

REPORT N° 27/10
PETITION 134-02
DECISION TO ARCHIVE
HAITI
March 16, 2010

ALLEGED VICTIMS: Rémy and Léonard Lucas

PETITIONER: Paul Lemarié

INITIATION OF PROCESSING: March 27, 2002

ALLEGED VIOLATIONS: The alleged facts concern violations of Articles 1(1), 7, 8 and 25 of the American Convention on Human Rights (the “American Convention”)

I. POSITION OF THE PARTIES

A. THE PETITIONER

1. On February 12, 2002, the Inter-American Commission on Human Rights (the “Inter-American Commission” or the “IACHR”) received a petition from Mr. Paul Lemarié, former missionary in Haiti, (the “petitioner”) against the Republic of Haiti, alleging violations of the American Convention in the arrest and illegal detention of Rémy and Léonard Lucas (the “alleged victims”) for their alleged involvement in the Jean-Rabel Massacre, which occurred in 1987.

2. The petitioner claims that on January 27, and February 8, 1998, respectively, the alleged victims were detained by members of the police in Jean Rabel, a municipality in the Department of Nord-Ouest under the jurisdiction of Port-de-Paix, and subsequently taken to the Pétion-Ville prison, without being brought before a judge. The petitioner underscores that, despite release orders dated June 1, 1998, for Léonard Lucas, and June 5, 1998, for Rémy Lucas, at the moment of the petition, both the alleged victims were still detained at the Pétion-Ville prison.

3. In a subsequent communication dated January 27, 2003, the petitioner informed the Inter-American Commission that Léonard Lucas had been released from the Pétion-Ville Prison on January 3, 2003, pursuant to an order from former President Aristide dated January 1, 2003.

4. In a communication dated April 29, 2009, the petitioner informed the IACHR that Rémy Lucas was released on February 29, 2004, when former President Aristide flew out of the country, and when a major breakdown of the prison occurred. The petitioner explains that the prison guards themselves opened the doors to free all prisoners.¹

B. THE STATE

5. The State has not presented any response to the facts alleged by the petitioner, nor has it questioned the admissibility of the petitions under consideration.

II. PROCESSING BEFORE THE INTER-AMERICAN COMMISSION

6. Upon receipt of the petition, the IACHR acknowledged receipt on March 12, 2002. On March 13, 2002, the petitioner submitted additional information to the IACHR.

¹ The original, in French, reads as follows: « Rémy a été libéré le dimanche 29 février 2004, quelques heures après le départ de Aristide. Les gardiens de la prison ont ouvert les portes. Tout le monde s’est enfui. Sur la place, pleine de monde en révolution, les gardiens étaient protégés par les ex-prisonniers... ».

7. On March 27, 2002, the IACHR transmitted the pertinent parts of the petition to the State, with a request that it submits the observations it deems pertinent within two months and the IACHR informed the petitioner thereof on the same date. On May 2, 2002, the petitioner submitted additional information to the IACHR, which transmitted it to the State and informed the petitioner thereof on May 15, 2002.

8. On February 4, 2003, the IACHR received a letter dated January 27, 2003, from the petitioner, informing the Inter-American Commission of Léonard Lucas' release. With the acknowledgement of receipt sent on February 11, 2003 the IACHR informed the petitioner that it transmitted the pertinent parts of the communication to the State on the same date. On October 10, 2003, the petitioner transmitted additional information to the IACHR, which acknowledged receipt on November 25, 2003, subsequently transmitted it to the State on December 5, 2003, with a request for information within a month and notified the petitioner thereof. The State acknowledged receipt of this communication on January 26, 2004 and informed the IACHR that the case was transferred to the Ministry of Justice for the relevant purposes.

9. By means of an April 22, 2009 communication, the Inter-American Commission reiterated to the State its request for information, and notified the petitioner thereof, along with a request for relevant updated information, to which the petitioner responded in an April 29, 2009 letter, received at the IACHR on May 6, 2009. The IACHR acknowledged receipt and asked the petitioner to confirm his interest in pursuing the petition. On December 8, 2009, the IACHR reiterated this request, noting that in the event the information was not received within a month, it may decide to archive the petition.

III. GROUNDS FOR THE DECISION TO ARCHIVE

10. Article 48.1.b. of the American Convention, as well as Article 42 of the Rules of Procedure of the IACHR, both set forth that prior to determining admissibility, the Inter-American Commission shall ascertain whether the grounds for the petition still exist or subsist and if it considers that they do not, it shall order the case to be archived. In addition, Article 42(1)(a) of the Rules establish that the IACHR may also decide to archive a case when the information necessary for the adoption of a decision is unavailable.

11. This petition was filed on behalf of two detained persons, with the objective of obtaining their release. The information submitted by the petitioner relates to this key concern and remains vague with regard to the circumstances of their arrest and detention, as well as to other judicial remedies. Moreover, the Inter-American Commission notes that the petitioner stated that both Messrs. Lucas and Lucas were currently released and "exercising their profession." Since this communication, despite the IACHR's requests for information on the circumstances of Messrs. Lucas' arrest and on any legal procedures pursued by the alleged victims, the IACHR did not receive additional or more specific information.

12. Under these circumstances, the IACHR considers that it lacks the necessary elements to pronounce on admissibility or to reach a decision on the alleged human rights violations. Therefore, in accordance with Article 48.1.b of the American Convention and Article 42 of the IACHR Rules of Procedure, the IACHR decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 16th day of the month of March, 2010. (Signed: Felipe González, President; Paulo Sérgio Pinheiro, First Vice-President; Dinah Shelton, Second Vice-President, María Silvia Guillén, José de Jesús Orozco Henríquez, and Rodrigo Escobar Gil, members of the Commission).