article 39. Presumption

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 period set by the Commission under the provisions of Article 31 paragraph 5, the government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

4. That Article 1 of the American Convention on Human Rights reads as follows:

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, status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.

5. That the Republic of Haiti is a State Party to the American Convention on Human Rights.

Therefore, in view of the background account and the considerations made and because the Commission has no other information to enable it to conclude otherwise, based on Article 39 of its Regulations.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To presume the truth of the facts denounced in the communication of January 19, 1983, concerning the situation of Mr. John Deeb and his family, who were arrested on January 18, 1983, there being no knowledge thus far of their having been released or placed at the disposition of the competent authorities for a fair trial.

2. To declare that such acts constitute a serious violation of the following rights embodied in the American Convention on Human Rights: the Right to Personal Freedom (Article 7); the Right to Humane Treatment (Article 5); the Right to a Fair Trial (Article 8).

3. To recommend to the Government of Haiti:

- a) that it order the immediate release of Mr. John Deeb and his family;
- b) that it order a complete and impartial investigation to determine who is responsible for the acts denounced;
- c) that those responsible for the acts denounced be punished in accordance with Haitian law;
- d) that within a period of ninety days, the Commission be informed of the measures taken to carry out these recommendations.

4. To forward this resolution to the Government of Haiti.

5. To include this resolution in the Annual Report to the General Assembly of the Organization of American States, pursuant to Article 59 (g) of the Regulations of the Commission, should the Government of Haiti fail to comply with the recommendations made herein or to formulate observations thereon within the period indicated above.