

REPORT No. 91/11
PETITION P-483-00
DECISION TO ARCHIVE
HAITI
July 21, 2011

ALLEGED VICTIMS/ PETITIONERS: Jean Paul Bien-Aimé

INITIATION OF PROCESSING: September 22, 2001

ALLEGED VIOLATIONS: Article 25 of the American Convention on Human Rights (the "American Convention")

I. POSITIONS OF THE PARTIES

A. THE PETITIONER

1. On September 22, 2000, the Inter-American Commission on Human Rights (the "Inter-American Commission" or the "IACHR") received a petition from Jean Paul Bien-Aimé (the "petitioner" or "alleged victim"), alleging an assault on his person by those associated with the political party Lavalas.

2. According to the petition, Mr. Bien-Aimé was a pastor and a member of the political party MOCHRENHA. One night when the petitioner was returning to his church, he heard a loud voice say, "Here is a pastor of MOCHRENHA." At this point, the petitioner claimed he was physically assaulted by people he alleges were members of the Lavalas political party, though he also stated he was unable to identify the individuals. In a letter to the Commission dated March 6, 2001, the petitioner further explained that he had been an active member of MOCHRENHA supervising the contested elections of May 21, 2000. For denouncing election irregularities, petitioner alleged he had been subject to threats since July 27, 2000. He did not elaborate further.

3. The Commission informed the petitioner on October 30, 2000, that it was not possible to process the petition due to a lack of information on exhaustion of remedies, or undue delay in those remedies. In response, on February 2001 the alleged victim wrote the Commission claiming that his house had been burned down as a result of his persecution by Lavalas, and sent copies of a medical certificate; copies of a subpoena to "the head of the bandits"; and a statement about the fire, which was submitted to a Haitian judge.

4. The petitioner wrote to the Commission on December 31, 2002, alleging his family was in continual danger and requesting help. He was informed that the pertinent parts of his communication had been transmitted to the State of Haiti, which had 30 days to respond. The petitioner again wrote to the IACHR on April 20, 2004, stating there had been continued threats. The Commission responded to the alleged victim on May 12, 2004 requesting more detailed information regarding the recent threats. In his communication to the Commission on July 5, 2004, the petitioner stated that "no judicial decisions would help him from the bandits", but provided no further information on continued threats.

5. On January 11, 2006, the IACHR received a letter from a family member of the petitioner stating that the petitioner had been murdered. The IACHR responded on April 29, 2009, asking whether the letter's author wished to continue the petition in the petitioner's name and to send further information. The Commission wrote again to the family member on October 8, 2010. There has been no further response.

B. THE STATE

6. The Commission requested information from Haiti regarding the petition on September 12, 2001; February 10, 2003; and December 5, 2003. On January 26, 2004, the Commission received a letter from the Haitian Minister of Foreign Affairs that the requests from the IACHR had been forwarded to the Minister of Justice and Public Security. On October 8, 2010 the Commission again requested information from the Haitian State, but no response was received.

II. PROCESSING BEFORE THE INTER-AMERICAN COMMISSION

7. The IACHR received the petition on September 22, 2000. On October 30, 2000, the IACHR informed the alleged victim that it could not consider the petition on the basis of Article 37 of its Rules of Procedure in force at that time, since domestic remedies had not been exhausted. In February 2001, the IACHR received additional information, though not on the attack alleged in the petition. The petitioner claimed in this letter that his house had been burned down by his persecutors, but did not give details beyond this assertion.

8. On September 12, 2001, the Inter-American Commission transmitted the pertinent parts of the petition to the State, but received no response. On December 31, 2002, the alleged victim wrote the Commission alleging, without detail, continuing threats against him; he did so again on May 12, 2004. On May 12, 2004, the Commission asked the petitioner for further information regarding these threats. On July 5, 2005, the Commission received a final letter from the petitioner that he required aid, but still without further details of the threats against him.

9. On January 11, 2006, the IACHR received a letter from a family member stating that the petitioner had been murdered. On April 27, 2009, it requested further information from the family member as to whether he wished to pursue the petition in the petitioner's name and send the Commission further information to enable it to determine an action regarding the petition. The Commission sent this request again to the family member on October 8, 2010. No response was forthcoming. Finally, on October 8, 2010, the Commission sent a letter to the State requesting information regarding the petition. The State has not furnished any information to date.

III. GROUNDS FOR THE DECISION TO ARCHIVE

10. Articles 48.1.b of the American Convention and 42 of the Rules of Procedure of the IACHR establish that prior to determining admissibility; the Inter-American Commission shall ascertain whether the grounds for the petition still exist or subsist; and that if it considers that they do not, it shall order the case to be archived. In addition, Article 42.1.a of the Rules establishes that the IACHR may also decide to archive a case when the information necessary for the adoption of a decision is unavailable.

11. In the present case, over five years have passed since the last communication from the alleged victims. Although there had been repeated requests for more information regarding the alleged violations of the petitioner, the Commission never received further details about the alleged attacks on the petitioner. The IACHR does not have enough information to determine the admissibility of the petition. Moreover, after the petitioner died, his family has not chosen to contact the Commission with more information about pursuing the matter or with further information regarding the alleged persecution of the petitioner.

12. Under these circumstances, the IACHR considers that it lacks the necessary elements to make a pronouncement 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 its Rules of Procedure, the IACHR decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 21st. day of the month of July, 2011.
(Signed) : Dinah Shelton, President; José de Jesús Orozco Henríquez, First Vice-President; Rodrigo

Escobar Gil, Second Vice-President; Paulo Sérgio Pinheiro, Felipe González, Luz Patricia Mejía Guerrero, and María Silvia Guillén, members of the Commission.